

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

APRIL 5, 2004

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF APRIL ON THE 5TH DAY, IN THE YEAR 2004, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES, AT 7:00 P.M. THE INVOCATION WAS DELIVERED HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY JOHN MILLER.

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

CHESTNUT	CLOWSER	DEITZLER
DAVIS	EALY	HALL
HANNA	HARRIS	HARRISON
HIGGINS	JONES	LANE
LANHAM		MORTON
MILLER	MONROE	MARKHAM
NIELSEN	REED	REISHMAN
ROBERTSON	SADD	TALKINGTON
WARE		WHITE
MAYOR JONES		

TWENTY-SIX 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.

APRIL 5, 2004, FIRST MEETING

CHARLESTON CITY COUNCIL JOURNAL APRIL 5, 2004

The Mayor read the following Public Hearing:

AFTER DULY BEING PUBLISHED AS REQUIRED, I NOW DECLARE THE FLOOR OPEN FOR A PUBLIC HEARING ON BILL NO. 7045, A BILL TO AMEND AND REVISE SECTION 114-602 AND TO DELETE SECTION 114-603 OF THE CITY CODE OF THE CITY OF CHARLESTON, AS AMENDED 2004, RELATING TO PARKING FEES.

IS THERE ANYONE FROM THE PUBLIC WHO WOULD LIKE TO SPEAK.

THE CHAIR SEES NO ONE FROM THE PUBLIC.

THE CHAIR HEARS NO ONE FROM THE PUBLIC.

THE CHAIR DECLARES PUBLIC HEARING ON BILL NO. 7045

CLOSED.

PUBLIC SPEAKERS

1. Marsha Ibos, YWCA
2. List Ertl, YWCA
3. Margaret Taylor, YWCA
4. Louis Ceruonr, St. Albans.

CLAIMS

1. A claim of Verizon, 2195 Classen Rd., Oklahoma City, Oklahoma; alleges damage to property;
Refer to City Solicitor.
2. A claim of Deborah Albright, 160 Foster Rd., Hurricane, WV; alleges personal injury;
Refer to City Solicitor.
3. A claim of Marcia Booker, P.O. Box 819., Dunbar, WV; alleges personal injury;
Refer to City Solicitor.
4. A claim of Alireza Shafii, 5005 Pequonia Dr., Elkview, WV; alleges damage to vehicle;
Refer to City Solicitor.

5. A claim of Alma June White, 5221 Noyes Ave., Charleston; alleges damage to property; Refer to City Solicitor.

6. A claim of Ann Solomon, 903 Charlotte Place, Charleston; alleges personal injury; Refer to City Solicitor.

7. A claim of Vernon L. Edens, 603 Grant St., Charleston; alleges damage to property; Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the following Appointments:

TO: James Reishman
City Clerk

FROM: Danny Jones
Mayor

RE: Charleston Urban Renewal Authority Board

DATE: March 15, 2004

I am recommending that Dallas Staples, 2243 Oakridge Drive, Charleston, be reappointed to the Charleston Urban Renewal Authority Board, with said term to expire March 3, 2009.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman
City Clerk

FROM: Danny Jones
Mayor

RE: Charleston Urban Renewal Authority Board

DATE: March 15, 2004

I am recommending that Diane Strong-Treister, 1001 Edgewood Drive, Charleston, be reappointed to the Charleston Urban Renewal Authority Board, with said term to expire March 3, 2007.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: James Reishman
City Clerk

FROM: Danny Jones
Mayor

RE: Regional Development Authority

DATE: April 5, 2004

I am recommending that Mike Clowser, 42 Quarry Ridge, Charleston, be reappointed to the Regional Development Authority, with said term to expire June 30, 2005.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

MISCELLANEOUS RESOLUTIONS

NONE.

REPORTS OF STANDING COMMITTEES

ENVIRONMENT AND RECYCLING

Councilman Ed Talkington, Chairman of the Council Committee on Environment and Recycling, submitted the following reports.

Bill No. 7044, Committee Substitute - - A Bill amending and reenacting Chapter Ninety eight (98) Section One Hundred One (101) Subsections B, D, E and adding thereto a new subsection F, Curbside Collection, of the Code of the City of Charleston.

Now, therefore, be it ordained by the Council of the City of Charleston, West Virginia:

That Chapter Ninety eight (98) Section One Hundred One (101) Subsections B, D, E and new subsection F, Curbside Collection, of the Code of the City of Charleston is hereby amended and reenacted to read as follows:

Sec. 98-101. Location and time for placement; handicapped and infirmed residents.

(a) All garbage, refuse, yard waste, bulky waste, and source-separated recyclables shall be placed for collection either at the curb or at a point not more than five feet from the curb on the collection day. In areas where there are no curbs, all waste materials be placed not more than five feet back from the edge of the traveled road way. Except for the collection and removal of the materials under subsection (b) of this section, it shall be unlawful for any municipal employee to collect or remove, at city expense, any refuse from the premises of any person or tenant of such premises.

(b) The city manager may grant an exemption from the requirements of subsection (a) of this section to residences occupied by persons with physical limitations which prevent them from placing waste at the curb; however, such person shall submit a written application for back yard collection and certify in the application that the residence is occupied by such persons. If any person making application for an exemption shall submit any false, erroneous or untrue information relative to the eligibility or qualifications of the applicant for such exemption, any such person supplying such false, erroneous or untrue information shall be subject to a penalty as provided in subsection (f) ~~(e)~~ of this section.

(c) For the purpose of subsection (b) of this section, “physical limitation” shall mean any illness, injury, incapacity, or other physical handicap which prevents such person from placing waste materials at the curb.

(d) All waste material ~~Garbage~~ to be collected shall not be placed for collection before 7:00 p.m. on the day preceding the collection day nor after 6:30 a.m. on the day of collection.

(e) Trash or recycling receptacles used to contain waste materials for collection shall not be placed by the curb or edge of the traveled road way as defined in subsection (a) of this section before 7:00 p.m. on the day preceding the collection day and must be removed from said curb or edge of the traveled road way no later than 7:00 p.m. on the day of collection.

(f) ~~(e)~~ Any person violating the provisions of this section or any regulation promulgated under this section shall be subject to a fine of \$25.00 plus court costs. Any owner of a multifamily dwelling violating this section or any other regulation promulgated under this section shall be subject to a fine up to \$100.00 plus court costs.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor

declared Bill No. 7044 Committee Substitute, passed.

FINANCE

Councilman Bobby Reishman, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 510-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 510-04 – “Authorizing the Finance Director to make revisions to the 2003-2004 Parking System 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 2003-2004 Parking System budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this 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 a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 510-04, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 511-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 511-04 – “Authorizing the Mayor to sign an application for a Hazard Mitigation Grant through the State Office of Emergency Services to purchase residential property located at 9 Parsons Court, 606 Grant Street, 608 Grant Street, 610 Grant Street, 314 21st Street, and 4 Atkins Court that are flood prone properties for the purpose of demolishing the structures and restricting the use of said properties to be only for purposes compatible with flood prone property.”

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

That the Mayor is hereby authorized and directed to sign an application for a Hazard Mitigation

Grant through the State Office of Emergency Services to purchase residential property located at 9 Parsons Court, 606 Grant Street, 608 Grant Street, 610 Grant Street, 314 21st Street, and 4 Atkins Court that are flood prone properties for the purpose of demolishing the structures and restricting the use of said properties to be only for purposes compatible with flood prone property.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 511-04, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 512-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 512-04 – “Authorizing approval of the 2004-2005 Civic Center Budget as indicated on the attached list of accounts.”

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

That the 2004-2005 Civic Center Budget, as indicated on the attached list of accounts, is hereby approved.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 512-04, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 513-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 513-04 – “Authorizing the Mayor to receive and administer grant funds from the U.S. Department of Justice, Office for Victims of Crime, in an amount up to \$5,000, to be used to raise community awareness during the National Crime Victim’s Rights Week of April 18-24, 2004.”

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

That the Mayor is hereby authorized and directed to receive and administer grant funds from the U.S. Department of Justice, Office for Victims of Crime, in an amount up to Five Thousand Dollars (\$5,000), to be used to raise community awareness during the National Crime Victim’s

Rights Week of April 18-24, 2004.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 513-04, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 514-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 514-04 – “Authorizing the Mayor to sign a contractual agreement with the West Virginia Division of Criminal Justice Services (DCJS) to receive and administer grant funds, in the amount of \$20,356, under the Juvenile Accountability Block Grant (JABG). Funds will be used to provide training to police officers on investigation and prosecution of serious criminal offenses committed by juvenile offenders.”

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

That the Mayor is hereby authorized and directed to sign a contractual agreement with the West Virginia Division of Criminal Justice Services (DCJS) to receive and administer grant funds, in the amount of Twenty Thousand Three Hundred Fifty-six Dollars (\$20,356), under the Juvenile Accountability Block Grant (JABG). Funds will be used to provide training to police officers on investigation and prosecution of serious criminal offenses committed by juvenile offenders.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 514-04, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 515-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 515-04 – “Authorizing the Mayor to sign a agreement with the West Virginia Department of Transportation, Division of Highways, setting forth terms and conditions for installation and maintenance of a traffic signal at the intersection of WV 61 (MacCorkle Avenue) and Thayer Street.”

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

That the Mayor is hereby authorized and directed to sign a agreement with the West Virginia Department of Transportation, Division of Highways, setting forth terms and conditions for installation and maintenance of a traffic signal at the intersection of WV 61 (MacCorkle Avenue) and Thayer Street.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 515- 04, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 516-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 516-04 – “Authorizing the Mayor to enter into a contract with Suttle & Stalnaker, in the amount of \$3,950, to conduct an Agreed Upon Procedures Engagement for the City’s Solid Waste Facility, operated by Landfill Services of Charleston, Inc., for the calendar year ended December 31, 2003.”

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 Suttle & Stalnaker, in the amount of Threes Thousand Nine Hundred Fifty Dollars (\$3,950), to conduct an Agreed Upon Procedures Engagement for the City’s Solid Waste Facility, operated by Landfill Services of Charleston, Inc., for the calendar year ended December 31, 2003.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 516-04, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 517-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 517-04 – “Authorizing the Mayor to enter into an Agreement with Green Valley Bridge, Inc., in the amount of \$111,448, for the 6th Avenue Strom Sewer Separation 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 an Agreement with Green Valley Bridge, Inc., in the amount of One Hundred Eleven Thousand Four Hundred Forty-eight Dollars (\$111,448), for the 6th Avenue Strom Sewer Separation Project.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 517-04, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 518-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 518-04 – “Authorizing the Mayor to enter into an agreement with a firm for professional services related to monitoring of asbestos removal and demolition of building at the site for the new ballpark, in an amount not to exceed \$5,500.”

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

That the Mayor is hereby authorized and directed to enter into an agreement with a firm for professional services related to monitoring of asbestos removal and demolition of building at the site for the new ballpark, in an amount not to exceed Five Thousand Five Hundred Dollars (\$5,500).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 518-04, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 519-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 519-04 – “Authorizing the Finance Director to allocate funds in the amount of \$102,000 for acquisition of three (3) HOME projects.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of One Hundred Two Thousand Dollars (\$102,000) for acquisition of three (3) HOME projects as follows:

West Side	\$33,500
West Side	\$28,000
East End	\$40,500

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 519-04, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 520-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 520-04 – “Authorizing the Finance Director to allocate funds in the amount of \$96,500 for new construction of one HOME project on the West Side.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of Ninety-six Thousand Five Hundred Dollars (\$96,500) for new construction of one HOME project on the West Side.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 520-04, adopted.

12. Your Committee on Finance has had under consideration Resolution No. 521-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 521-04 – “Authorizing the Mayor to sign a request for project change of scope for Hope Community Development Corporation, project 03LEDA0140, in the amount of \$20,000. The original scope of work was for the purchase of computers, office equipment and furniture. Hope Community Development Corporation has another grant in which a van was to be purchased and funds in that grant were insufficient. They are requesting a change of scope to allow funds from this grant to assist in paying for the van as well as purchasing the computers, office equipment and furniture.”

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

That the Mayor is hereby authorized and directed to sign a request for project change of scope for Hope Community Development Corporation, project 03LEDA0140, in the amount of \$20,000. The original scope of work was for the purchase of computers, office equipment and furniture. Hope Community Development Corporation has another grant in which a van was to be purchased and funds in that grant were insufficient. They are requesting a change of scope to allow funds from this grant to assist in paying for the van as well as purchasing the computers, office equipment and furniture.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 521-04, adopted.

13. Your Committee on Finance has had under consideration Resolution No. 498-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 498-04 – “Amending Resolution No. 498-04, authorizing purchase of Wayfinding sign blanks from Hall Signs, Inc., in the amount of \$8,636, approved by Council on March 15, 2004, by an increase of \$1,200.50 in the bid price to provide for routing of the 350 sign blanks from rectangular to round at a cost of \$3.43 each, and a total project cost of \$9,836.50.”

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

That amending Resolution No. 498-04, authorizing purchase of Wayfinding sign blanks from Hall Signs, Inc., in the amount of Eight Thousand Six Hundred Thirty-six Dollars (\$8,636), approved by Council on March 15, 2004, by an increase of One Thousand Two Hundred Dollars and Fifty Cents (\$1,200.50) in the bid price to provide for routing of the 350 sign blanks from rectangular to round at a cost of \$3.43 each, and a total project cost of Nine Thousand Eight Hundred Thirty-six Dollars and Fifty Cents (\$9,836.50).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 498-04, adopted.

14. Your Committee on Finance has had under consideration Resolution No. 522-04, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 522-04 – “Granting air space for the projection of architecture features and detail above certain of the outer boundary of the sidewalks areas along the easterly line of Summers Street and the northerly line of Virginia Streets at premises having the address 700 Virginia Street.”

WHEREAS, Midwinter Investment Group, LLC a West Virginia limited liability company (“MIG”) is the Owner of a parcel of land located at the intersection of the northerly line of Virginia Street and the easterly line of Summers Street and being more particularly described in that certain deed of record in the Office of the Clerk of the Kanawha County Commission at Deed Book 2575, page 327; and

WHEREAS, there is being constructed upon said parcel of land a four-story building to be know as Fifth Third Center, which said building substantially covers the entire lot; and

WHEREAS, Charleston Urban Renewal Authority and the Charleston Building Department have approved the plans for construction of said building; and

WHEREAS, the building plans include certain decorative architectural features and detail which will project into the airspace at certain intervals above the sidewalk area adjacent to said lines of Virginia and Summers Streets for a distance of approximately (i) one foot eight inches (1’8) at a height of approximately twenty-seven feet (27’) above the sidewalk, (ii) and above that, seven inches (7”) at a height of approximately fifty-four feet (54’) above the sidewalk.

WHEREAS, MIG has requested that the City of Charleston grant and convey to it an easement to maintain said projection so long as the building located upon said land remains in existence and said projection continues to exist as an appurtenance thereto; and

WHEREAS, said building will replace the former Kanawha Hotel which for approximately One Hundred years contained more extensive projections into the space airspace; and

WHEREAS, the granting to MIG of an easement to maintain architectural details and features which project into the airspace will not in any way materially interfere with the City of Charleston or the public generally with respect to the use and occupancy of Virginia and Summers Streets;

NOW, THEREFOR BE IT RESOLVED that the Mayor of the City of Charleston be and is hereby authorized and directed, on behalf of the City of Charleston, to grant and convey to MIG an easement to maintain the projection of architectural features and details as indicated on plans previously approved for construction by the Charleston Urban Renewal Authority and the City of Charleston Building Department over the outer boundary of the sidewalks adjacent to the northerly line of Virginia Street and the easterly line of Summers Street.

FURTHER RESOLVED that said conveyance of said easement shall be upon the expressed condition and limitation that except in the case of replacement repairs, in the event such projection ceases to exist at any time as an appurtenance to said building, the easement shall cease, terminate, and be of no further effect.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 522-04, adopted. Abstain- Higgins

15. Your Committee on Finance has had under consideration purchase of various chemical supplies to be used by the Parks & Recreation Department in City swimming pools. The supplies will be purchased on an as needed basis at prices quoted from the following vendors:

Brenntag Mid-South, Inc.

Chlorine Tablets – 55 lb. containers	\$	93.50
Stabilizer – 100 lb. containers		72.00
Calcium Chloride – 50 lb. bags		12.50
Granular Chlorine – 100 lb. containers		115.00
Liquid Chlorine – 5 gal. containers		12.50
Sodium Bicarbonate – 50 lb. bags		10.50
Sodium Carbonate – 50 lb. bags		9.75

Phillips Supply

Diatomaceous Earth – 50 lb. bags		17.91
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National Pool and Equipment Co.

Muriatic Acid – 1 gal. containers

12.50

To be charged to Account No. 001-900-00-000-3-4-341, P&R – Materials & Supplies, 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

16. Your Committee on Finance has had under consideration a bid submitted by Don Walsh and Associates, in the amount of \$6,757.36, for playground equipment and mulching at the J.E. Robins Community Playground. To be charged to Account No. 009-003-00-059-0-999, CDBG – P&R – J.E. Robins Community Play ground 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; 26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb Weintraub.

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

17. Your Committee on Finance has had under consideration a bid submitted by Seneca Communications, in the amount of \$8,937, for purchase of three (3) Interview Room Taping Systems for use in the Charleston Police Department. To be charged to Account No. 043-299-00-000-3-341, Police Forfeitures 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

18. Your Committee on Finance has had under consideration the purchase of maintenance plan from Integrated Biometric Technology, in the amount of \$3,822, for the Automated Fingerprint Identification System (AFIS) equipment used by the Police Department, for the period April 1, 2004 through March 31, 2005. To be charged to Account No. 001-700-00-000-2-216, Police – Maintenance & Repair, 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

19. Your Committee on Finance has had under consideration Bill No. 7045, as amended, attached hereto and made part thereof,

Bill No.7045 - A Bill to amend and revise Section 114-602 and to delete Section 114-603 of the City Code of the City of Charleston, as amended 2004, all related to parking fees.

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

That the Council of City of Charleston does hereby amend and revise Section 114-602 and delete Section 114-603 of the City Code, as amended 2004, all related to parking fees, as follows:

Section 114-602 Management of and regulations governing city owned lots and buildings.

(a) All parking lots and buildings owned or operated by the city shall be operated under the control and management of the parking facilities committee, who are hereby authorized to promulgate rules and regulations governing such usage not inconsistent herewith. It shall be unlawful for any person to park any motor vehicle or other conveyance so as to occupy or use space in such parking lots of buildings without making payment of the appropriate fees or charges therefore as hereinafter provided. Motor vehicles shall be parked, placed, handled and driven into, from, in and on such parking lots in accordance with the applicable laws and ordinances of the city relative to traffic upon the streets in the city, and in accordance with the rules and regulations respecting usage of such parking lots which are adopted and promulgated by the parking facilities committee, and in accordance with the directions, instructions and order of the official city attendants of each of such lots stationed thereon. It shall be unlawful for any person or vehicle to block any driveway or passageway in or upon such parking lots or buildings, or for persons to leave or park cars therein contrary to the applicable ordinances, rules and regulations and instructions of attendants, as aforesaid, or without paying the required rental fees.

(b) The rental fees for each separate usage of any single parking space on any parking lot not specifically set forth below shall be at the rate of \$3.00 per day.

(c) The rental fees for each separate usage for any single parking space in the civic center parking building north and south and on the surface parking lots adjacent to the Charleston Civic Center shall be as follows:

(1) 6:00 a.m. through 5:00 p.m. . . .	
Less than one hour.	\$1.00
One to two hours	2.00
Two to three hours	3.00
Daytime maximum	3.00
(2) 5:00 p.m. through 6:00 a.m.:	1.00

Less than one hour	2.00
One to two hours.	3.00
Two to three hours	3.00
Daytime maximum	3.00
(3) Events (pre-charge)	3.00
(4) Civic Center North, per month (exclusive of event parking)	\$25.00

(d) The rental fee for each separate usage of any single metered parking space in parking lot owned by the city behind city hall ~~and the single metered parking spaces on the west side of Laidley Street between Kanawha Boulevard and Virginia Street East~~ shall be \$0.25 for 36 minutes. The rental fee for each separate usage of any single metered parking space in the lot behind the Municipal Auditorium shall be \$0.50 per hour and the rental fee for each unmetered parking space in the lot behind the Municipal Auditorium shall be \$30.00 per calendar month, provided that the fee for each unmetered parking space leased on a monthly basis after July 1, 2000 shall be \$40.00 per calendar month. The rental fee for each separate usage single metered parking space in a city owned off-street parking lot, not otherwise expressly set forth in this Bill, shall be at rate of \$0.25 per hour. The rental for each separate usage of any fee boxed parking space in a city owned off-street parking lot, not otherwise express[ly] set forth in this section, shall be at a rate of \$1.00 per calendar day, excluding Sunday and legal holidays. The rental fee for each separate usage of any of five spaces in the Summers Street alley shall be \$75.00 per month plus a \$10.00 activation fee.

(e) Parking shall be provided for city employees on the top floor of Building No. 5. The city shall pay the parking system ~~\$2.00 per day, five days per week, for 48 weeks for each city employee.~~ \$60.00 per month per employee. The city manager shall report quarterly to the parking facilities committee the number of employees and the allocation of parking spaces ~~between the two buildings;~~ council parking, ~~26~~ 27 permits at \$2.00 per day, an average of one day per week for 48 weeks. The parking system director shall make available to members of council, parking spaces in the Shanklin ~~Park~~ parking facility on or about 6:00 p.m. for attending meetings of council or its committee under the same terms and conditions as the director makes available to city employees. ~~The city has provided ten parking spaces on the west side of Laidley Street between Kanawha Boulevard and Virginia Street East to the parking system to be used as metered parking in exchange for the use of ten reserved spaces within Building No. 5. This exchange shall stay in effect until the earlier of January 1, 2002, or the date the city and/or parking facilities committee shall provide a written notice of termination to the other party.~~

(f) Civic center event parking in lots A, B, C, D, and E, as shown on the attached map and incorporated herein by reference, shall be at a rate of three dollars per event. Any or all of lots A, B, C, D, and E may be leased to merchants or business associations for mutually agreed upon covenants; provided, that such groups do not impose parking fees upon the general public for parking privileges. Any such leases shall be subject to the

approval of the city council's parking facilities committee.

~~(g) Person using the facilities at the ice arena at the civic center, except when the civic center facility lot is being used for event parking, pay use the parking to adjacent to this facility at no charge provided they take a parking ticket on entering the lot and have the ticket stamped by the facility's personnel before departing the facility.~~

(g) Parking shall be provided for state employees on the top two floors of building No. 2 for \$35.00 per month per employee.

(h) Except as set forth in paragraph (e) and (g), above, the rental fees for each separate usage of any single parking space in any parking building constructed or operated by the city, other than fees for parking buildings otherwise expressly set forth in this section shall be as follows:

(1) 6:00 a.m. to 10:00 p.m.
Hourly parking rate, per hour \$1.00
Maximum, per day 5.00

Building No. 6 (Summers
Street Parking Garage):

5:00 p.m. to ~~11 p.m.~~ 4:00 am
Monday through ~~Friday~~ Saturday. . . ~~1.00~~ 2.00

(2) Monthly non-reserve space
parking, per month 60.00

(3) Reserve space parking, per
month 70.00

Plus one time activation cost. 10.00

(4) Service fee, monthly service
fee charged to all accounts if
paid after the tenth of the month 15.00

(5) Deposit for each monthly
card 10.00

Additional Charge for each
Lost or destroyed card. 10.00

(6) Events per-charge:

for pre-approved events or
activities scheduled for more

than four hours and/or beginning before
5:00 p.m. 4.00

For pre-approved events or activities
scheduled for less than four hours
and beginning after 5:00 p.m. 3.00

(7) The movie parking rates for Building 2 are controlled by the Lease Agreement with Greater Huntington Cinemas on file with the City Manger's Office.

~~(i) Notwithstanding any provision of this section to the contrary, there shall be a separate hotel usage rate for Building No. 6, better known as the Summers Street Parking Garage and Building No. 2, better known as the Washington Street Parking Garage, which shall consist of an initial rate and an overage rate, subject to the following conditions and calculated as provided below:~~

- ~~1. There shall be two time periods used in calculating the hotel usage rate: "Peak Period" shall mean the period beginning at 9:00 a.m. and ending at 4:00 p.m., Monday through Friday; "Off Peak", shall mean any time period not considered "Peak Period" and includes weekends and legal holidays established pursuant to the West Virginia Code; "Parking Day" shall mean a period of 24 hours, or any time increment of less than 24 hours therein, commencing at 4:00 p.m. and ending the following 3:59 p.m.~~
- ~~2. The initial rate shall be \$2.00 per car per parking day with a minimum annual average of 50 cars per parking day, and said initial rate shall be payable quarterly in advance to guarantee the hotel usage rate.~~
- ~~3. The hotel usage rate shall apply only to the extent that no more than 30 percent of the cars parked during a parking day are parked during the peak period. Cars parked in excess of such 30 percent during the peak period shall be charged the standard daily charge per car to the general public, such excess parking amount to be calculated on the average number of cars parked per quarter and paid quarterly in arrears.~~
- ~~4. The overage rate shall be \$1.00 per car per parking day for each car in excess of the 50 car minimum per day, calculated on the average number of cars parked per quarter and paid quarterly in arrears.~~
- ~~5. The initial rate shall be adjusted annually based upon the greater of 50 percent of the daily charge per car to the general public or the actual increase in additional costs to the parking system associated with accommodating the hotel usage rate, including but not limited to any security costs incurred by the parking system, plus 15 percent.~~

~~6. Each contract in conjunction with the hotel usage rate shall be approved by the city council and such contract shall be subject to the terms of this section.~~

~~(j) (i)~~ Removal of any vehicle from any parking lot shall terminate the right of the user for that vehicle created by prior payment of rental fees. No vehicle shall be reparked on any city parking lot on the same day except upon payment of rental fees hereinabove provided.

~~(k) (j)~~ If on or before November 15, 2001, and November 15, of each succeeding year thereafter, the city council, upon recommendation of the parking facilities committee, adopts a resolution calling for the same, the city shall provide for two-hour non-ticket parking at the on-street metered parking spaces for each Saturday in the following December; provided that each vehicle parked at a meter in excess of two hours will be ticketed and the penalty shall be \$25.00.

~~(l) (k)~~ The parking facilities committee may by resolution adopt short term parking promotions when it determines that such promotions will enhance the use of the parking system and will not have an adverse effect on the revenue of the parking system.

~~(m) (l)~~ No parking space shall be sold or occupied, except by the payment of the appropriate additional rental fees, for a longer period of time than those stated in this section.

~~Section 114-603. Management of and regulations governing city owned lots and buildings.~~

~~(a) All parking lots and buildings owned or operated by the city shall be operated under the control and management of the parking facilities committee, who are hereby authorized to promulgate rules and regulations governing such usage not inconsistent herewith. It shall be unlawful for any person to park any motor vehicle or other conveyance so as to occupy or use space in such parking lots or buildings without making payment of the appropriate fees or charges therefore as hereinafter provided. Motor vehicles shall be parked, placed, handled and driven into, from, in and on such parking lots in accordance with the applicable laws and ordinances of the city relative to traffic upon the streets in the city, and in accordance with the rules and regulations respecting usage of such parking lots which are adopted and promulgated by the parking facilities committee, and in accordance with the directions, instructions and order of the official city attendants of each of such lots stationed thereon. It shall be unlawful for any person or vehicle to block any driveway or passageway in or upon such parking lots or buildings, or for persons to leave or park cars therein contrary to the applicable ordinances, rules and regulations and instructions of attendants, as aforesaid, or without paying the required rental fees.~~

~~(b) The rental fees for each separate usage of any single parking space on any parking lot not specifically set forth below shall be at the rate of \$3.00 per day.~~

~~(c) The rental fees for each separate usage for any single parking space in the civic center parking building north and south and on the surface parking lots adjacent to the~~

Charleston Civic Center shall be as follows:

(2) 6:00 a.m. through 5:00 p.m. . . .	
Less than one hour	1.00
One to two hours	2.00
Two to three hours	3.00
Daytime maximum	3.00
_____ (2) 5:00 p.m. through 6:00 a.m.: _____	1.00
Less than one hour	2.00
One to two hours	3.00
Two to three hours	3.00
Daytime maximum	3.00
_____ (3) Events (pre charge)	3.00
_____ (5) Civic Center North, per month	
(exclusive of event parking) _____	\$25.00

~~(d) The rental fee for each separate usage of any single metered parking space in parking lot owned by the city behind city hall and the single metered parking spaces on the west side of Laidley Street between Kanawha Boulevard and Virginia Street East shall be \$0.25 for 36 minutes. The rental fee for each separate usage of any single metered parking space in the lot behind the Municipal Auditorium shall be \$0.50 per hour and the rental fee for each unmetered parking space in the lot behind the Municipal Auditorium shall be \$30.00 per calendar month, provided that the fee for each unmetered parking space leased on a monthly basis after July 1, 2000 shall be \$40.00 per calendar month. The rental fee for each separate usage single metered parking space in a city owned off-street parking lot, not otherwise expressly set forth in this Bill, shall be at rate of \$0.25 per hour. The rental for each separate usage of any fee boxed parking space in a city owned off street parking lot, not otherwise express[ly] set forth in this section, shall be at a rate of \$1.00 per calendar day, excluding Sunday and legal holidays. The rental fee for each separate usage of any of five spaces in the Summers Street alley shall be \$75.00 per month plus a \$10.00 activation fee.~~

~~(e) Parking shall be provided for city employees on the top floor of Building No. 5. (The city shall pay the parking system \$2.00 per day, five days per week, for 48 weeks for each city employee. The city manager shall report quarterly to the parking facilities committee the number of employees and the allocation of parking spaces between the two buildings; council parking 26 permits at \$2.00 per day, an average of one day per week for 48 weeks.) The parking system director shall make available to members of council, parking spaces in the Shanklin Park parking facility on or about 6:00 p.m. for attending meetings of council or its committee under the same terms and conditions as the director makes available to city employees. The city has provided ten parking spaces on the west side of Laidley Street between Kanawha Boulevard and Virginia Street East to the parking system to be used as metered parking in exchange for the use of ten~~

~~reserved spaces within Building No. 5. This exchange shall stay in effect until the earlier of January 1, 2002, or the date the city and/or parking facilities committee shall provide a written notice of termination to the other party.~~

~~(f) Civic center event parking in lots A, B, C, D, and E, as shown on the attached map and incorporated herein by reference, shall be at a rate of three dollars per event. Any or all of lots A, B, C, D, and E may be leased to merchants or business associations for mutually agreed upon covenants; provided, that such groups do not impose parking fees upon the general public for parking privileges. Any such leases shall be subject to the approval of the city council's parking facilities committee.~~

~~(g) Except as set forth in paragraph (e) above, the rental fees for each separate usage of any single parking space in any parking building constructed or operated by the city, other than fees for parking buildings otherwise expressly set forth in this section shall be as follows:~~

~~(1) 6:00 a.m. to 10:00 p.m.
Hourly parking rate, per hour \$1.00
Maximum, per day 5.00~~

~~Building No. 6 (Summers
Street Parking Garage):
5:00 p.m. to 4:00 a.m.
Monday through Saturday 2.00~~

~~(2) Monthly non reserve space
parking, per month 60.00~~

~~(3) Reserve space parking, per
month 70.00~~

~~Plus one time activation cost
fee of 10.00~~

~~(4) Service fee, monthly service
fee charged to all accounts if
paid after the tenth of the month 15.00~~

~~(5) Deposit for each monthly
card 10.00~~

~~(6) Events per charge, for pre approved
— events or activities scheduled for more
— than four hours and/or beginning before
— 5:00 p.m. 4.00~~

~~_____ For pre-approved events or activities
_____ scheduled for less than four hours
_____ and beginning after 5:00 p.m. 3.00~~

~~(i) Notwithstanding any provision of this section to the contrary, there shall be a separate hotel usage rate for Building No. 6, better known as the Summers Street Parking Garage and Building No. 2, better known as the Washington Street Parking Garage, which shall consist of an initial rate and an overage rate, subject to the following conditions and calculated as provided below:~~

- ~~_____ 1. There shall be two time periods used in calculating the hotel usage rate:
_____ “Peak Period” shall mean the period beginning at 9:00 a.m. and ending at 4:00 p.m., Monday through Friday; “Off Peak”, shall mean any time period not considered “Peak Period” and includes weekends and legal holidays established pursuant to the West Virginia Code; “Parking Day” shall mean a period of 24 hours, or any time increment of less than 24 hours therein, commencing at 4:00 p.m. and ending the following 3:59 p.m.~~
- ~~_____ 2. The initial rate shall be \$2.00 per car per parking day with a minimum annual average of 50 cars per parking day, and said initial rate shall be payable quarterly in advance to guarantee the hotel usage rate.~~
- ~~_____ 3. The hotel usage rate shall apply only to the extent that no more than 30 percent of the cars parked during a parking day are parked during the peak period. Cars parked in excess of such 30 percent during the peak period shall be charged the standard daily charge per car to the general public, such excess parking amount to be calculated on the average number of cars parked per quarter and paid quarterly in arrears.~~
- ~~_____ 4. The overage rate shall be \$1.00 per car per parking day for each car in excess of the 50-car minimum per day, calculated on the average number of cars parked per quarter and paid quarterly in arrears.~~
- ~~_____ 5. The initial rate shall be adjusted annually based upon the greater of (i) 50 percent of the daily charge per car to the general public; or (ii) the actual increase in additional costs to the parking system associated with accommodating the hotel usage rate including but not limited to any security costs incurred by the parking system, plus 15 percent.~~
- ~~_____ 6. Each contract in conjunction with the hotel usage rate shall be approved by the city council and such contract shall be subject to the terms of this parking system rate ordinance, as it is amended from time to time.~~

~~(j) Removal of any vehicle from any parking lot shall terminate the right of the user for that~~

~~vehicle created by prior payment of rental fees. No vehicle shall be reparked on any city parking lot on the same day except upon payment of rental fees hereinabove provided.~~

~~(k) If on or before November 15, 2001, and November 15, of each succeeding year thereafter, the city council, upon recommendation of the parking facilities committee, adopts a resolution calling for the same, the city shall provide for two hour non ticket parking at the on street metered parking spaces for each Saturday in the following December; provided that each vehicle parked at a meter in excess of two hours will be ticketed and the penalty shall be \$25.00.~~

~~(l) The parking facilities committee may by resolution adopt short term parking promotions when it determines that such promotions will enhance the use of the parking system and will not have an adverse effect on the revenue of the parking system.~~

~~(m) Hereafter, no parking space shall be sold or occupied, except by the payment of the appropriate additional rental fees, for a longer period of time than those above stated.
(Bill No. 6855, § 31-213, 11-19-2001; Bill No. 6979, § 31-213, 6-2-2003; Bill No. 6988, § 31-213, 8-4-2003)~~

All inconsistent prior City of Charleston ordinances, rules and laws are hereby repealed.

This bill is to become effective immediately upon its passage by council.

The Clerk of the City of Charleston is hereby directed to publish this ordinance as a Class II legal advertisement, pursuant to W.Va. Code § 8-13-13, which shall include the subject matter and general title of the ordinance, a listing of the parking rates to be changed, the place where the proposed codes can be examined, the time and place of the council meeting where this ordinance is to be finally adopted.

The question being on the passage of the Bill a roll call was taken and there were; 27, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7045, passed.

20. Your Committee on Finance has had under consideration the payment of two invoices from Alternative Service Concepts, LLC, in the total amount of \$11,530, representing additional fees for claims handling services for January 2004 (\$5,735), and February 2004 (\$5,795), covering the City's general liability and auto liability insurance policies. To be charged to Account No. 001-412-00-000-2-227, City Manager – Insurance 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

21. Your Committee on Finance has had under consideration the payment of an invoice from the West Virginia State College Research and Development Corp., Department of Land-Grant Programs, in the amount of \$6,375.66, for reimbursement of funds for operational expenses for its After-School Program. To be charged to Account No. 009-003-00-011-0-999, CDBG – Public Services 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, abstain – 1, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb Weintraub.

ABSTAIN – Nielsen.

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

22. Your Committee on Finance has had under consideration the payment of an invoice from New Covenant Community Development, Inc., in the amount of \$3,924.46, for reimbursement of funds for its After-School Tutoring Program. To be charged to Account No. 009-003-00-011-0-999, CDBG – Public Services 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, abstain – 1, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb Weintraub.

ABSTAIN – Ealy.

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

23. Your Committee on Finance has had under consideration the payment of an invoice from Astech Corporation, in the amount of \$4,441.68, for demolition of structure at 1530 Second Avenue, consisting of 2,232 square feet at \$1.99 per square foot. The contract setting the price for square footage was approved by City Council on April 7, 2003. To be charged to Account

No. 009-003-00-033-0-999. CDBG – Demolition 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, abstain – 1, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, White, Mayor Jones.

NAYS:

ABSENT: Loeb Weintraub.

ABSTAIN –Sadd.

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

24. Your Committee on Finance has had under consideration the payment of an invoice from Spilman, Thomas & Battle in the amount of \$3,939.96, for professional services rendered during the moth of August 2003, in the matter concerning the West Virginia-American Water Company's pending rate case before the Public Service Commission of West Virginia. To be charged to Account No. 001-417-00-000-2-223, Legal Dept. – Professional Services 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. Abstain – Davis and Ware.

REPORTS OF OFFICERS

**1. Report of the City of Charleston Payroll Variance Analysis; March 2004;
Received and Filed.**

NEW BILLS INTRODUCED

Introduced by Councilwoman Linda Nielsen on April 5, 2004:

Bill No. 7049 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7th day of March 1983, as amended, and the map made a part thereof, by rezoning from an I-4 district to a C-10 district, those certain parcels of land situated at 1414 MacCorkle Avenue, Charleston, West Virginia.

Refer to Municipal Planning Commission.

Introduced by Councilwoman Mary Jean Davis on April 5, 2004

Bill No. 7050 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7th day of March 1983, as amended, and the map made a part thereof, by zoning parcel 26.2 as shown on Loudon Tax District Map 6 more commonly known as Lot P, Tract 5 of Phase II of the Southridge Center Business Park to C-10 General Commercial District.

Refer to Municipal Planning Commission.

Introduced by Councilwoman Mary Jean Davis on April 5, 2004

Bill No. 7051 - A Bill amending the Zoning Ordinance of the City of Charleston by amending the table of permitted uses to allow "Boat (pleasure craft) repair" as a permitted use in a C-10 General Commercial District.

Refer to Municipal Planning Commission.

Introduced by Councilpersons Mary Jean Davis and Jack Harrison on April 5, 2004

Bill No. 7052 - A Bill amending the Zoning Ordinance of the City of Charleston by amending the table of permitted uses by modifying the special permit requirements for gambling establishments to require City Council action on the special permit requests.

Refer to Municipal Planning Commission.

Introduced by Councilman Bobby Reishman on April 5, 2004

Bill No. 7053 – a Bill and Order relating to the laying of the levies on real, personal and public utility property within the City of Charleston, West Virginia, including excess levies previously provided for in the Official Municipal Budget Document for the fiscal year beginning the first day of July, Two Thousand Four.

Refer to Finance Committee.

Introduced by Councilman Dave Higgins on April 5, 2004

Bill No. 7054 – Amending and reenacting Sections 6-52, 6-111 and 6-141 of the Code of the City of Charleston, 2003, as amended; and, repealing Section 6-112 of the Code of the City of Charleston, 2003, as amended; all relating to alcoholic beverage licensing fees.

Refer to Finance Committee.

Introduced by Councilwoman Linda Nielsen on April 5, 2004:

Bill No. 7055 - A Bill to prohibit vehicular traffic in the easterly direction on Chelsea Drive an amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article Five to conform therewith.

Refer to the Streets and Traffic Committee.

Introduced by Councilwoman Cheryle Hall on April 5, 2004:

Bill No. 7057, A Bill to establish a **Stop Sign** on Lynn Place at the intersection of Carriage Road and Lynn Place and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two Thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

Refer to the Streets and Traffic Committee.

UNFINISHED OR MISCELLANEOUS BUSINESS

None.

ROLL CALL

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reishman, Reed, Robertson, Sadd, Talkington, Ware, White, Mayor Jones.

ABSENT: Loeb, Weintraub.

At 7:50 p.m., on motion of Councilman Loeb, Council adjourned until Monday, April 19, 2004, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk