

***JOURNAL***  
**OF THE**  
***COUNCIL***  
**CITY OF CHARLESTON**  
**WEST VIRGINIA**

**March 21, 2005**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MARCH ON THE 21<sup>ST</sup> DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED JAMES EALY, AND THE PLEDGE OF ALLEGIANCE WAS LED BY ED TALKINGTON.**

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

<b>CHESTNUT</b>	<b>CLOWSER</b>	<b>DEITZLER</b>
<b>DAVIS</b>	<b>EALY</b>	<b>HALL</b>
<b>HANNA</b>	<b>HARRIS</b>	<b>HARRISON</b>
<b>HIGGINS</b>	<b>JONES</b>	<b>LANE</b>
<b>LANHAM</b>	<b>LOEB</b>	<b>MORTON</b>
<b>MILLER</b>	<b>MONROE</b>	
<b>REED</b>	<b>REISHMAN</b>	
<b>ROBERTSON</b>	<b>SADD</b>	<b>TALKINGTON</b>
<b>WARE</b>	<b>WEINTRAUB</b>	<b>WHITE</b>
<b>MAYOR JONES</b>		

**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.**

**MARCH 21, 2005, SECOND MEETING**

**PUBLIC SPEAKERS**

1. NONE

**CLAIMS**

1. A claim of Richard Taylor, 2506 Derricks Rd., Sissonville, WV; alleges damage to vehicle. Refer to City Solicitor.
2. A claim of David Withrow, 1557 Summit Dr., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

**COMMUNICATIONS**

*The Mayor read the Public Hearing,*

**PUBLIC HEARING**

After duly being published as required, I now declare the floor open for a Public Hearing on Bill No. 7132, A Bill authorizing the design, acquisition and construction of certain extensions, additions, betterments and improvements to the existing sewerage system of The City of Charleston; authorizing the issuance of not more than \$50,000,000 in aggregate principal amount of Sewerage System Revenue Bonds, in one or more series as designated in a supplemental resolution, of The City of Charleston, the proceeds of which, shall be used, along with other funds and moneys of, or available to, The City of Charleston which may be lawfully expended for such purposes, to permanently finance the cost of such design, acquisition and construction, to fund reserve accounts for such bonds and to pay other costs in connection therewith; authorizing the issuance of not more than \$10,000,000 in aggregate principal amount of Sewerage System Bond Anticipation Notes, to temporarily finance a portion of the cost of such design, acquisition and construction; providing for the rights and remedies of and security for the registered owners of such bonds and notes; and adopting other provisions related thereto.

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. 7132 CLOSED.

*The Clerk read the following appointment,*

To: James Reishman  
City Clerk

From: Danny Jones  
Mayor

Re: Charleston Urban Renewal Authority

Date: March 21, 2005

I am recommending that Karen Haddad, 3011 Kanawha Avenue, Charleston, WV 25304, be appointed to the Charleston Urban Renewal Authority, with said term to expire March 3, 2010. She replaces Isaac Noyes Smith.

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

Council approved the appointment.

*The Clerk read the Communication,*

Honorable Danny Jones and  
City Council Members  
Charleston, West Virginia 25301

Dear Mayor Jones and Councilmember's:

On March 9, 2005, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case should be referred to the Council Committee on Planning.

Bill No. 7130 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March, 1983, as amended, and the map made a part thereof, by rezoning from I-4 Heavy Industrial District to a C-10 General Commercial District that certain parcel of land at 805 Court Street, EC Map 5, Parcel 31 in the City of Charleston, West Virginia.

Bill No. 7131 – A Bill amended the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March, 1983, as amended, and the map made a part thereof, by rezoning form C-10 General Commercial District to CBD Central Business District that certain parcel of land bounded by Brooks Street, Smith Street, Morris Street, and Lewis Street, in the City of Charleston, West Virginia.

Sincerely,  
Municipal Planning Commission

Phyllis White, Administrative Assistant

The Mayor referred the cases to the Planning Committee.

### MISCELLANEOUS RESOLUTIONS

*The Clerk read the following Resolution:*

Resolution No. 794-05

Introduced by Tom Lane, Council President, and Mary Jean Davis, Chair of the Planning Committee

March 21, 2005

WHEREAS: The Spring Hill complex, once a thriving, attractive community within our city, had deteriorated into a haven for drugs and criminal activities under absentee ownership, has become so unattractive that barely half of the units there are now occupied, and has been heading perilously toward foreclosure; and

WHEREAS: Foreclosure of the complex would result in a housing disaster in our city of unprecedented magnitude and catastrophic consequence because the local affordable housing market already has a waiting list of nearly 2,400 family units and lacks the capacity to assume another 240 individuals and families that would be displaced from Spring Hill; and

WHEREAS: Scott Canel's proposed renovation and redevelopment plan for Spring Hill offers our city's best hope for preventing foreclosure and for restoring the complex as a viable and attractive living community for people in need of affordable housing in our city; and

WHEREAS: The City's and Mr. Canel's plans for Spring Hill actually would increase the number of units in use at the complex by nearly 100 as unattractive housing units are renovated and replaced with new or remodeled homes; and

WHEREAS: Even with a projected increase in the number of units effectively in use at Spring Hill, the City of Charleston still agrees to a replacement plan to add 62 new housing units to the local housing market to make up the difference between the number of units currently habitable at the complex as determined by the U.S. Department of Housing and Urban Development [395] and the number of units that will exist following the redevelopment plan [333]; and

WHEREAS: This City Council has been actively overseeing the innovative efforts of Mr. Canel, the Mayor's Office of Economic and Community Development, Congresswoman Shelley Moore Capito and the Charleston Housing Authority to develop and implement the City's current plan that will save Spring Hill, prevent the disaster that foreclosure would create, meet federal housing replacement

guidelines and lead to a significant improvement in our community's affordable housing market;

Therefore, be it resolved that the City Council of Charleston hereby:

- endorses the current proposal to renovate and redevelop the Spring Hill complex and stands behind the Mayor's Office of Economic and Community Development's position on a justifiable and fair housing replacement plan; and
- recognizes how the City administration and developer have worked tirelessly, creatively and effectively to address every concern raised by the Central Office of HUD – even though some of the issues raised seem to be unprecedented and, at times, inconsistent; and
- urges HUD – Central to approve as soon as possible the necessary elements of the proposal so that the complex can be saved, foreclosure avoided and hope restored.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 794-05, adopted unanimously.

## **REPORTS OF STANDING COMMITTEES**

### ***PLANNING***

Councilwoman Mary Jean Davis, Chairperson of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration the extension of Quarry Ridge South in Quarry Creek Subdivision, Phase IV be named Quarry Ridge South attached hereto and made a part thereof.

Your Committee finds that with the approval of 911, City Departments, and U.S. Postal Service there should be no adverse affects.

And reports the same to Council with the recommendation that the street naming be accepted.

The question being on the approval of the Street naming a vote was taken. There being no dissent the Mayor declared Quarry Ridge South a street name approved. Abstain: Lane

2. Your Committee on Planning has had under consideration street naming of Graff Lane attached hereto and made a part thereof.

Your Committee finds that with the approval of 911, City Departments, and U.S. Postal Service there should be no adverse affects.

And reports the same to Council with the recommendation that the street naming be accepted.

The question being on the approval of the Street naming a vote was taken. There being no dissent the Mayor declared Graff Lane a street name approved. Abstain: Lane

### ***STREETS AND TRAFFIC***

Councilman David Higgins, Chairman of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7124, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the southerly side of Venable Avenue from a point 25 feet west of 46<sup>th</sup> Street to a point 69 feet west of 46<sup>th</sup> Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, 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.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled on the southerly side of Venable Avenue from a point 25 feet west of 46<sup>th</sup> Street to a point 69 feet west of 46<sup>th</sup> Street is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. 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, shall be and hereby are, amended to conform to this Ordinance.

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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7124, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7125, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a Two Hour Parking Tow-away zone on the southerly side of West Washington Street from Patrick Street to Bream Street 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, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Two Hour Parking Tow-away zone on the southerly side of West Washington Street from Patrick Street to Bream Street is hereby established.

Section 2. 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, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7125, passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7128, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a Stop intersection at the intersection of Stonehenge Road and Dunlevy Road requiring vehicles northbound on Dunlevy Road to stop and requiring vehicles southbound on Stonehenge Road to stop except when turning right 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, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Stop intersection at the intersection of Stonehenge Road and Dunlevy Road requiring vehicles northbound on Dunlevy Road to stop and requiring vehicles southbound on Stonehenge Road to stop except when turning right is hereby established.

Section 2. 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, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7128, passed.

4. Your Committee on Streets and Traffic has had under consideration Bill No. 7129, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a 15 minute parking zone on the easterly side of Elizabeth Street from a point 25 feet north of Washington Street, East to a point 61 feet north of Washington Street, East 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, Section 263, Division 2, Article 4, Chapter 114 to conform therewith.

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

Section 1. A 15 minute parking zone on the easterly side of Elizabeth Street from a point 25 feet north of Washington Street, East to a point 61 feet

north of Washington Street, East is hereby established.

Section 2. 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, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7129, passed.

5. Your Committee on Streets and Traffic has had under consideration Bill No. 7134, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to repeal Section 2 of Ordinance No. 1104 passed by Council on August 3, 1970, relating to a NO PARKING ZONE on the south side of Randolph Street beginning at the east right-of-way line of Ohio Avenue extending to a point 100' east of said line, 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 fourteen, Article five, to conform therewith.

Be it Ordained by the Council of the City of Charleston, West Virginia: \_\_\_\_\_

Section 1. Section 2 of Ordinance No. 1104 passed by Council on August 3, 1970, relating to a NO PARKING ZONE on the south side of Randolph Street beginning at the east right-of-way line of Ohio Avenue and extending to a point 100' east of said line is hereby repealed.

Section 2. 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 fourteen, Article five, shall be and hereby are, amended to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7134, passed.

6. Your Committee on Streets and Traffic has had under consideration Bill No. 7135, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a Stop intersection at the intersection of Russell Street and 7<sup>th</sup> Street requiring vehicles northbound on Russell Street and westbound on 7<sup>th</sup> Street to stop 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, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Stop intersection at the intersection of Russell Street and 7<sup>th</sup> Street requiring vehicles northbound on Russell Street and westbound on 7<sup>th</sup> Street to stop is hereby established.

Section 2. 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, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7135, passed.

7. Your Committee on Streets and Traffic has had under consideration Bill No. 7136, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a No Parking Anytime Tow-Away zone on the easterly side of Viewmont Drive from a point 52' north of Gilbert Street to a point 70' north of Gilbert Street 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, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A No Parking Anytime Tow-Away zone on the easterly side of Viewmont Drive from a point 52' north of Gilbert Street to a point 70' north of Gilbert Street is hereby established.

Section 2. 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, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed *to the* extent of said inconsistency.

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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7136, passed.

8. Your Committee on Streets and Traffic has had under consideration Bill No. 7137, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the easterly side of Viewmont Drive from a point 30 feet north of Gilbert Street to a point 52 feet north of Gilbert Street, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, 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.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled on the easterly side of Viewmont Drive from a point 30 feet north of Gilbert Street to a point 52 feet north of Gilbert Street is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section

1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. 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, shall be and hereby are, amended to conform to this Ordinance.

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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7137, passed.

9. Your Committee on Streets and Traffic has had under consideration Bill No. 7138, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a STATE VEHICLE PARKING ONLY TOW-AWAY zone Monday through Friday 6:00a.m. to 6:00 p.m. on the northerly side of Quarrier Street from a point 110 feet west of

Jefferson Street to a point 150 feet west of Jefferson Street 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, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Be it Ordained by the Council of the City of Charleston, West Virginia: \_\_\_\_\_

Section 1. A STATE VEHICLE PARKING ONLY TOW-AWAY zone Monday through Friday 6:00a.m. to 6:00 p.m. on the northerly side of Quarrier Street from a point 110 feet west of Jefferson Street to a point 150 feet west of Jefferson Street is hereby established.

Section 2. 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, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7138, passed.

## ***FINANCE***

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

1. Your Committee on Finance has had under consideration Resolution No. 784-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 784-05: “Authorizing the Finance Director to amend the 2003 and 2004 Community Development Block Grant budgets 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 amend the 2003 and 2004 Community Development Block Grant budgets as indicated on the attached list of accounts,

redirecting funds from Skate Park to the Roosevelt Community Center Improvements Project. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through the MOECD Citizen Participation Plan.

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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 784-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 785-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 785-05: “Authorizing the Finance Director to make revisions to the 2004-2005 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 2004-2005 General Fund 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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 785-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 786-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 786-05: “Authorizing the Finance Director to make revisions to the 2004-2005 Coal Severance 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 2004-2005 Coal Severance 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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Markham, Nielsen.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 786-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 787-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 787-05: “Authorizing the Mayor to renew the Irrevocable Letter of Credit from City National Bank in the amount of \$328,000 for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of \$3,280 for the period July 1, 2005 to June 30, 2006.”

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

That the Mayor is hereby authorized and directed to renew the Irrevocable Letter of Credit from City National Bank in the amount of Three Hundred Twenty-eight Thousand Dollars (\$328,000) for bonding of the permitted acreage at the City Landfill; and further authorizing payment of the premium in the amount of Three Thousand Two Hundred Eighty Dollars (\$3,280) for the period July 1, 2005 to June 30, 2006.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 787-05, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 788-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 788-05: “Authorizing the Mayor to enter into a Software License and Use Agreement with Tyler Technologies, Inc. Eden Division, in the amount of \$14,000 for the implementation of the ‘GASB 34 Reporter.’ This software will interface with the Eden Accounting System for the preparation of the City’s Comprehensive Annual Financial Report (CAFR).”

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 Software License and Use Agreement with Tyler Technologies, Inc. Eden Division, in the amount of Fourteen Thousand Dollars (\$14,000), for the implementation of the 'GASB 34 Reporter.' This software will interface with the Eden Accounting System for the preparation of the City's Comprehensive Annual Financial Report (CAFR).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 788-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 789-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 789-05 : "Authorizing the Finance Director to issue a refund to Scalise Industries, in the amount of \$37,889.44. The refund is due to the company over-reporting gross revenues for the tax periods of 1<sup>st</sup> Quarter, 2001 through 2<sup>nd</sup> Quarter, 2004."

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

That the Finance Director is hereby authorized and directed to issue a refund to Scalise Industries, in the amount of Thirty-seven Thousand Eight Hundred Eighty-nine Dollars and Forty-four Cents (\$37,889.44). The refund is due to the company over-reporting gross revenues for the tax periods of 1<sup>st</sup> Quarter, 2001 through 2<sup>nd</sup> Quarter, 2004.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 789-05, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 790-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 790-05 : "Authorizing the Mayor to enter into a contract with Commercial Insurance Services, as Administrator, and Arthur J. Gallagher Risk Management Services, Inc., and Alternative Service Concepts, LLC, at a price not to exceed \$1,644,617, for the City Risk Management and Property and Casualty insurance coverage for the period March 31, 2005 through March 31, 2006, specifically by rejecting all underinsured motorists coverage and accepting uninsured motorists coverage with statutory minimum limits of \$20,000/\$40,000/\$10,000 only; and further authorizing the Mayor to sign the appropriate forms rejecting the underinsured motorists coverage and accepting the uninsured motorists coverage."

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 Commercial Insurance Services, as Administrator, and Arthur J. Gallagher Risk Management Services, Inc., and Alternative Service Concepts, LLC, at a price not to exceed One Million Six Hundred Forty-

four Thousand Six hundred Seventeen Dollars (\$1,644,617), for the City's Risk Management and Property and Casualty insurance coverage for the period March 31, 2005 through March 31, 2006, specifically by rejecting all underinsured motorists coverage and accepting uninsured motorists coverage with statutory minimum limits of \$20,000/\$40,000/\$10,000 only; and further authorizing the Mayor to sign the appropriate forms rejecting the underinsured motorists coverage and accepting the uninsured motorists coverage.

Frank Baer with Commercial Insurance conducted a short presentation concerning Commercial Insurance.

The question being on the adoption of the Resolution a vote was taken. Four votes from Weintraub, Ware, Talkington and Deitzler recorded in the negative. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 790-05, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 791-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 791-05 : "Authorizing the Mayor to sign a Certification confirming that funds have been provided in the City's 2005-2006 budget for its contribution to the Regional Intergovernmental Council (RIC), in the amount of \$21,163.02, representing the City's share of contributions received annually by RIC from local governmental agencies in Boone, Clay, Kanawha and Putnam (BCKP) counties."

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

That the Mayor is hereby authorized and directed to sign a Certification confirming that funds have been provided in the City's 2005-2006 budget for its contribution to the Regional Intergovernmental Council (RIC), in the amount of Twenty-one Thousand One Hundred Sixty-three Dollars and Two Cents (\$21,163.02), representing the City's share of contributions received annually by RIC from local governmental agencies in Boone, Clay, Kanawha and Putnam (BCKP) counties.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 791-05, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 792-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 792-05 : "Authorizing the Mayor to sign Change Order No. 21 with BBL Carlton, LLC, in the amount of \$5,559.10, for Baseball Stadium Bid Package CI-2A / Seating Bowl; and Change Order No. 11 with BBL Carlton, LLC, in the amount of \$281,118.63, for Bid Package CI-2B / Concourse."

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. 21 with BBL

Carlton, LLC, in the amount of Five Thousand Five Hundred Fifty-nine Dollars and Ten Cents (\$5,559.10), for Baseball Stadium Bid Package CI-2A / Seating Bowl; and Change Order No. 11 with BBL Carlton, LLC, in the amount of Two Hundred Eighty-one Thousand One Hundred Eighteen Dollars and Sixty-three Cents (\$281,118.63), for Bid Package CI-2B / Concourse. The change orders will provide for the following:

Change Order No. 21—CI-2A / Seating Bowl:

Provide all labor and materials for additional foundation and masonry work as specified in Bulletin No. 34 ..... \$ 5,559.10

Change Order No. 21 increases the contract price to \$3,461,143.54.

Change Order No. 11—CI-2B / Concourse:

Materials and labor for Third Base Canopy ..... \$187,255.20

Materials and labor for Press Box Canopy ..... \$ 91,174.38

Revision of underslab details for venting purposes per Bulletin 24 ..... \$ 2,689.05

Change Order No. 11 increases the contract price to \$2,774,215.27.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 792-05, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 793-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 793-05 : “Authorizing the Mayor to sign two change orders for Baseball Stadium Bid Package CI-2D MEP / F Systems with Progressive Electric, Inc., in the amount of \$15,793.92 (Electrical), and Design Electric, in the amount of \$10,600 (Lighting); and one change order for Bid Package CI-3C 601 Morris Street Build Out MEP/ F Systems with Brewer & Company of WV, Inc., in the amount of \$6,780 (Fire), as set forth in Attachment I, incorporated herein and made a part hereof.”

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

That the Mayor is hereby authorized and directed to sign two change orders for Baseball Stadium Bid Package CI-2D MEP / F Systems with Progressive Electric, Inc., in the amount of \$15,793.92 (Electrical), and Design Electric, in the amount of \$10,600 (Lighting); and one change order for Bid Package CI-3C 601 Morris Street Build Out MEP/F Systems with Brewer & Company of WV, Inc., in the amount of \$6,780 (Fire), as set forth in Attachment I, incorporated herein and made a part hereof.

The question being on the adoption of the Resolution a vote was taken. There being no dissent

the Mayor declared Resolution No. 793-05, adopted.

11. Your Committee on Finance has had under consideration a Proposal submitted by Flexsys, in an amount not to exceed \$10,000, for purchase of pumps and other materials and equipment for Magic Island Fountain Project. To be charged to Account No. 220-975-00 567-4-458, Public Grounds – Capital Outlay, Major Improvements, 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 one dissent from Deitzler, the Mayor declared the committee report adopted.

11. Your Committee on Finance has had under consideration Bill No. 7127, a bill abandoning an closing permanently a portion of that certain 30 foot wide public alley or way known as Oak Avenue, generally parcel to Kennawa Drive and extending from Washington Heights Drive north-westerly direction 1176.21 feet and conveying as public property being a parcel of land containing 0.709 acre, in North Charleston Tax district, City of Charleston, Kanawha County, West Virginia; and reserving sewer easement for the City of Charleston, West Virginia, and reports the same to Council with the recommendation that the Bill do pass as amended.

Amended as follows:

Replaces Section 3 with:

3. Oak Avenue was never formally or informally accepted as a public way. The City has no interest or obligation to maintain said way.

Replaces Section 4 with:

4. That the Mayor of the City of Charleston is hereby authorized and directed to quitclaim to Corotoman Inc., or its heirs or assigns, all ownership rights and interests of the City in and to 0.709 acre tract of land, being what is commonly known as Oak Avenue.

The question being on the passage of the Bill a roll call was taken and there yeas-24, nays-0, absent-2, abstain – 2, as follows:

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

NAYS:

ABSENT: Markham, Nielsen.

ABSTAIN: Lane, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7127, as amended, passed.

**REPORTS OF OFFICERS**

1. Report of the City of Charleston Financial Statements for the Eight - Month period ended February 28, 2005.  
Received and Filed.

**NEW BILLS INTRODUCED**

None.

**UNFINISHED BUSINESS**

Due to the resignation of Judge Carole Bloom, effective on March 14, 2005. The Mayor recommended that Shawn Taylor who had been presiding as acting Municipal Judge be appointed to this position. Council voted on the appointment with only one vote in the negative from Archie Chestnut the Mayor Declared Shawn Taylor as the new Municipal Court Judge.

Mr. Taylor came forward and took the Oath of Office given by the City Clerk.

**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, Loeb, Miller, Monroe, Morton, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Markham, Nielsen.

At 8:00 p.m., on motion of Councilman Loeb, Council adjourned until Monday, April 4, 2005, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk