

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

FEBRUARY 19, 2002

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF FEBRUARY ON THE 19TH DAY, IN THE YEAR 2002, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN. THE INVOCATION WAS DELIVERED BY MARY JEAN DAVIS, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY KRISTI KNOTT.

THE CLERK CALLED THE ROLL AND THE FOLLOWING MEMBERS ANSWERED TO THEIR NAMES:

CHARNOCK	DAVIS	BETH FOUTY-YOUNG
HAAS	HARRIS	RYAN HENRY
JONES	CRICKENBERGER	KNAUFF
LANE	ED TALKINGTON	JAMES LANHAM
LOEB	LOPEZ	MARKHAM
MCKNIGHT	MOLGAARD	BETTY MORTON
NIELSEN	PETTRY	PRUNTY
QUICK	REISHMAN	ROLLER
MAYOR GOLDMAN		

TWENTY-FIVE MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

FEBRUARY 19, 2002, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL FEBRUARY 19, 2002

PUBLIC SPEAKERS

1. Janet "JT" Thompson

CLAIMS

1. A claim of James L. Birch, 402 Mountain Shadow Rd., South Charleston, WV.; alleges damage to property;
Refer to City Solicitor.
2. A claim of Helen Brown, 608 Gilmore Street, Charleston, WV.; alleges personal injury;
Refer to City Solicitor.
3. A claim of Jeff W. Johnson Jr., 1421 5th Ave., Charleston, WV.; alleges personal injury;
Refer to City Solicitor.

COMMUNICATIONS

PROCLAMATIONS

TWO FOLLOWING

MUNICIPAL PLANNING COMMISSION

February 7, 2002

Honorable J. Crawford Goldman
and Members of City Council
Charleston, WV. 25301

Dear Mayor Goldman and Councilmembers:

On February 6, 2002, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases were heard by the Commission:

Bill No. 6879- Petition of E. Michael Frederick on behalf of WV School Employees Federal Credit union and Ramsey Eyecare, LLC C. to rezone the property on the southeast corner of Lee and Morris Streets, adjacent to the former Jefferson Junior High School, on property identified as Tax Parcels 160 and 161 as a restricted accessory parking lot . The commission recommended passage of the bill.

Bill No. 6869 - Petition of Charleston Municipal Planning Commission to amend the home-based business provisions of the zoning ordinance, by creating permitted accessory level 1 and special permit level 2 home-based businesses, making level 1 home-based businesses a permitted accessory use in all residential districts and level 2 home-based businesses a special permit use in all restricted districts, and by creating performance standards for home-based businesses. The Commission voted to recommend passage of the bill.

Bill No 6880- Petition of Greg Cottrill on Behalf of the YMCA, to rezone property adjacent to the YMCA complex at 300 Hillcrest Drive, East, identified as Tax Parcels 10, 11, and 13 on North Charleston District Map 62 from R-4, Single-Family Residential District to C-10, General Commercial District with revised restricted uses in order to expand the existing facilities. The Commission recommended passage of the bill.

Street Naming and Dedication

Request of ER Stalnaker for approval of a new street name "South Gate Place" for the street off South Gate Road and for dedication of the street. The Commission voted to recommend acceptance of the street name and dedication of the street.

These cases should be referred to the Planning Committee of Council.

Sincerely,

Municipal Planning Commission
Phyllis White, Administrative Assistant

Mayor Goldman Referred the cases to the Council Committee Planning.

February 13, 2002

Honorable J. Crawford Goldman
and Members of City Council
Charleston, WV. 25301

Dear Mayor Goldman and Councilmembers:

Please withdraw the following bills. The applicants have requested the withdrawal.

Bill No. 6819 - Petition of Mark A. Saad, on behalf of Charleston Hospital, Inc., d/b/a/ Saint Francis Hospital, to zone the property identified as East Charleston District, Tax Map 5, Parcel 5, commonly known as 400 Court Street, located in the expired Urban Renewal Triangle/Government Square District to Central Business Transition District in order to restore zoning jurisdiction from the Charleston Urban Renewal Authority to the City of Charleston, West Virginia. The bill was introduced by Sara Crickenberger on July 2, 2001.

Bill No. 6818 - Petition of Mark A. Saad, on behalf of Charleston Hospital, Inc., d/b/a Saint Francis hospital, to establish a new zoning district, Central Business Transition District, which provides for a transition between the Central Business District and lower intensity multi-family districts that encourages urbane and mixed uses by permitting the continued growth of commercial uses while encouraging development of residential areas. The bill was introduced by Sara Crickenberger on July 2, 2001.

Bill No. 6773- Petition of the Municipal Planning Commission to amend the Zoning Ordinance by adding a special permit provision allowing Mixed Use Residential/Commercial and office use in a _10 General Commercial District. The bill was introduced by Mary Jean Davis on February 5, 2001.

Sincerely
Planning Department
Phyllis White

The question being on the withdraw of the Bills a vote was taken. There being no dissent the Mayor declared Bill Numbers 6818, 6819, and 6773 withdrawn

MISCELLANEOUS RESOLUTIONS

Councilwoman Mary Jane Lopez, submitted the following report.

1. Resolution No. 925-02 authorizing the Mayor and City Council for the City of Charleston to express their support of H. B. 4014 to Governor Bob Wise, State Legislators, Senate President Earl Ray Tomblin, House Speaker Robert Kiss, as explained below:

WHEREAS, citizens from around the state of West Virginia have joined together with Labor Organizations and other groups to urge our respective State Legislators and Governor Wise to enact legislation that will ensure the safety of our families and children from overweight coal trucks, and the trucking industry all over our state; and,

WHEREAS, it is our strong belief that the trucking industry must abide by the same laws as the citizens of our state; and,

WHEREAS, in the last 18 months, 11 families from Southern West Virginia have lost family members due to accidents involving overweight coal trucks; and,

WHEREAS, West Virginia citizens implore Governor Wise and our respective State Legislators to consider the safety of citizens more important than economic needs of coal operators, logging companies, gravel companies, etc; and,

WHEREAS, it is not our intention to destroy jobs and livelihood, by the same token we do not want to see any more deaths or injuries from overweight, oversized coal trucks; and,

WHEREAS, we want it understood that we are not against the coal mining industry at all, but do believe that coal industry and its truck operators should feel a responsibility in keeping citizens safe from violent death by coal trucks;

Be It Resolved By The Council Of The City Of Charleston, West Virginia;

That the Mayor and City Council for the the City of Charleston fully support House Bill 4014, introduced by Delegate Mike Caputo (D-Marion County), and co-sponsors House Majority Leader Rick Staten (Wyoming County), delegates Lidella Hrutkay (Logan County), Ernie Kuhn (Boone County), A. James Manchin (Marion County), Don Perdue (Wayne County), and Carrie Webster (Kanawha County).

Mary Jane Lopez, made motion to table the resolution.

A vote was taken, the Mayor referred the Resolution to the Public Safety Committee, Streets and Traffic Committee, and to The Rules and Ordinances Committee.

DANNER MEADOW PARK

Councilman Tom Lane, Chairperson of the Council Committee on Danner Meadow Park, submitted the following reports.

1. Resolution No. 926-02, a Resolution to adopt a resolution to have the Mayor execute and record restrictive covenants which limit uses of the park for a period of (20) years in accordance with deed attached hereto;

WHEREAS, the sponsors of this Resolution have served on a committee which included citizen representatives: Harry Bell, Sr., Jean Hawks, Thomas Kortz and Melody Simpson to consider and recommend the imposition of restrictive covenants on Danner Meadow Park; and

WHEREAS, Mayor [Name] has deliberated and considered the "Declaration of Covenants, Conditions and Restrictions for Danner Meadow Park in South Annex Tax District, City of Charleston, Kanawha County, West Virginia," in the form attached to this Resolution;

WHEREFORE, the City of Charleston hereby declares for Danner Meadow Park in South Annex Tax District, City of Charleston, Kanawha County, West Virginia, a copy of which is attached to this Resolution.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR DANNER
MEADOW PARK
IN SOUTH ANNEX TAX DISTRICT, CITY OF
CHARLESTON, KANAWHA COUNTY, WEST VIRGINIA

THIS DECLARATION, made this ___ day of February, 2002, by THE CITY OF CHARLESTON, a municipal corporation organized and existing under the laws of the State of West Virginia (hereinafter sometimes referred to as the "Declarant" or the "City");

WITNESSETH:

WHEREAS, Declarant is the owner of certain tracts or parcels of land, together with the improvements thereon and the appurtenances thereunto belonging, situate in the City of

Charleston, South Annex Tax District, Kanawha County, West Virginia, and being more particularly bounded and described as follows:

PARCEL NO. ONE: All that certain lot or parcel of land being one-half of Lot No.33 of Woodland Terrace Addition to the City of Charleston as shown on a map of same of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Map Book 1, at page 133, being the easterly one-half of said Lot 33, and which said lot is more particularly described as follows:

~~BE BEGINNING at an iron pin in the western right-of-way line of Danner Road at corner of Lots 33 and 34 of Woodland Terrace; thence with the division line between said Lots 33 and 34, N. 79° 32' West 107.50 feet to an iron pin; thence leaving said common division line and through Lot 33, N. 21° 51' East 51 feet to an iron pin in the common division line between Lots 33 and 32 of Woodland Terrace; thence S. 79° 31' East 106.50 feet to an iron pin in the westerly right-of-way line of Danner Road; thence with said westerly right-of-way line, S. 21° 50' West 52 feet to the place of beginning, as the same is shown upon a map entitled "Map Showing Vecellio & Grogan, Inc. Lot One-half Lot No.33 to Woodland Terrace, Loudon District, Kanawha County, December 14, 1981, City of Charleston, Scale 1" = 30', Surveyed by David L. Lovejoy, Land Surveyor No.293."~~

~~PARCEL NO. TWO: All of Lots Nos. 167, 168, 169 and 170 of Woodland Terrace Addition, the same being more particularly shown on a plat entitled "Map Showing Vecellio & Grogan, Inc. Lots A, B, C of 170 and 167 -170 to Woodland Terrace, Loudon District, Kanawha County, December 11, 1981 , City of Charleston, Scale 1" = 40' , Surveyed by David L. LoveJoy, Land Surveyor No.293," and which said lots are more particularly described on the attached Exhibit I.~~

~~PARCEL NO. THREE: All of those certain parcels and part of the Forest Hills Subdivision of the City of Charleston as the same are shown on a map entitled "Map Showing Tracts of Land Located in the City of Charleston, Kanawha County, W. Va. Owned by City of Charleston, Scale 1" = 40', May 16, 1972, David L. Lovejoy, L.L.S., Palermo W. Va.," and which said tracts or parcels are more particularly described on the attached Exhibit 2.~~

AND BEING the same property conveyed to the City for use as park and recreational facilities by Deed recorded in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 1993, at page 158, and hereinafter referred to as "Danner Meadow Park"; and

- WHEREAS, Danner Meadow Park has been used by the City as a park since 1981; and
- WHEREAS, Danner Meadow Park is located in an area of the City that is residential; and
- WHEREAS, there is a continuing and growing need in the City for level playing fields to support, among other things, the growth of organized youth sports within the City; and
- WHEREAS, Danner Meadow Park provides terrain which meets this criteria;

WHEREAS, the need of the City to include Danner Meadow Park for playing fields for organized sports must be balanced with the need to protect the residential neighborhoods surrounding Danner Meadow Park and to preserve the existing character of such neighborhoods; and

WHEREAS, if Danner Meadow Park is to be used as a playing field, certain conditions and restrictions must be imposed on the land in order to minimize the impact of such expanded use upon the surrounding neighborhoods; and

WHEREAS, the City desires to impose certain conditions, covenants and restrictions as herein below set forth on Danner Meadow Park and to reserve to itself and to the citizens of the City of Charleston certain rights and privileges with respect to the purposes of this Declaration.

NOW, THEREFORE, Declarant hereby declares that the lands known as Danner Meadow Park shall be used, held, sold and conveyed subject to the following covenants, conditions and restrictions which are for the purpose of protecting Danner Meadow Park and the neighborhoods contiguous thereto and shall be binding upon, the City and all other parties having a right, title or interest in Danner Meadow Park or any part thereof, and their respective heirs or personal representatives, successors and assigns, together with any and all individuals using Danner Meadow Park or any part thereof, and shall inure to the benefit of the City and the citizens of the City.

CONDITIONS, COVENANTS AND RESTRICTIONS

1. No permanent facilities for field lighting, bleachers, loud speakers, or concession stands shall be erected or placed in or on Danner Meadow Park.

2. The covenants, conditions and restrictions of this Declaration shall run with and bind Danner Meadow Park, and shall inure to the benefit of the City and its citizens. The City and its citizens are hereby empowered to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants and provisions of this Declaration. Failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

3. These conditions, covenants and restrictions shall apply for a period of twenty (20) years from the date hereof and shall automatically terminate upon the twentieth anniversary of the date of this Declaration.

IN **WITNESS WHEREOF**, Declarant has caused this deed to be duly executed by the Mayor and its seal to be hereunto duly affixed and attested to by its Clerk all as of the date first above written:

THE CITY OF CHARLESTON

ATTEST:

City Clerk

By: ~~____Jay Goldman____~~
Its Mayor

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

I, _____ a Notary Public in and for said State, do hereby certify that JAY GOLDMAN, who signed the foregoing writing, bearing date the _____ day of February, 2002, for THE CITY OF CHARLESTON, a municipal corporation organized and existing under the laws of the State of West Virginia, as its Mayor, has this day in my said State and County, before me, acknowledged the said writing to be the act and deed of said municipal corporation.

Given under my hand and official notarial seal this ____ day of February, 2002.

My commission expires: _____

Notary Public

[NOTARIAL SEAL]

Jim Harris requested that the Resolution be referred to the Parks and Recreation Committee.

A vote was taken, and the Mayor referred Resolution 926-02 to the Parks and Recreation Committee.

ENVIRONMENT AND RECYCLING

Councilwoman Linda Nielsen, Chairperson of the Council Committee on Environment and Recycling, submitted the following reports.

1. Your Committee on Environment and Recycling has had under consideration of Bill No. 6876 and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 6876, a Bill establishing Article V of Chapter 25 of the Charleston City Code pertaining to wastewater containing fats, oils, and grease.

WHEREAS, wastewater discharge discharged from non-household establishments that prepare, cook, or handle food can contain excessive amounts of fats, oils, and grease; and

WHEREAS, excessive amounts of fats, oils, and grease (FOG) create serious problems for the operation of the City of Charleston Sanitary Board (Sanitary Board) publicly owned treatment works (POTW), including, but not limited to: decreased capacity of the wastewater collection system and dry weather overflows resulting from plugged collection lines, pumping station and regulator malfunctions, reduced efficiency of the treatment process at the treatment plant, and additional maintenance by Sanitary Board employees throughout the POTW; and

WHEREAS, the installation and proper maintenance of “grease traps” at non-household establishments that prepare, cook, or handle food would greatly reduce said problems;

NOW, THEREFORE, Be it Ordained and Enacted by the City Council of the City of Charleston, West Virginia, that Article V of Chapter 25 of the Charleston City Code is established and shall read as follows:

Article V. Wastewater Containing Fats, Oils, and Grease

Sec. 25-54. Definitions.

- (a) “General Manager” means the General Manager of the City of Charleston Sanitary Board or his duly appointed deputy, agent or representative.
- (b) “Facility” means a non-household establishment that prepares, cooks or handles food.
- (c) “Owner” means the person who own the facility.
- (d) “Operator” means the person who owns the facility.
- (e) “Person” means the individual, association, partnership, corporation, municipality, board, State, Federal agency or agent or employee thereof.
- (f) “Grease Trap” or “Grease Interceptor” means a device for separating fats, oils, and grease from the wastewater prior to entering the POWT.
- (g) “Pre-wash sink” means a sink generally located prior to the dishwasher. The sink is usually equipped with a sprayer to remove food particles from dishes, prior to entering the dishwasher.
- (h) “Fats, oils, and grease” (FOG) means a group of substances with similar physical characteristics that are determined quantitatively on the basis of their common solubility in an organic solvent, usually originating from animals or vegetables.

Sec. 25-55 Prohibitions.

- (a) No person shall discharge any wastewater into the grease trap during the cleaning process, including, but not limited to, decanting water from the truck of a third-party contracted to clean the grease trap. Tap water may be used to aid in cleaning of the grease trap.
- (b) In any facility that is required to install a grease trap, the owner and/or operator of the facility shall properly operate and maintain the grease trap, so that the wastewater discharged from the facility does not contain FOG at or above prohibited levels at any time.
- (c) In any facility that is required to install a grease trap, the owner/operator of the facility shall not:
 - (1) Discharge any quantities of FOG into the POWT, except FOG associated with the normal cleaning of cooking utensils and/or containers in which food is cooked, prepared, or stored;
 - (2) Connect dishwashers, disposals, floor drains, or mop skins to the grease trap;
 - (3) Allow the grease trap to accumulate a thickness of grease greater than 25% of the total liquid depth;
 - (4) Introduce any additives, bacteria or enzymes for the purpose of emulsifying the grease;
 - (5) Alter the grease trap in any manner that reduces the efficiency of the grease trap;
 - (6) connect plumbing fixtures that do not carry FOG into the grease trap;
 - (7) Install the grease trap in such a manner as to make inspection and maintenance of the grease trap difficult.
- (d) Any facility that has a pre-wash sink shall connect the pre-wash sink to a grease trap. If it is not possible to connect the pre-wash sink to an existing grease trap, then a separate trap shall be installed for the pre-wash sink. Pre-wash sinks shall have a screening device to remove solids from the wastewater. A garbage disposal is prohibited in the pre-wash sink connected to a grease trap.

Sec. 25-57. Grease Trap Size.

- (a) The size of the grease trap shall be determined from the following formula for facilities that serve meals:
 - $GT = M \times G$
 - GT = grease trap size in gallons
 - M = meals served during the mealtime period in which the greatest number of patrons are served.
 - G = gallon multiplier. If one mealtime is served per day, the multiplier is 205; if two mealtimes are served per day, the multiplier is 3; if three mealtimes are served per day, or the facility is open to the public for meals more than 12 hours in a 24 hour period, the multiplier is 5.
- (b) Facilities that do not serve meals shall install a grease trap with a volume at least 300% greater than the monthly total volume of FOG produced by the facility.
- (c) In the event that the size of the grease trap cannot be determined from subsection (a) if (b) if this Section, the facility shall establish the size of the grease trap based on the best

evidence available. Upon approval of the size of the grease trap by the Sanitary Board, the existing facility shall obtain a Grease trap Permit then install a grease trap of the approved size. In no case shall the grease trap have a flow rate less than 30 gallons per minute, or have capacity less than 60-pound of grease.

- (d) The Sanitary Board may exempt a facilities from the requirements of this Ordinance if the owner/operator of the facility demonstrates to the satisfaction of the Sanitary Board that its wastewater will not contain FOG in excess of 200 milligrams per liter. A written request for an exemption shall be made to the Sanitary Board. A detailed description of the activity performed by the facility, a copy of the menus, and a list of kitchen equipment (number of sinks, dishwater, fryer, etc.) Shall be attached to the written exemption request. The owner and/or operator of the facility is required to notify the Sanitary Board in writing of changes to the business operation or menus after receiving an exemption. The Sanitary Board reserves the right to require installation of a grease trap at any time.
- (e) The Sanitary Board may modify the requirements for the size of the grease trap, as calculated is subsection (a),(b), or (c) of this Section, for good cause, including, but not limited to, restrictions in the space for installation of a grease trap.

Sec. 25-58. New Construction

- (a) Facilities constructed subsequent to the passage of this Ordinance, and required by this Ordinance to install a grease trap, shall locate the grease trap within thirty(30) feet the fixtures served by the grease trap in an easily accessible location and, when possible, outside the facility to be served. If the grease trap is too large to allow the installation of a one-piece, easily removable lid, two lids shall be installed. Lids shall be positioned over the influent and effluent structures to allow for measurement, servicing, and removal of the FOG. No lid shall exceed 75 pounds in weight, Sample ports shall be installed on the grease trap effluent line.
- (b) Prior to construction, the contractor and/or operator of the new facility shall submit the following to the Sanitary Board:
 - (1) Plans and specifications for the proposed grease trap;
 - (2) Site plans showing grease trap location and fixture(s) to be served;
 - (3) Seating capacity of the facility; and
 - (4) Calculation of the required size of the grease trap. Restaurants, cafeterias, or any other facility that prepares food for resale, patients, or club members shall calculate the required size as set forth Section 25-57 (a). All other facilities shall calculate the required size as set forth in Section 25-57 (b).

The grease trap may be installation and/or construction upon receipt of the written approval of the plans and specifications by the Sanitary Board. The grease trap may be used after inspection by the Sanitary Board and upon receiving a Grease Trap Permit from the Sanitary Board.

Sec. 25-59. Grease Trap Permits.

- (a) No facility shall operate a grease trap without a Grease Trap Permit. In order to obtain a Grease Trap Permit, the owner and/or operator of the facility that is requires to have a grease trap permit by this Ordinance shall submit a completed permit application, including plans and specifications, site plan, seating capacity of the facility, and the calculation of the required size of the grease trap the Sanitary Board at least (60) days prior or the date the

facility begins operation. The Sanitary Board shall approve or reject the application in writing within ten (10) days of its submission.

In the event that the application is approved, the owner and/or operator shall install the grease trap, or modify an existing grease trap, in accordance with the plans and specifications and shall notify the Sanitary Board when said installation/modification is completed. The notification shall occur at least ten (10) days prior to the date the facility begins operations. A Grease Trap Permit shall not be issued until the Sanitary Board has inspected the grease trap.

- (b) Grease Trap Permits shall be issued for a specified time period not to exceed three (3) years. A Grease Trap Permit may be issued for a period less than three (3) years at the discretion of the General Manager.
- (c) Grease Trap permits may be re-assigned or transferred to a new owner and/or operator only with prior written approval of the General Manager.
- (d) Grease Trap Permits may be terminated for the following reasons:
 - (1) Failure to properly install, operate, or maintain the grease trap;
 - (2) Refusing to allow timely access by Sanitary Board personnel to the facility, the facility grease trap, or the facility grease trap records;
 - (3) Failure to pay the grease trap fee;
 - (4) Failure to pay sewer use fees;
 - (5) Failure to meet effluent limitations; and
 - (6) failure to maintain accurate grease trap records.
- (e) The owner and/or operator shall apply for Grease Trap Permit re-issuance by submitting a completed permit application a minimum of (60) days prior to expiration of the existing Grease Trap Permit. An expired Grease Trap Permit will continue to be effective and enforceable until the Grease Trap Permit is re-issued, if the application has been submitted in a timely manner and the failure to re-issue the Grease Trap Permit prior to the expiration of the previous Grease Trap Permit is not due to any act, or failure to act, on the owner and/or operator.
- (f) Existing facilities that are required to obtain a Grease Trap Permit by this Ordinance shall submit a completed Grease Trap Permit application within sixty (60) days of the date of the passage of this Ordinance. The Sanitary Board shall review each application and, if necessary, inspect, each facility, to determine whether it is in compliance with the provisions in this Ordinance. If the facility is in compliance, the Sanitary Board shall issue the owner and/or operator a Grease Trap Permit. In the event that the facility is not in compliance, the Sanitary Board will issue a Notice of Violation, pursuant to Section 25-61 of this Ordinance.

Sec. 25-60 Disposal of Fats, Oils, and Grease.

- (a) Facilities that clean their grease traps and dispose of the grease themselves must maintain, and have available for inspection by the Sanitary Board, a log for the previous three (3) years which contains the following information:
 - (1) The date and time the grease trap was cleaned;

(2) The volume, in gallons, of FOG removed;

(3) The method of disposal.

Log sheets shall be supplied by the Sanitary Board.

- (b) Facilities that employ third-parties to clean their grease traps must maintain, and have available for inspection by the sanitary Board, receipts for the previous three (3) years from said third-parties reflecting the date and time of the FOG removal, the volume of FOG removed, the amount paid for services, and receipts from the facility where the third-party disposed of the FOG. A representative of the facility must be present when a third-party cleans a grease trap.
- (c) Failure to keep said log or receipts shall be sufficient grounds for the termination of the facilities's Grease Trap Permit.

Sec. 25-61 Inspection

The Sanitary Board shall have the right to enter and facility covered by this Ordinance during normal operating hours without prior notice to inspect and test the grease trap and related fixtures and plumbing, and inspect the facilities's log or third party receipts. Any violations found during inspection shall be noted on an inspection form and a subsequent Notice of Violation will be sent to the owner and/or operator of the facility by First Class mail, which will give said owner and/or operator fourteen (14) days to correct the violation. Extensions of the 14-day period, requested in writing by the owner or operator, may be granted for good cause shown. Failure to correct the violation may result in the termination of the facilities's Grease Trap Permit. Nothing in this Ordinance, however, shall limit the Sanitary Board's right to pursue the remedies set forth in Sec. 25-46 Enforcement Procedures, in addition to the remedies set forth herein.

Sec. 25-62 Enforcement

- (a) When Sanitary Board finds that the provisions of this Ordinance have been violated and issues a Notice of Violation, as set forth in Section 25-61, the owner or operator may file a written objection to the Notice of Violation with the Sanitary Board within ten (10) days of the date of said Notice. Said written objection must specify the reasons for said objection.
- (b) Upon receipt of the written objection from the owner and/or operator to the Notice of Violation, the Sanitary Board shall determine whether said objection raises an issue of disputed fact that is material to the alleged violation. If the Sanitary Board determines that a material issue of disputed fact has been raised, the Sanitary Board shall schedule the matter for hearing, to be conducted under the procedures set forth in Sec. 25-46.
- (c) After review of the evidence, if the Sanitary Board concludes that this Ordinance has been violated, it may issue an Order revoking the facility Grease Trap Permit has been violated establishing commence that the owner and/or operator must meet in order to receive a new Grease Trap Permit. The Sanitary Board also may terminate sewer service to the facility, or such other remedy as justice requires.
- (d) If any person violates a provision of this Ordinance, any Order of the Sanitary Board issued under Section 25-61, or any term or condition of a Grease Trap Permit issued under this Ordinance, the Sanitary Board may commence an action for appropriate legal and/or equitable relief in the Circuit Court of Kanawha County, including, but not limited to, enjoining further commercial activity at the facility until the facility has complied with the requirements of this Ordinance. The sanitary Board may also recover reasonable attorney's fees, court costs, court reporter fees and other expenses of litigation in said action.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Henry, Jones, Knauff, Lane, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, Fouty-Young and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6876 passed unanimously.

2. Bill No. 6877, a Bill amending and re-enacting Article IV of Chapter 25 of the Charleston City Code pertaining to Industrial Wastewater Discharges.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Charleston, West Virginia, that Article IV of Chapter 25 of the Charleston City Code is hereby amended and re-enacted to read as follows:

Sec. 25-37.

Unless the context specifically indicates otherwise, the following terms, as used in this Ordinance, shall have the meanings hereinafter designated:

- (a) “ City of Charleston Sanitary Board” (Sanitary Board) means the entity charged with the custody, supervision, control, administration, operation, and maintenance of the municipal sewage system as required by Sec.25-25 of the City of Charleston Code of Law.
- (b) “ Domestic Wastewater” means liquid wastes from the household preparation, cooking, and handling of food or (ii) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings industrial facilities, non-commercial building. and institutions.
- (c) ~~“Discharge” means food waste from the household and commercial preparation,~~ cooking
- (c) “General Manager” means the General Manager of the Sanitary Board or his duly appointed deputy, agent or representative.
- (e) “Grease Trap Permit” means a permit issued by the Sanitary Board in accordance Charleston City Code authorizing a non-household establishment to prepare, cook, or handle food and discharge its wastewater to POTW.
- (f) “Hauler Discharge Permit” means a permit issued by the Sanitary Board in accordance with this Ordinance authorizing the user to dispose of trucked or hauled wastewater at the POTW treatment plant at 208 26th Street in Charleston, WV.
- (g) “Industrial User” means any user other than a user who discharges domestic wastewater.
- (h) “Industrial Wastewater” means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from domestic wastes.

from other sources inhibits or disrupts the POTW. including but not limited to: disposal, and therefore, causes a violation of the Sanitary Board's NPDES permit or prevents the use or disposal of sewage sludge in compliance with any regulations or statutory provisions.

- (j) ~~for "National Pollution Discharge Elimination System" (NPDES) means the program~~ for "National Pollution Discharge Elimination System" (NPDES) means the program from the point sources into the navigable waters, the contiguous zone and the oceans pursuant to Section 402 of the ACT .
- (k) "Operator" means the person responsible for the overall operation of a facility.
- (l) "Owner" means a person who owns a facility or part of a facility.
- (m) "Pass-through" means wastewater which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with wastewater from the other sources is a cause of a violation of a requirement of the (n) "Person" means any individual, association, partnership, corporation, municipality, State, Federal agency or any agent or employee thereof.
- (o) ~~"Pretreatment" means application of physical, chemical, and biological processes~~ "Pretreatment" means application of physical, chemical, and biological processes in a wastewater prior to discharging such wastewater into the POTW.
- (p) ~~"Pretreatment Standards" of the ACT, as well as Federal and State national~~ "Pretreatment Standards" of the ACT, as well as Federal and State national standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.
- (q) "Prohibited Wastewater" means waste and wastewater having the characteristics described in Sec.25-39 of this Ordinance.
- (r) ~~"Public Owned Treatment Works" (POTW) means any device, facilities, structure,~~ "Public Owned Treatment Works" (POTW) means any device, facilities, structure, transmission, storage, treatment, recycling, and reclamation of wastewater, or the ultimate disposal of residues resulting from such treatment, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances, extensions, improvements, remodeling, additions, and alternations thereof.
- (s) "Significant Industrial User" (SIU) means:
 - (1) ~~Subchapter B and~~ Subchapter B and Categorical Pretreatment Standards under 40 CFR Chapter I,
 - (2) ~~all non-categorical users that adversely affect the public~~ all non-categorical users that adversely affect the public ~~General Management works~~ (POTW) ,or that contribute a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic -capacity of the POTW treatment plant, or that discharge an average of 25,000 gallons per day or more of process wastewater to the POTW. However, the General Manager need not designate as significant any non categorical user that, in the opinion of the General Manager has no potential to adversely effect POTW's operation or to cause violations of any pretreatment standard or requirement. Any non-categorical users designated as SIU may petition the Sanitary Board to be deleted from the list of Significant Industrial Users on the grounds that it has no potential for adversely effecting the POTW's operation or violating any pretreatment standard or requirement.
- (t) "Industrial User Discharge Permit" (IU Permit) means a permit issued b the Sanitary Board in accordance with this Ordinance authorizing the IU to discharge wastewater to the POTW.

- (u) "Storm water" means any flow occurring during or immediately following any form of natural precipitation.
- (v) ~~the effluent standards are not to contain any pollutants permitted or prohibited by~~ violation of receiving water quality standards.
- (w) "User" means any person who discharges, causes or permits the discharge of wastewater into the Sanitary Board POTW, including industrial users, domestic user, non-household establishments that prepare, cook, or handle food and SIU.
- (x) ~~Wastewater from the liquid, and material buyings, industrial, factories, and~~ institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or not, , which is discharged into the Sanitary Board POTW.
- (y) Terms not otherwise defined herein shall be as adopted in the latest edition of 40 CFR 403.

Sec. 25-38. Applicability

~~This Ordinance shall apply to POTW users, all users of the Sanitary Board POTW inside or outside the City of Charleston Limits and regardless of whether said users are customers of another sewer utility .~~

Sec. 25-39. Prohibitions and Limitations on Wastewater Discharges.

- (a) ~~Prohibitions on wastewater discharges. No person shall discharge any wastewater~~ any wastewater which contains the following:

~~200 mg/l Oils, in accordance with (Chapter) 25 Article V of the Charleston City Code (B)~~ Wastewater containing floatable fats, wax, grease, or oils.

~~(2) Explosive Mixtures. be liquid or solids, the gas, which by reaction with other~~ substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion:: hazard meter, at the point of discharge into the POTW , be more than five percent (5%) nor any single reading over ten (10%) of the Lower Explosive Limit (L.E.L.) of the meter. Wastewater with a closed cup flashpoint of less than 140~ F (using test methods specified in 40 CFR 261.21) is prohibited. Prohibited materials include, but are not limited to:., gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides.

~~(3) Noxious Material. No other wastes or scum, liquidating gas, which is either~~ or hazard to life, or are or may be sufficient to prevent entry into the POTW for maintenance and repair .

(4) Improperly Shredded Garbage. Garbage that has not been ground or comminuted to such a degree that it will be carried freely in suspension under normal flow conditions the POTW, and with no particle dimension greater than one-half (½) inch.

(5) Radioactive Waste -Radioactive wastes or isotopes of such half-life or concentration the they do not comply with regulations or orders issued by appropriate authority having control over their use and which will or may cause damage or hazards to the POTW and personnel.

~~(6) Solids or Waste. -~~ Wastewater shall not contain, but are not limited to, grease, uncomminuted garbage, animal guts or tissue, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent Lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt, residues from the refining processing of fuel or lubricating oil, and other similar substances.

~~(7) Excessive Discharge Rate. -~~ Wastewater containing longer than aeration (15) minutes, more than five (5) times the normal, average twenty-four (24) hour concentration, quantities, or flow and that would cause an upset and subsequent loss of treatment efficiency in the POTW.

~~(8) Toxic Substances. -~~ Wastewater shall not contain amounts exceeding standards promulgated by the United States Environmental Protection Agency pursuant to Section 307 (a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological process or efficiency of the POTW, or that will pass through the POTW.

~~(9) Impoverished Waters. -~~ Any system which will increase the hydraulic head on the POTW.

(10) Discolored Material. - Wastewater with objectionable color not removable by the POTW.

~~(11) Corrosive Waters. -~~ Any wastewater that will cause corrosion or deterioration of a range of 5 to 10 standard units. Prohibited materials include, but are not limited to; acids, sulfides, concentrated chloride and fluoride compounds and any substances that could react with water to form acidic substances.

Should at any time, an IU's discharge has a pH that will not comply with this requirement, the Sanitary Board shall require the IU to adjust the pH prior to discharge to the POTW.

~~(12) Hot Wastes. -~~ Any heat in amount which will inhibit biological activity in the POTW influent exceeds 40o C (104o F).

(b) Limitations on Wastewater Discharges. No person shall discharge or convey, or permit or allow to be discharged or conveyed, to POTW any wastewater containing pollutants of such character or quantity that will:

(1) be not susceptible to treatment or interfere with the process or efficiency of the POTW

(2) constitute a hazard to human or animal life, or to the stream or water course

(3) Violate pretreatment standards and requirements.

~~(4) Cause~~ the POTW to violate its NPDES Permit or applicable receiving water standards.

(c) Special Agreements. Nothing in this section shall be construed as preventing any special agreement between the Sanitary Board and any user of the POTW whereby wastewater of unusual strength or character is accepted into the POTW system and specially treated subject to any payments or user-charges as may be applicable, provided that the provisions of this Ordinance are fulfilled. This

paragraph does not permit waiver of Federal Pretreatment standards and requirements.

- (d) ~~Limitations on allowable limits of hydraulic pollutants through flow into the POTW~~ Limitations on allowable limits of hydraulic pollutants through flow into the POTW or cause a degrade of sludge quality have been developed by the Sanitary Board. The limits are derived from a mass-basis and are allocated on a mass production basis to each IU. Limitations for each IU shall be specified in the IU Discharge Permit.

~~The Sanitary Board has the right to mass limit points of available pollutants of mass POTW~~ The growth or expansion. Each IU shall be allocated a portion of the total pollutant-mass limitation, based on the IU's contributions of wastewater and pollutants to the POTW. Pollutants not listed may be based on the IU's specific wastewater contribution.

Pollutant	Total Mass-Limitations
ARSENIC (AS)	1.2
CHROMIUM (CR)	26.5
COPPER (CU)	13.0
CYANIDE (CN)	1.4
LEAD (PB)	2.6
MERCURY (HG)	.005
NICKEL (NI)	7.7
SILVER (AG)	6.7
ZINC (ZN)	12.8
BENZENE	50 UG/L
ETHYL BENZENE	50 UG/L
TOLUENE	50 UG/L
XYLENE	50 UG/L
POLYNUCLEAR AROMATIC HYDROCARBONS	50 UG/L EACH

- (e) ~~State Requirements~~ State requirements and limitations on Federal wastewater shall apply requirements of this Ordinance.
- (f) ~~Sanitary Board's Right of Revision~~ The Sanitary Board reserves the right of the POTW if deemed necessary by the Sanitary Board to comply with the objectives of this Ordinance or other local, State, or Federal regulations.
- (g) ~~Excessive Discharge~~ No user shall even increase the use of process water or in any way to achieve compliance with limitations contained in the Federal Categorical Pretreatment Standards. IU Discharge Permit, or in any other pollutant-specified limitation developed by the Federal, State, or local authority.
- (h) ~~National Categorical Standards~~ National Categorical Standards incorporated into the Industrial category of the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The General Manager shall notify all affected users of applicable reporting requirements under 40 CFR 403.12.

- (1) ~~Treated at the POTW treatment plant located at 208 26th Street in Charleston, WV. Disposal at any other location is strictly prohibited.~~
- (2) ~~Hauler Discharge permit~~ Hauler Discharge permit not violate the requirements this Ordinance or the
- (3) ~~And waste haulers shall manifest that shall obtain Hauler Discharge Permit~~
 - (i) Waste generator's name;
 - (ii) Waste generator's address;
 - (iii) Waste generator's phone number;
 - (iv) Type of waste;
 - (v) Volume of waste to be discharged;
 - (vi) ~~Statement signed by the waste generator and driver~~
- (4) A Hauler Discharge Permit must be obtained prior to transportation of the wastewater-lead.
- (5) ~~Any waste analysis required by the Sanitary Board must be submitted~~ Any waste analysis required by the Sanitary Board must be submitted
- (6) The Sanitary Board reserves the right to refuse any load.

~~Sec.25-4(a) Control of Prohibited Wastewater~~ Wastewater containing any substance described in Sec 25- 39 of this Ordinance is discharged, or proposed to be discharged, into the Sanitary Board POTW, or to any sewer system tributary thereto, the Sanitary Board may take any action necessary to :

- (1) Prohibit the discharge of such wastewater.
 - (2) ~~Require the user that demonstrates, prior to discharging, that prohibited~~ Require the user that demonstrates, prior to discharging, that prohibited wastewater in accordance with this Ordinance and the IU Discharge Permit.
 - (3) ~~Require the pretreatment, including storage facilities or flow equalization~~ Require the pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate prohibited wastewater so as not to violate not this Ordinance or the IU Discharge Permit.
 - (4) ~~Require the person making storage allowing the discharge of prohibited~~ Require the person making storage allowing the discharge of prohibited wastewater to provide for handling and treating the prohibited wastewater .
 - (5) ~~With this Ordinance and IU Discharge Permit, practical schedule to achieve~~ With this Ordinance and IU Discharge Permit, practical schedule to achieve
 - (6) Archive compliance with the this Ordinance and an IU Discharge Permit.
- (b) ~~prohibited wastewater in which compliance is proposed~~ prohibited wastewater in which compliance is proposed Discharge Permit, plans, specifications and other pertinent data or information relating to such pretreatment or flow control facilities shall first be submitted to the Sanitary Board for review and approval. Such approval shall not exempt the user from compliance with any applicable Code, Ordinance, rule, regulation, or Order of any governmental authority. Any subsequent alterations or additions to such required pre-treatment shall not be made without due notice to and prior approval of the Sanitary Board.
- (c) ~~facilities shall Facilities Operations and Working water department as required, by~~ facilities shall Facilities Operations and Working water department as required, by possible by the owner or operator at his own cost and expense, subject to the

requirements of this Ordinance, IU Discharge Permit, and all other applicable regulation, codes, ordinances, and laws.

- (d) ~~Additionally, the General Manager or persons paid by the user, may enter upon~~ any property or premises at reasonable times for the purpose of (1) copying any records required to be kept under provisions of this Ordinance or the IU Discharge Permit, (2) inspecting any monitoring equipment or method, (3) sampling any wastewater discharged to the POTW, (4) inspecting the premises for compliance, including inspection of any pretreatment facilities. The General Manager may enter upon the property at any hour under emergency circumstances.
- (e) ~~Properly repair and maintain discharge facilities to prevent accidental discharge~~ of prohibited waste or wastewater to the POTW, at no cost to the Sanitary Board.
- (f) ~~Reporting the accidental discharge to the Sanitary Board so that corrective~~ action may be taken to protect the POTW. In addition, a written report detailing the date, time, and cause of the accidental discharge and corrective action taken to prevent future discharges, shall be submitted by the user within five (5) calendar days of the occurrence of the accidental discharge.

Sec. 25-41: Permit Requirements

- (a) ~~All characteristics of their wastewater to the General Manager of the POTW.~~ The General Manager is authorized to prepare a form for this purpose. The General Manager will determine whether the user is an industrial user, SIU, or requires a Hauled Wastewater Discharge Permit or Grease Trap Permit.
- (b) ~~In shall be Sanitary Board POTW discharge wastewater into the IU Discharge Permit,~~ subject to fines and penalties described in Sec. 25-47 of this Ordinance. Obtaining an IU Discharge Permit from the Sanitary Board does not relieve the IU of its obligation to obtain other permits by Federal, State, or local law.
- (c) ~~The Clerk and Mapping Department shall maintain a list of all users of this Ordinance.~~
- (d) Existing Connections Any IU discharging wastewater into the POTW prior to the effective date of this Ordinance, shall, within ninety (90) days after said date, apply to the Sanitary Board for an Industrial User Discharge Permit and shall not cause or allow wastewater to discharge to the POTW after one hundred eighty (180) days from the effective date of this Ordinance, except in accordance with a SIU Discharge Permit issued by the General Manager .
- (e) New Connections Any IU proposing to begin or recommence discharging non-domestic wastewater into the POTW must obtain IU Discharge Permit prior to beginning or recommencing such wastewater discharge. An application for an IU Discharge Permit must be filed at-ninety (90) days prior to the anticipated wastewater discharge.

Sec. 25-42 : Permit Application

- (a) ~~Must be submitted to the Sanitary Board for approval by the Clerk and Mapping~~ (1) Name, address, and location (if different from the address).

(2) Standards Industrial Classification (SIC) code of both the industry as a whole and any processes for which Federal Categorical Standards have been promulgated.

(3) Wastewater constituents by any Federal State, including standards sampling and analysis will be undertaken in accordance with 40 CFR Part 136.

(4) Time and duration of the discharge.

(5) Daily, monthly, daily and seasonal, and monthly, average wastewater flow rates,

(6) Description of all activities, facilities, chemical and process facility, which processes could accident-ly or intentionally be discharged to the POTW .

(7) What site plans, flood plans, and appurtenant or by plan, local plans and details, to

(8) Factor product produced by type, amount, process or processes and rate of

(9) Type and amount of raw materials processed (average and maximum per day).

(10) Number of employees and systems of operation, and proposed or actual

(11) An assessment of the applicability of Federal Categorical pretreatment

standards to discharges from the industry.

(12) Certification Statement: A statement indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operations and maintenance (O&M) and/or additional pretreatment is necessary for the user to meet pretreatment standards.

(13) If additional O&M and/or additional pretreatment is required for the user to meet pretreatment standards, the user shall establish the shortest time schedule necessary to accomplish corrective actions. The completion date in this section shall not be longer than the compliance date established by any applicable categorical pretreatment standards.

(14) Any other information as applicable deemed by the General Manager to be necessary to evaluate the permit application.

(b) All plans in West Virginia 25-42. (a) must be certified by a professional Engineer

accordance with Sec. 25-42 (c)- (1), (2), (3), or (4).

(c) All applications must contain the following certification statement and be signed in conformity with the following document and attached hereto and prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

(1) By a responsible corporate officer, if the IU submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

(i) Any individual who is a principal business function officer, president, partner, or person performing similar policy or decision-making functions for the corporation, or

(ii) ~~Facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~

(2) ~~By sole general partner or proprietor,~~ if the IU submitting the report is a partnership

(3) ~~By the principal discharging facility or if the IU submitting the report is the federal state, or local governmental entity, or their agents.~~

(4) ~~By, and by an authorized representative of the individual designated in paragraph (1),~~

(i) ~~The~~ (a) ~~(a)~~ authorization is made in writing by the individual described in paragraph

(ii) ~~The~~ authorization specifies either an individual or a position having the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters from the company; and

(iii) The written authorization is submitted to the Sanitary Board.

(d) The General Manager will evaluate the data furnished by the IU and any required additional data. After evaluation of the data furnished, the General Manager may issue an IU Discharge Permit subject to terms and conditions provided herein.

(a) IU Discharge Permits shall include such conditions as are reasonably deemed ~~Sec. 25-43. SIU Discharge Permits~~ by the General Manager to prevent pass through or interference, protect the quality of the body receiving the POTW's effluent, protect worker health and safety, facilitate POTW sludge management and disposal, protect ambient air quality, and protect against damage to the POTW collection system or plant. The IU Discharge Permit may contain, but need not be limited to, the following:

(1) Limits on average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

~~of identified wastewater constituents or properties.~~

(2) Limits on the average and/or maximum concentration, mass, or other measure

~~(3) Requirements for the installation, design, and operation of the collection system to prevent the introduction of pollutants into the POTW.~~

~~(4) Other requirements for developing and implementing a program of practices necessary to adequately prevent accidental, unanticipated, or routine discharges.~~

~~(5) The water discharged to the POTW, sewer charges and fees for the management of the~~

~~(6) Requirements for installation and maintenance of inspection and sampling~~

~~(7) Frequency of sampling, number, types, and standards for tests and reporting schedules.~~

- (8) Compliance schedules.
- (9) Requirements for submission of technical reports or discharge reports.
- (10) Requirements for maintaining and retaining plant records relating to

wastewater discharge as specified by the General Manager and affording the General Manager, or his representatives, access thereto .

(11) Requirements for notification of any substantial change in the volume or character of the wastewater discharged to the POTW.

(12) Requirements for the notification of any change in the manufacturing and/or

(13) Requirements for the notification of excessive, accidental, or slug discharges.

(15) A statement that compliance with the permit does not relieve the IU of responsibility for compliance with all applicable Federal Pretreatment Standards, including those which become effective during the term of the permit.

~~Sec. 25-4~~ Permit Duration (b) Discharge Permits shall be issued for a period first time period of (5) years at the discretion of the General Manager .

(b) Public Notification The County Manager will publish in a newspaper of general circulation a notice of the issuance of a Discharge Permit, at least fourteen (14) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted-

(c) Permit Appeal The General Manager will provide the General Manager, or any person, including the IU, may petition to appeal the terms of the permit within thirty (30) days of the notice. The following requirements apply to a petition to appeal an IU Discharge Permit.

(1) Filing of Petition A petition to appeal within thirty (30) days shall be filed with the General Manager.

(2) Subject of Petition The petition must state the specific provisions of the permit which the petitioner seeks to be placed in the permit.

(B) Sanitary Board Review If, after considering the petition and pending a recommendation by the General Manager, the Sanitary Board determines that reconsideration is proper, it shall remand the permit back to the General Manager for re-issuance. Those permit provisions being reconsidered by the General Manager shall be stayed pending re-issuance.

(4) Sanitary Board Decision A decision of the Sanitary Board on a petition to appeal a permit shall be considered final.

(d) Permit Modification The General Manager may modify the permit for good cause

(1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

(2) To incorporate any change in the character of the discharge which would affect the IU's operation of the Permit.

~~(3) The permit shall be amended to change or permanently reduce or eliminate the POTW authorized discharge.~~

(4) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, or the receiving waters.

(5) Violation of any terms or conditions of the Permit.

~~(6) Material misrepresentation or failure to disclose fully all relevant facts in the Permit~~

~~(7) RCRA 403.18, or a grant of variance from, such categorical standards pursuant to~~

(8) To correct typographical or other errors in the Permit.

(9) To reflect transfer of the facility ownership and/or operation to a new owner/ operator.

(10) Upon request of the IU, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations. The filing of a request by the IU for a Permit modification, re-issuance, or termination, or a notification of planned changes of anticipated noncompliance, does not stay any Permit condition.

(e) ~~Permit Transfer.~~ Permits may be assigned or transferred to a new owner and/ or

~~Manager.~~ The permittee must give at least thirty (30) days advance notice to the General

(2) The notice must include a written certification by the new owner which:

~~(i) The operator and process has no immediate intent to change the~~

(ii) Identifies the specific date on which the transfer is to occur;

~~(iii) Acknowledges full responsibility for complying with the existing~~

(f) ~~Permit Termination.~~ IU Discharge Permits may be terminated for the following

(1) Falsifying self-monitoring reports;

(2) Tampering with monitoring equipment;

(3) Refusing to allow timely access to the facility premises and records;

(4) Failure to meet effluent limitations;

(5) Failure to pay fines;

(6) Failure to pay sewer charges;

(g) ~~Permit Re-issuance.~~ The IU shall apply for permit re-issuance by submitting a complete permit application a minimum of ninety (90) days prior to the expiration of the existing IU Discharge Permit.

~~(h) Effective and/or expiring Permits.~~ An issued IU Discharge Permit will continue 6

(1) The IU has submitted a complete IU Discharge Permit at least ninety (90) days prior

(2) ~~The failure to disclose the information to a participant of the existing IU Discharge~~

Sec. 25-45. Industrial Wastewater Monitoring and Reporting.

(a) ~~Discharge Monitoring Report~~ Discharge Monitoring Report at such intervals as are

~~(2) The Discharge Monitoring Report shall include, but not be limited to, the nature, hours of operation, concentrations of controlled pollutants or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged.~~

~~(3) The Discharge Monitoring Report shall be accompanied by the Certification by the appropriate individual as described in Sec. 25-42 (c).~~

(b) Records and Monitoring

~~(1) All IU's which discharge or produce and discharge wastewater, into the POTW, shall~~ (1) All IU's which discharge or produce and discharge wastewater, into the POTW, shall pollutant amounts and concentrations as are necessary to demonstrate compliance with the requirements of this Ordinance, the IU Discharge Permit and any State and Federal pretreatment standards or requirements. Such records shall be available to the public without restriction. Any request for confidential treatment of information and for access to such information shall be governed by procedures specified in 40 CFR Part 2.

~~(2) Such records shall be made available to representatives of the General Manager and~~ (2) Such records shall be made available to representatives of the General Manager and available to officials of the U. S. Environmental Protection Agency and the West Virginia Department of Environmental Protection (WVDEP) upon demand.

~~(3) The IU's shall install observation and sampling units for monitoring of waste. Such~~ (3) The IU's shall install observation and sampling units for monitoring of waste. Such equipment shall be maintained in proper working order and be kept safe and accessible at all times.

~~(4) The records accessible by the Sanitary Board~~ (4) The records accessible by the Sanitary Board and maintained on the IU's property

(5) When more than one IU discharges into a common sewer the Sanitary Board may require installation of separate monitoring equipment for each IU. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single IU, the General Manager may require that separate monitoring facilities be installed for each separate discharge.

(c) Inspection, Sampling and Analysis

(1) Compliance Determination. Compliance with Sect. 25-39 Prohibitions and Limitations on Wastewater Discharges may be determined based either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over any time, as determined necessary by the Sanitary Board to verify compliance.

(2) Analysis of Industrial Wastewater. Monitoring will be performed in accordance with 40 CFR 136. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures established by the Sanitary Board and the WVDEP.

- (3) ~~Sampling Frequency~~ Compliance Determination with respect to ~~Wastewater Discharges~~ Prohibition on Wastewater Discharges be done at such interval designated by the Sanitary Board. However, it is the intention of the Sanitary Board to conduct compliance sampling or to cause such sampling to be conducted for each IU at least once every year.

(a) Notification of Violation Whenever the General Manager, or any other person, finds that any requirement contained herein, or any term or condition of a

permit issued under Sec. 25-44 Procedure for Issuing and IU Discharge Permit, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.

- (b) Cease and Desist Orders When the General Manager finds that an IU ~~is in violation of any provision of this Ordinance, an IU Discharge Permit or Order issued hereunder, or any other pretreatment standard or requirement, or that said IU's past violations are likely to recur, the General Manager may issue an Order to the IU directing the IU to cease and desist all such violations and directing said IU to:~~

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed halting operations and/or terminating discharge.

~~Issuance of a Cease and Desist Order shall~~ Prerequisite for Cease and Desist Order shall not be a bar against, or a

- (c) Consent Order The General Manager may enter into a Consent Order with the IU. Such documents will include specific action to be taken by said IU to correct the noncompliance within a time period specified by the document. Such Consent Order shall be judicially enforceable.

(d) Show Cause Hearing

- (1) ~~If the IU is in violation of any provision of this Ordinance, the General Manager may~~ If the IU is in violation of any provision of this Ordinance, the General Manager may before the Sanitary Board why service should not be terminated. A notice shall be served upon the offending IU, specifying the time and place of a hearing to be held by the Sanitary Board regarding the violation, and directing the offending IU to show cause before the Sanitary Board why an Order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) ~~The Sanitary Board may, at its discretion, hold a hearing and take evidence of any IU in violation of this Ordinance.~~ The Sanitary Board may, at its discretion, hold a hearing and take evidence of any IU in violation of this Ordinance.
 - (i) ~~Requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.~~ Requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.
 - (ii) Take the evidence.

- (iii) ~~Transmit a report of the evidence and hearing, including a transcript and other evidence, together with recommendations to the Sanitary Board for action thereon.~~
- (3) ~~Assigned by the Sanitary Board, taken before the Sanitary Board by a stenographic. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the cost of reproducing the transcript.~~
- (4) ~~After the Sanitary Board has violated the condition that, following a specified time period, the sewer service be terminated unless adequate treatment facilities, devices or other related appurtenances are properly installed and operated, the Order shall include:~~
 - (i) ~~Completion of budget increments leading to the construction and operation of additional pretreatment required for the IU to meet the conditions of the IU Discharge Permit. Such events include: hiring an engineer, completing final plans, executing contracts for construction, commencing construction, completing construction, beginning operation, and conducting routine operation. No increment referred to above shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months.~~
 - (ii) ~~The schedule and due date for compliance, the IU shall submit a progress report to the General Manager including, at a minimum, whether or not the IU complied with the incremental dates the reason for any delay, and if appropriate, the steps being taken by the IU to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the General Manager .~~
 - (e) ~~Legal Action. If any IU violates a provision of this Ordinance or any Order of the Sanitary Board or any term or condition of a Permit issued under Sec. 25-44 Procedure for Issuing an IU Discharge Permit, the Sanitary Board may take action for appropriate legal and/or Circuit Court of this-Kanawha County.~~
 - (f) Immediate Halt of Dangerous Discharge - The General Manager may suspend the wastewater treatment service when necessary , in the opinion of the General Manager, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of humans or, environment causes interference to the POTW, or causes the Sanitary Board to violate any condition of its NPDES Permit.

Any IU notified that wastewater treatment service is suspended shall immediately stop or eliminate discharges. If the IU fails to comply voluntarily, the General Manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or to the health and welfare of humans and the environment. The General Manager shall reinstate the wastewater treatment service upon proof that the non-complying discharge is eliminated. The IU must submit a detailed written report within (15) days of the date that service is

suspended describing the cause of the harmful discharge and the measures taken to prevent any future harmful discharges.

Sec. 25-47. Civil Penalty and Costs.

Any IU that violates an Order of the Sanitary Board or that willfully or negligently fails to comply with any provisions of this Ordinance, a Permit, or Orders, issued hereunder, shall be fined not less than one thousand dollars (\$1,000) and not more than ten thousand Dollars (\$10,000) for each offence. Each day on which a violation occurs or continues to occur shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Sanitary Board may recover reasonable attorney's fees, court costs, court reporters' fees and other litigation expenses.

Sec. 25-48. Criminal Penalty.

Any IU who willfully or negligently violates the provisions of this Ordinance, a Permit, or Order, falsifies the discharge, or alters monitoring equipment required in order to facilitate false observation, sampling, or measurement of wastes shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or be imprisoned in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment.

~~The Sanitary Board shall not publish names of the five largest Daily newspapers published in the City of~~
The Sanitary Board shall not publish names of the five largest Daily newspapers published in the City of compliance with requirements of their IU Discharge Permit. The term significant noncompliance shall mean:

- (a) ~~Which is six violations of its (60%) water effluent limitations, which exceed during a six-month period exceed (by any magnitude) the daily-maximum limit or the daily average limit for the same effluent limitations.~~
- (b) ~~The thirty-five percent (35%) violations, defined each of those violations taken during six-month period that equal or exceed the product of the daily maximum limit or the daily average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils & grease, and 1.2 for all other pollutants except pH);~~
- (c) ~~Any other violation of requirements of the IU Discharge Permit that the Sanitary Board determines has caused, alone or in combination with other discharges, interference or pass-through, or endangered the health of Sanitary Board personnel or the general public;~~
- (d) ~~Any discharge of a pollutant that has caused or is likely to cause the Sanitary Board to exercise of its emergency authority to halt or prevent such a discharge;~~
- (e) Failure to meet, within 90 days after the scheduled date, a compliance schedule as specified in Sect. 25-46 (c);
- (f) Failure to provide, within 30 days after the due date, required compliance reports;
- (g) Failure to accurately report noncompliance;
- (h) ~~Any other violation or group of violations that the Sanitary Board determines will adversely affect the POTW.~~

Sec. 25-50. Confidentiality of Submitted Material.

public or governmental agencies, unless the IU specifically requests, and is able to information submitted to the Sanitary Board from an IU shall be made available to the

demonstrate to the Sanitary Board that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets. All claims for confidentiality shall be made in writing upon submission of information. Confidential information shall be made available immediately to governmental agencies for uses related to the NPDES and Pretreatment Programs.

Sec. 25-51. Savings Clause.

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and , articles shall not be effected and shall continue in full force and effect.

Sec. 25-52. Reserved.

~~Sec. 25-53. Reserved.~~
The question being on the passage of the Bill a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Henry, Jones, Knauff, Lane, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, Fouty-Young and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6877 passed unanimously.

FINANCE

Councilman Larry Roller, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No.927-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No.927-02, " Authorizing the Finance Director to make revisions to the 2001-2002 General Fund Budget as indicated on the attached list of accounts."

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Finance Director is hereby authorized and directed to make revisions to the 2001-2002 General Fund budget as indicated of the attached list of accounts; and be it

FURTHER RESOLVED, that the budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution No. 927-02 a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Henry, Jones, Knauff, Lane, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, Fouty-Young and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.927-02 passed unanimously.

2. Your Committee on Finance has had under consideration Resolution No.928-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No.928-02, “ Authorizing the Finance Director to establish “Fund 13, ARC Economic Development,” to receive and administer funds in the amount of \$136,850, awarded by the Appalachian Regional Commission, on behalf of BIDCO, to encourage the entrepreneurship and nurture business start-ups to grow and succeed by providing affordable work space, shared office services, and business counseling.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Finance Director is hereby authorized and directed to establish “Fund 13, ARC Economic Development,” to receive and administer funds in the amount of One Hundred Thirty-six Thousand Eight Hundred Fifty Dollars (\$136,850), awarded by the Appalachian Regional Commission, on behalf of BIDCO, to encourage the entrepreneurship and nurture business start-ups to grow and succeed by providing affordable work space, shared office services, and business counseling.

The question being on the adoption of the Resolution No. 928-02 a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Henry, Jones, Knauff, Lane, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, Fouty-Young and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.928-02 passed unanimously.

3. Your Committee on Finance has had under consideration Resolution No.929-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No.929-02, “ To amend Resolution No. 880-01, approved by Council on November 5, 2001, awarding funds in the amount of \$136,850 by the Appalachian Regional Commission, on behalf of BIDCO, to encourage the entrepreneurship and nurture business start-ups to grow and succeed by providing affordable work space, shared office services, and business counseling, by changing the account to hold said funds from Account No. 25-001-00-017 to Account No. 13-001-00-017, ARC Economic Development.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That amending Resolution No. 880-01, approved by Council on November 5, 2001, awarding funds in the amount of \$136,850 by the Appalachian Regional Commission, on behalf of BIDCO, to encourage the entrepreneurship and nurture business start-ups to grow and succeed by providing affordable work space, shared office services, and business counseling, by changing the account to hold said funds from Account No. 25-001-00-017 to Account No. 13-001-00-017, ARC Economic Development, is hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.929-02 adopted unanimously.

4. Your Committee on Finance has had under consideration Resolution No.931-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 931-02, “ Authorizing the Finance Director to allocate HOME Program funds in the amount of \$91,278.88 for three HOME projects; one in Kanawha City (\$11,980); one on the West Side (\$10,000); and one in the East End for a Religious Coalition for Community Renewal project (\$69,298.88).”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Finance Director is hereby authorized and directed to allocate HOME Program funds in the amount of Ninety-one Thousand Two Hundred Seventy-eight Dollars and Eighty-eight cents (\$91,278.88) for three HOME projects; one in Kanawha City (\$11,980); one on the West Side (\$10,000); and one in the East End for a Religious Coalition for Community Renewal project (\$69,298.88).

The question being on the adoption of the Resolution No. 931-02 a roll call was taken and there were; yeas-24, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Henry, Jones, Knauff, Lane, James Lanham, Loeb, Lopez, Markham, McKnight, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, Fouty-Young and Mayor Goldman.

NAYS: None.

ABSTAIN: Molgaard

ABSENT: David Lanham and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.931-02 passed unanimously.

5. Your Committee on Finance has had under consideration Resolution No.932-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 932-02, “Authorizing the Mayor to sign Change Order No. 1 with Harry S. Peterson, in the amount of \$11,630, for the removal and disposal of lead paint for the Watt Powell Park Renovations Project.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

Authorizing the Mayor to sign Change Order No. 1 with Harry S. Peterson, in the amount of \$11,630, for the removal and disposal of lead paint for the Watt Powell Park Renovations Project.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with Harry S. Peterson, in the amount of Eleven Thousand Six Hundred Thirty Dollars (\$11,630), for the removal and disposal of lead paint for the Watt Powell Park Renovations Project. The original contract price for this project was \$149,840.

The question being on the adoption of the Resolution No. 932-02 a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Henry, Jones, Knauff, Lane, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, Fouty-Young and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.932-02 passed unanimously.

6. Your Committee on Finance has had under consideration Resolution No.933-02, and reports the same to Council with the recommendation that the Resolution be adopted.

Resolution No. 933-02, “ Authorizing the Mayor to enter into a contract with BBL Carlton, in the amount of \$20, 860, for structural steel rehabilitation to grandstand columns for the Watt Powell Park Renovations Project.”

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor is hereby authorized and directed to enter into a contract with BBL Carlton, in the amount of \$20, 860, for structural steel rehabilitation to grandstand columns for the Watt Powell Park Renovations Project. The original contract price for this project was \$149,840 with Harry S. Peterson.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.933-02 adopted unanimously.

7. Your Committee on Finance has had under consideration a proposal submitted by Electronic Communications of west Virginia, in the amount of \$39,575.40, for purchase of 12 sets of emergency equipment (Federal Signal Products) for installation on new police cruisers. To be charged to the following accounts: \$31,018.56- 01-700-0-0-4-059, Police–Capital Outlay, Equipment, \$8,556.84 - 31-299-0-0-4-059, Police Forfeiture Fund, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

8. Your Committee on Finance has had under consideration a proposal by Dell Marketing, in the total amount of \$ 17, 913.10, for purchase of software (\$11, 638.10) and hardware (\$6,275) components for the accounting system’s database and file servers. To be charged to Account No. 01-439-0-0-4-059, Information Systems–Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

9. Your Committee on Finance has had under consideration a payment of an invoice from Asbestos Consulting, Inc., in the amount of \$10, 555.44, for abatement of asbestos containing material from the structure at 507 Wyoming Street containing 3416 square feet at \$3.09 per square foot in accordance with a contract dated March 5, 2001. To be charged to Account No. 25-001-00-033, CDBG–Demolition and Clearance, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Henry, Jones, Knauff, Lane, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, Fouty-Young and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report passed unanimously.

10. Your Committee on Finance has had under consideration a payment of an invoice from Human Resource Development Foundation, Inc., in the amount of \$100,000, for Highview Unity Housing, an elderly assisted living project at the corner of Washington Street, West, and Barton Street on the West Side of Charleston. To be charged to Account No. 30-099-00-005, HOME Program–Acquisition of Property, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-25, nays-0, absent-2, as follows:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Henry, Jones, Knauff, Lane, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington, Fouty-Young and Mayor Goldman.

NAYS: None.

ABSENT: David Lanham and Kimberling.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report passed unanimously.

11. Your Committee on Finance has had under consideration a payment of an invoice the West Virginia State Auditor, in the amount of \$42, 000, for the 2001 Financial Audit for the City of Charleston. To be charged to Account No. 01-418-0-0-2-024, Accounting– Audit Costs, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

REPORTS OF OFFICERS

1. Report of the City of Charleston , Municipal Court Financial Statements; January 2002;
Received and Filed.

2. Report of the Charleston Building Department, January 2002;
Received and Filed.

3. City Treasurer's Report to City Council Month Ending January 2002;

Received and Filed.

4. City of Charleston Financial Statements for the Seven- Month Period Ended
January 31, 2002;
Received and Filed.

NEW BILLS

Introduced by Councilman Tom Lane , on February 19, 2002:

1. Bill No. 6883, a Bill amending the Code of the City of Charleston enacted in 1957, as amended, Chapter 19, Parks and Recreation, Article I by adding the term “organized athletic groups” to Section 19-1 (definitions), and adding a new Section 19-8.3 concerning the establishment of Danner Meadow Park and setting forth the rules of usage for such park.

Refer to Parks and Recreation Committee.

UNFINISHED BUSINESS

1. The Mayor announced that on May 16-18 a major employer in Charleston has requested that Kanawha Blvd. Be closed from Capitol St. to Court Street so that they can display Equipment. At this time the name of the company has not been disclosed, they would like to make their own announcement. Also, they would like to use Magic Island for activities, and Haddad Riverfront Park for Live Entertainment. This company will bring approximately 1,000 people to the City.

2. The Mayor announced that there is a Garbage Truck that is in poor condition, and worth about \$3,000 that the City of South Charleston would like to purchase. With no objection from the Council Charleston will sell the Truck to South Charleston.

3. The Mayor announced that on the desks of the Public Safety Committee members, there were several maps and information related to the Mutual Aid Agreement. The Mayor would like for this information to be discussed at the next Public Safety meeting, to be brought back to Council on March 4, 2002 to address any issues.

ROLL CALL

The Clerk called the roll and the following members were in attendance:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Henry, Jones, Knauff, Lane, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Pettry, Prunty, Quick, Reishman, Roller, Talkington and Mayor Goldman.

ABSENT: David Lanham, Kimberling.

At 8:25 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, March 4, 2002.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk