

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

**May 16, 2005**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MAY ON THE 16<sup>th</sup> DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LED BY ED TALKINGTON.**

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

**CHESTNUT  
DEITZLER  
HANNA  
HIGGINS  
LANHAM  
MILLER  
NIELSEN  
ROBERTSON  
WARE  
MAYOR JONES**

**CLOWSER  
EALY  
HARRIS  
JONES  
  
MONROE  
REED**

**DAVIS  
HALL  
HARRISON  
  
MORTON  
MARKHAM  
REISHMAN  
TALKINGTON  
WHITE**

**TWENTY- FOUR 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.**

**May 16, 2005, SECOND MEETING**

**PUBLIC SPEAKERS**

None

**CLAIMS**

1. A claim of Bea Kirkpatrick, 1620 Bigley Ave., Apt. 9., Charleston, WV ; alleges personal injury.  
Refer to City Solicitor.

**COMMUNICATIONS**

*The Clerk read the following communication:*

Dear Mayor Jones and Councilmember's:

On May 4, 2005, the Municipal Planning Commission held its public hearings and its regular monthly meeting. The following case should be referred to the Council Committee on Planning.

Special Permit #1202 – Application of Shelley A. Cuisset for the Café de Paris, LLC to operate a restaurant serving beer, wine, and liquor in the urban renewal zoning district at 201 Capitol Street.

Sincerely,  
Municipal Planning Commission  
Phyllis White, Administrative Assistant

The Mayor referred the Cases to the Planning Committee.

*The Clerk read the appointment:*

TO: James Reishman  
City Clerk  
FROM: Danny Jones  
Mayor  
RE: Municipal Planning Commission  
DATE: May 16, 2005

I am recommending that Mary Ann McMillion, 929 Matthews Avenue, Charleston, West Virginia 25302, be appointed to the Municipal Beautification Commission, with said term to expire September 19, 2007. She is replacing Betsy Johnson.

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

## MISCELLANEOUS RESOLUTIONS

Resolution No. 834-05

Jack Harrison, Jim Harris, Jr.

**WHEREAS:** The 130<sup>th</sup> Airlift Wing of the West Virginia Air National Guard has been targeted for realignment in a recommendation by the Secretary of Defense to the Base Closing and Realignment (BRAC) Commission; and

**WHEREAS:** The proposed realignment would clip the wings of the 130<sup>th</sup> Airlift Wing by reassigning the eight C-130 airplanes currently operated from unit (along with associated personnel) to an Air Force base in North Carolina, effectively removing the airplanes from our Air Guard unit and jeopardizing the current and future mission of the 130<sup>th</sup>; and

**WHEREAS:** In setting criteria for the BRAC Commission's evaluation of military installations, the Department of Defense lists as its number one priority: "The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint war-fighting, training and readiness;" and

**WHEREAS:** The 130<sup>th</sup> Airlift Wing of the West Virginia National Guard has played crucial roles in getting our nation's fighting forces in place and ready for every challenge before them, most recently as the first units to land in key locations in Afghanistan and Iraq during our nation's war on terror; and

**WHEREAS:** The 130<sup>th</sup> has been evaluated and cited for its excellence in operational readiness several times by the Department of Defense and has been recognized by the President of the United States for the unit's outstanding service in meeting the operational readiness priorities of the United States' Armed Forces; and

**WHEREAS:** During this time of an ongoing war on terror when the nation's Armed Forces are facing several challenges in recruiting and retaining personnel to meet our military needs, the 130<sup>th</sup> Airlift Wing stands at nearly 104 percent strength and achieves a whopping 97 percent retention rate; and

**WHEREAS:** The 130<sup>th</sup> Airlift Wing has stood with our nation, our state, our city and our citizens to meet every challenge – from mobilizing our forces to wage war on terror to recovering from natural disasters and providing vital fire protection for West Virginia's largest airport – and our elected leaders and citizens are vowing to stand with the 130<sup>th</sup> to keep our C-130s serving our nation from their home in West Virginia;

**Therefore be it resolved by The Council and Mayor**

**of The City of Charleston, West Virginia:**

That we find the recommendation to reassign the C-130s and effectively clip the wings of the 130<sup>th</sup> Airlift Wing to be nearly indefensible, especially given the Department of Defense's own criteria for evaluating military installations and the excellence in operational readiness demonstrated every year by this unit; and

That we request an opportunity for our local leaders to meet with the BRAC Commission to explain how the 130<sup>th</sup> is vital to our nation's military security, our homeland security and our economic security; and

That we urge our citizens to join a bipartisan effort to communicate our collective support for the 130<sup>th</sup> to decision-makers in Washington, D.C. in any available and every effective manner; and

That this resolution be forwarded to the Governor of West Virginia, members of our Congressional delegation, the BRAC Commission and the President of the United States, who has himself recognized and praised the accomplishments of the 130<sup>th</sup> Airlift Wing in achieving the Department of Defense's number one priority for military installations.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 834-05, adopted.

**REPORTS OF STANDING COMMITTEES**

***ORDINANCE AND RULES***

Councilman Will Hanna, Vice Chairman of the Council Committee on Ordinance and Rules, submitted the following reports.

1. Your Committee on Ordinance and Rules has had under consideration Bill No. 7144, Committee Substitute, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to amend and reenact §86-161(13), §54-105(13), §66-64(13) of said code; to add the following language to each section:

(13) Any national, state or other election day throughout the district or municipality wherein the election is held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, the City of Charleston may choose not to recognize the day of the election as a holiday if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday;

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

That §86-161(13), §54-105(13), §66-64(13) of the code of the City of Charleston, 2003, as amended, be amended, all to read as follows:

## **DIVISION 6. HOLIDAYS AND OTHER LEAVE**

### **Sec. 86-161. Paid Holidays**

(a) The following days shall be regarded, treated and observed as legal holidays:

- (1) January 1st, New Year's Day;
- (2) The third Monday of January, Martin Luther King's Birthday;
- (3) February 12th, Lincoln's Birthday;
- (4) The third Monday of February, Washington's Birthday;
- (5) The last Monday in May, Memorial Day;
- (6) June 20th, West Virginia Day;
- (7) July 4th, Independence Day;
- (8) The first Monday of September, Labor Day;
- (9) The second Monday of October, Columbus Day;
- (10) November 11th, Veterans Day;
- (11) The fourth Thursday of November, Thanksgiving Day;
- (12) December 25th, Christmas Day;

(13) Any national, state or other election day throughout the district or municipality wherein the election is held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, the City of Charleston may choose not to recognize the day of the election as a holiday if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday; and

(14) All days which may be appointed or recommended by the mayor, the governor or the President of the United States as days of thanksgiving or for the general cessation of business.

When any of such days or dates falls on Saturday or Sunday, either the preceding Friday of the succeeding Monday shall be regarded, treated and observed as such legal holiday.

(b) Regular part-time employees shall receive half the number of vacation days afforded to regular full-time employees. An employee absent without authorized leave on the last working day preceding or the first working day following a holiday shall not receive regular compensation for the holiday. Holidays which occur during a full-time or regular part-time employee's regularly scheduled day off shall be compensated for by straight time pay or an additional shift off in lieu thereof. Such pay shall be for a normal working day at the straight hourly equivalent rate for his position classification. Employees who are required to work on a holiday shall be compensated in accordance with departmental rules and regulations.

(Ord. No. 6410, § 2-108, 6-1-1998)

### **Sec. 54-105. Legal Holidays.**

(a) The following days shall be regarded, treated and observed as legal holidays:

- (1) January 1, New Year's Day;
- (2) The third Monday of January, Martin Luther King's Birthday;
- (3) February 12th, Lincoln's Birthday;
- (4) The third Monday of February, Washington's Birthday;
- (5) The last Monday in May, Memorial Day;
- (6) June 20th, West Virginia Day;
- (7) July 4th, Independence Day;
- (8) The first Monday of September, Labor Day;
- (9) The second Monday of October, Columbus Day;
- (10) November 11th, Veterans Day;
- (11) The fourth Thursday of November, Thanksgiving Day;
- (12) December 25th, Christmas Day;

(13) Any national, state or other election day throughout the district or municipality wherein the election is held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, the City of Charleston may choose not to recognize the day of the election as a holiday if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday; and

(14) All days which may be appointed or recommended by the mayor of the city, the governor of the state or the President of the United States as days of thanksgiving, or for the general cessation of business;

and when any of such days or dates fall on Sunday, the succeeding Monday shall be regarded, treated and observed as such legal holiday.

(b) Uniformed members on shift duty with the fire department who are off duty eight hours but are required to work 16 hours on a legal holiday shall be paid for an extra day at their regular hourly rates. Those who work eight hours and are off duty 16 hours on the legal holiday, or whose normally scheduled shifts off span such legal holiday, shall be allowed one day of equal time off, which may be taken in conjunction with their annual vacation leave or at such other time as approved by the fire chief or his designee.

(c) Uniformed members of the fire department on a 40-hour week who are required to work on a legal holiday shall be paid for an extra eight hours at their regular hourly rates. If the legal holiday falls on their regularly scheduled day off, they shall be allowed equal time off, which may be taken in conjunction with their annual vacation leave or at such time as approved by the fire chief or his designee.

(d) A member of the emergency medical service division who is working a 12-hour shift shall either be paid for the extra 12 hours worked on such holiday at his regular hourly rate or be allowed to add one day to his vacation leave. If the legal holiday falls on his regularly scheduled day off, he shall be allowed one day of equal time off, which may be taken at such time as approved by the fire chief.

(Ord. No. 6228, § 12-43.5, 5-6-1996)

#### **Sec. 66-64. Legal Holidays.**

(a) The following days shall be regarded, treated and observed as legal holidays:

- (1) January 1, New Year's Day;
- (2) The third Monday of January, Martin Luther King's Birthday;
- (3) February 12th, Lincoln's Birthday;
- (4) The third Monday of February, Washington's Birthday;
- (5) The last Monday in May, Memorial Day;
- (6) June 20th, West Virginia Day;
- (7) July 4th, Independence Day;
- (8) The first Monday of September, Labor Day;
- (9) The second Monday of October, Columbus Day;
- (10) November 11th, Veterans Day;
- (11) The fourth Thursday of November, Thanksgiving Day;
- (12) December 25th, Christmas Day;

(13) Any national, state or other election day throughout the district or municipality wherein the election is held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, the City of Charleston may choose not to recognize the day of the election as a holiday if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday; and

- (14) All days which may be appointed or recommended by the mayor, the governor or the President of the United States as days of thanksgiving, or for the general cessation of business.

And when any of such days or dates falls on Sunday, the succeeding Monday shall be regarded, treated and observed as such legal holiday.

(b) A sworn member of the police department who is assigned to an eight-hour shift schedule and is required to work on a legal holiday, as set forth in subsection (a) of this section, shall either be paid for those hours worked during the holiday period, not to exceed eight hours, at his regular hourly rate of pay or be allowed to add up to eight hours to his vacation leave. If the legal holiday falls on his regularly scheduled day off, he shall be allowed eight hours of equal time off, which may be taken at such time as approved by the chief of police.

(c) A sworn member of the police department who is assigned to a 12-hour shift schedule and is required to work his entire 12 hours on a legal holiday, as set forth in subsection (a) of this section, shall either be paid for an extra 12 hours at his regular hourly rate or be allowed to add 12 hours to his vacation leave. If the legal holiday falls on his regularly scheduled day off, he shall be allowed 12 hours of equal time off, which may be taken at such time as approved by the chief of police.

(d) A sworn member of the police department who is assigned to a 12-hour shift schedule and is required to work a portion of his 12-hour shift on a legal holiday, as set forth in subsection (a) of this section, shall, for those hours actually worked during the holiday period, either be paid an amount equal to his regular hourly rate times the period of time worked on the holiday or be allowed to add an equal amount of time to his vacation leave. For that portion of his 12-hour shift that does not fall within the holiday period, the member shall be allowed to add an equal amount of time to his equal time off allowance, which may be taken at such time as approved by the chief of police.

(Code 1975, § 22-12)

NOTE: This Ordinance shall take effect immediately following passage by City Council with a vote in the affirmative from three-fifths of its members elected.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7144, Committee Substitute adopted.

2. Your Committee on Ordinance and Rules has had under consideration Bill No. 7145, Committee Substitute, and reports the same to Council with the recommendation that the Bill do pass.

A BILL to amend chapter 86 of the code of the City of Charleston, 2003, as amended; by adding thereto a new article, designated article four, relating to sexual harassment, workplace violence and discrimination policy; statement of policy; examples of prohibited conduct; discrimination in the performance of duties; reporting requirements; confidentiality; retaliation; investigation of complaint; corrective and/or disciplinary action; rights of city, and legal review and training, to read as follows:

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

That chapter 86 of the code of the City of Charleston, 2003, as amended, be amended by thereto a new article, designated article four, to read as follows:

**ARTICLE IV. SEXUAL HARASSMENT, WORKPLACE  
VIOLENCE, AND DISCRIMINATION PROHIBITED.**

**Sec. 86-261. Sexual harassment, workplace violence and discrimination policy.**

(a) *Statement of policy:* The city strives to provide a work environment that is free from fear, violence, intimidation, hostility, harassment or other offenses which might interfere with work performance. Sexual harassment and discrimination violate state and federal law, in addition to the city's laws and policies. Violence, harassment, and discrimination of any sort (e.g., verbal, physical, visual) or of any type (e.g., sexual, sexual orientation, gender, racial, ethnic, religion, national origin, age, and disabilities) will not be tolerated, and violators are subject to severe disciplinary action up to and including discharge. Violence should be self

explanatory. Discrimination and harassment can take many forms. While it is not possible to list all behaviors that may constitute harassment and discrimination, the following are examples of conduct, which may constitute harassment and/or discrimination depending upon the totality of the circumstances, the severity of the conduct and its pervasiveness. The city has a zero tolerance policy for supervisory sexual harassment.

(b) *Examples of prohibited conduct:*

- Unwelcome sexual advances whether they involve physical touching or not.
- Requiring or suggesting that submission to unwelcome sexual advances is either explicitly or implicitly a term or condition of an individual's employment.
- Using submission or rejection of unwelcome sexual advances by an individual as the basis for employment decisions affecting such individuals.
- Using conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- Displaying sexually suggestive or offensive objects, pictures, computer graphics or cartoons.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Inquiring into one's sexual experiences, or discussion of one's sexual activities.
- Asking employees for dates once that person has expressed no interest in starting or continuing a personal relationship.
- Making slurs or jokes based on sex, race, religion, national origin, age, disabilities, or ethnic background to or about employees.
- Failing to, or inability to demonstrate positive efforts to get along with employees of the opposite sex, or of another race, religion, national origin or disability, or refusing to work with such persons because of these reasons.
- Posting derogatory graffiti, cartoons, or script on bulletin boards, computer screens, chalkboards, walls, locker rooms, or in vehicles or failing to remove or arrange for the removal of such prohibited graffiti, cartoons, script or illustrations.
- Threatening or intimidating a subordinate employee at any time, on or off duty.
- A supervisor or employee observing or condoning, through actions or inactions, prohibited harassment or discrimination by failing to properly report it to the designated management authorities. This is particularly serious if a supervisor is found in violation.
- A supervisor denying or granting an employee with whom he or she currently has or has had a personal relationship an atypical amount of preferential job assignments or work conditions.

(c) *Discrimination in the performance of duties:* In words, deeds, gestures, performance of jobs, duties, tasks and delivery of services to the public, employees shall not

discriminate.

(d) *Reporting requirements:* All employees, and particularly supervisors and managers, have a responsibility for keeping the work environment free of harassment and discrimination. If any employee believes that he or she has been subjected to harassment or discrimination, the employee shall file a written complaint, with any supervisor, department head, the human resources director, the city manager, or, if the alleged violator/harassor/aggressor is a sworn police officer, to the professional standards division of the police department. This does not preclude the employee from contacting the city or state human rights commission and filing a complaint.

- (1) Any supervisor, department head, city manager or any other employee who receives a complaint of sexual harassment shall report the same directly to the human resources director; provided that, if the alleged violator/harassor/aggressor is a sworn police officer, the person receiving the complaint shall forward the complaint to the professional standards division of the police department. If the employee's supervisor is the harassing party, the employee may report misconduct directly to the human resources director or to the professional standards division where the accused is a sworn police officer.
- (2) The human resources director or, where the accused is a sworn police officer, the professional standards division, to whom a complaint is given, shall have the duty to 1) advise the complainant of the meaning and importance of the policy and the city's commitment to prevent retaliation; 2) make written notes of the allegation; 3) explain the procedure for handling the complaint; 4) advise the complainant that the complaint will remain confidential to the extent practicable to meet the goals of this policy and permitted by law.
- (3) Employees who become aware of sexual harassment, whether by witnessing the incident or being told of it, have an affirmative responsibility to report it immediately. The human resources director, or where the accused is a sworn police officer, the professional standard division, will determine in each instance if immediate action is necessary to defuse any situation and will direct what, if any, immediate steps are to be taken.

(e) *Confidentiality policy:* Information generated during the course of informal reviews and formal investigations necessary for enforcing this policy will be given the full extent of confidentiality to the extent practicable to meet the goals of this policy and permitted by law. The city will strive to maintain such confidentiality. Any person who, without authorization from the human resources director or the professional standards division, reveals such information, will be subject to discipline.

(f) *Retaliation prohibited:* Retaliation by a supervisor or fellow employee against an

employee who has made an effort to report or complains about harassment or discrimination and/or who is cooperating with an investigation thereof will not be tolerated. While it is not possible to list all behaviors that may constitute retaliation, the following are examples of conduct that which may constitute retaliation: any act of reprisal including internal interference, coercion and restraint by a city employee, including any supervisory employee, or by one acting on behalf of the city. The recommended discipline for retaliation will be severe and may include termination from employment.

(g) *Investigation of harassment complaint:* All reported allegations will be promptly investigated in a fair and expeditious manner by the human resources director or his/her designee or by the professional standards division where the accused violator/harassor/aggressor is a sworn police officer. The investigation will include a private interview with the complainant and with witnesses. The accused will be interviewed. The complainant will be given advance notice of the date when the accused will be informed about the complainant's accusations. The investigator will determine whether there have been other complaints of sexual harassment or discrimination made to the city by the complainant or about the accused. A written report for each investigation which contains the identification of the complainant and the accused, complainant's written statement of the complaint if any, the accused response to the complaint, the findings and a summary of facts that constitute a basis for those findings and the suggested resolution and recommendation for resolution will be prepared and kept by the city. The city will strive to complete the investigation within 60 days. If the investigation cannot be completed within 60 days, the investigator will so advise both the accused violator/harassor/aggressor and complainant. When the investigation is completed the complainant and accused will be notified of the results of that investigation.

(h) *Corrective and/or disciplinary action:* If it is determined that inappropriate conduct has been committed by an employee, the degree and extent of action taken will be commensurate with the seriousness of the offense, the deterrent affect on the other employees, the employee's complete work history, and seniority. Corrective action can take a variety of forms, including remedial training, counseling, and job reassignment in addition to disciplinary action up to termination.

(i) *Policy not intended to limit rights of city:* While this policy sets forth the goal of promoting a workplace that is free of harassment and discrimination, in any form, this policy is not designed nor intended to limit the city authority to discipline or take remedial action for workplace conduct which it deems unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment, discrimination or workplace violence. Furthermore, by establishing this policy, the city does not agree to assume any liability for individuals who commit acts of sexual harassment against another employee or any citizen. Individuals who do these things may be personally liable for such actions.

(j) *Legal review and training:* This policy shall be reviewed by April 1st of each year by the city attorney, and a record of this review will be given to the human resources director for keeping. The city will provide training to its employees and document such training in their personnel files.

(Bill No. 6898, § 2-104, 4-15-2002)

NOTE: This bill is to amend chapter 86, "PERSONNEL", by adding a new article relating to the prohibition of sexual harassment, workplace violence, and discrimination against city employees. The contents of the article were formerly in chapter 62, "HUMAN RIGHTS", but were deleted when Committee Substitute 7040 was passed by City Council. This bill places the policy under the Personnel Department, which is the department charged with investigating complaints of these types of conduct.

The question being on the passage of the Bill a roll call was taken and there were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7145, Committee Substitute adopted.

### ***PLANNING***

Councilperson Mary Jean Davis, Chairman of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration Special Permit #1199 attached hereto and made a part thereof, and reports the same to Council with the recommendation that the Special Permit be approved.

Your Committee finds the following:

1. The Board of Zoning Appeals denied the request for a wavier of the spacing requirements in order to establish a video lottery gambling facility.

And reports the same to Council with the recommendation that the Special Permit be denied.

The question being on the denial of the Special Permit a vote was taken. There being no dissent the Mayor declared Special Permit #1199 denied.

2. Your Committee on Planning has had under consideration Bill No. 7139, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7139 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 R-4 Single Family Residential District to C-10 General Commercial District those parcels of land bounded known as North Charleston Tax Map 55, Parcels 1 and 9.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7<sup>th</sup> day of March, 1983, as amended, is hereby amended by rezoning from R-4 Single Family Residential District to C-10 General Commercial District those parcels of land bounded known as North Charleston Tax Map 55, Parcels 1 and 9. Said tax map is of record in the City of Charleston Planning Office.
2. The zoning Map, attached to and made a part of said ordinance, is hereby amended in accordance with Section 1 of this ordinance.
3. All prior ordinances, or parts of 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 were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7139, adopted.

***STREETS AND TRAFFIC***

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

1. Your Committee on Planning has had under consideration Bill No. 7141, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a 5 minute stopping or standing zone on the easterly side of Hale Street from a point 76 feet south of Quarrier Street to a point 120 feet south of Quarrier St. 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 5 minute stopping or standing zone on the easterly side of Hale Street from a point 76 feet south of Quarrier Street to a point 120 feet south of Quarrier 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 were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7141, adopted

2. Your Committee on Planning has had under consideration Bill No. 7142, 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 Washington St. W. from a point 104 feet west of Florida Street to a point 192 feet west of Florida 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 Washington St. W. from a point 104 feet west of Florida Street to a point 192 feet west of Florida 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 were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7142, adopted

3. Your Committee on Planning has had under consideration Bill No. 7143, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a 30 Mile Per Hour speed limit on Ferry Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand 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 30 Mile Per Hour speed limit on Ferry 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 were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7143, adopted

## ***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. 808-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 808-05: “Authorizing the Finance Director to make revisions to the 2004-2005 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 2004-2005 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-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 808-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 809-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 809-05: “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-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 809-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 818-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 818-05: “Authorizing the Finance Director to make revisions to the 2005-2006 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 2005-2006 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-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 818-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 819-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 819-05 – “Authorizing the Mayor to sign an application for a Hazard Mitigation Grant through the State Office of Emergency Services to purchase the property at 110 Rose Hill Drive which is located in a flood prone area with the intent being to demolish the structure and to place deed restrictions on the property by limiting the permitted uses to include only those uses that are 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 grant funds for a Hazard Mitigation Grant through the State Office of Emergency Services to purchase the

property located at 110 Rose Hill Drive which is located in a flood prone area with the intent being to demolish the structure and to place deed restrictions on the property by limiting the permitted uses to include only those that are 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. 819-05, adopted by a unanimous vote.

5. Your Committee on Finance has had under consideration Resolution No. 820-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 820-05 : “Authorizing the Mayor to enter into an agreement with Electronic Specialty Co., in the amount of \$123,420 (includes 3-year maintenance costs), for purchase and installation of a CCTV Surveillance Alarm System to serve City Hall and surrounding area.”

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 Electric Specialty Co., in the amount of One Hundred Twenty-three Thousand Four Hundred Twenty Dollars (\$123,420) [includes 3-year maintenance costs], for purchase and installation of a CCTV Surveillance Alarm System to serve City Hall and surrounding area.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 820-05, adopted by a unanimous vote

6. Your Committee on Finance has had under consideration Resolution No. 821-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 821-05 : “Authorizing the Mayor to enter into an agreement with Dill’s Fire & Safety Equipment, in the amount of \$316,544, for purchase of a 1500 GPM Pumper Unit for the Charleston Fire Department.”

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 Dill’s Fire and Safety Equipment, in the amount of Three Hundred Sixteen Five Hundred Forty-four Dollars (\$316,544), for purchase of a 1500 GPM Pumper Unit for the Charleston Fire Department.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 821-05, adopted by a unanimous vote

7. Your Committee on Finance has had under consideration Resolution No. 822-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 822-05 : “Authorizing the Mayor to sign Change Order No. 1 with Thaxton Construction Co., Inc., in the amount of \$20,000, for the replacement of pile and

lagging with rock buttress for a portion of the slip area in connection with the Cosmos Drive / Twilight Drive Retaining Wall project. The change order increases the contract price from \$197,449 to \$217,449.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with Thaxton Construction Co., Inc., in the amount of Twenty Thousand Dollars (\$20,000), for the replacement of pile and lagging with rock buttress for a portion of the slip area in connection with the Cosmos Drive / Twilight Drive Retaining Wall project. The change order increases the contract price from \$197,449 to \$217,449.

Due to overhead high power electrical lines in the project area, pile and lagging materials could not be used and therefore was replaced with rock buttress. This change order will complete the project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 822-05, adopted by a unanimous vote

8. Your Committee on Finance has had under consideration Resolution No. 823-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 823-05 : “Authorizing the Mayor to sign an Amendment to the Agreement with the Charleston Sanitary Board providing for additional materials and labor for the mainline extension on Lewis Street (\$10,350.96) and an extension of the storm sewer line on Morris Street (\$9,872.08), for a total cost of \$20,223.04.”

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

That the Mayor is hereby authorized and directed to sign an Amendment to the Agreement with the Charleston Sanitary Board providing for additional materials and labor for the mainline extension on Lewis Street (\$10,350.96) and an extension of the storm sewer line on Morris Street (\$9,872.08), for a total cost of Twenty Thousand Two Hundred Twenty-three Dollars and Four cents (\$20,223.04).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 823-05, adopted by a unanimous vote

9. Your Committee on Finance has had under consideration Resolution No. 824-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 824-05 : “Authorizing the Mayor to enter into an Agreement with Sasaki Associates, Inc. to provide services for a Master Plan for the Riverfront Project, in the amount of \$120,000, plus reimbursable expenses estimated to be 12-15% of the fixed fee.”

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 Sasaki Associates, Inc. to provide services for a Master Plan for the Riverfront Project, in the amount of One Hundred Twenty Thousand Dollars (\$120,000), plus reimbursable expenses estimated to be 12-15% of the fixed fee.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 824-05, adopted by a unanimous vote

10. Your Committee on Finance has had under consideration Resolution No. 825-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 825-05 : “Authorizing the Mayor to sign Change Order No. 7 with Rock Branch Mechanical for Baseball Stadium Bid Package CI-3C / 601 Morris Street Build-Out MEP (Mechanical / Plumbing), in the amount of \$2,053.88, for temporary gas hook-up on first and second floors of the building. The new contract price for this bid package is \$629,171.47.”

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. 7 with Rock Branch Mechanical for Baseball Stadium Bid Package CI-3C / 602 Morris Street Build-Out MEP (Mechanical / Plumbing), in the amount of Two Thousand Fifty-three Dollars and Eighty-eight Cents (\$2,053.88), for temporary gas hook-up on first and second floors of the building. The new contract price for this bid package is \$629,171.47.

The question being on the adoption of the Resolution a vote was taken. There being one dissent from Markham the Mayor declared Resolution No. 825-05, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 826-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 826-05 : “Authorizing the Mayor to sign six change orders with BBL Carlton, LLC; four of the change orders for Baseball Stadium Bid Package CI-2B Concourse, in the total amount of \$44,808.17, increasing the contract price to \$2,472,245.32; and two change orders for Bid Package CI-4 Site Features, in the total amount of \$33,048.17, increasing the contract price to \$863,376.07.”

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

That the Mayor is hereby authorized and directed to sign six change orders with BBL Carlton, LLC; four of the change orders for Baseball Stadium Bid Package CI-B Concourse, in the total amount of Forty-four Thousand Eight Hundred Eight Dollars and Seventeen Cents (\$44,808.17), increasing the contract price to \$2,472,245.32; and two change orders for Bid Package CI-4 Site Features, in the total amount of Thirty-three Thousand Forty-eight Dollars and Seventeen Cents (\$33,048.17), increasing the contract price to \$863,376.07.

The six change orders are as follows:

Bid Package CI-2B Concourse

Change Order No. 16 – Diaper Stations .....	\$ 3,381.00
Change Order No. 17 – Additional Paint; Extend Stair Tower to 601 Morris; Concession Tables; Excavation Work .....	\$18,887.17
Change Order No. 18 – Press Box Canopy Panels .....	\$18,745.00
Change Order No. 19—Block Staining .....	\$ 3,795.00

Bid Package CI-4 Site Features

Change Order No. 7—Foundations for Future Canopy .....	\$ 7,409.45
Excavation Behind Suites .....	\$23,033.07
Change Order No. 8—Ornamental Fencing @ Scoreboard .....	\$ 2,605.65

The question being on the adoption of the Resolution a vote was taken. There being one dissent from Markham the Mayor declared Resolution No. 826-05, adopted.

12. Your Committee on Finance has had under consideration Resolution No. 827-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 827-05 : “Authorizing the Mayor to sign Change Order No. 8 with Progressive Electric, Inc., in the amount of \$74,237.26, for additional lights and concession changes at the first base concession building and installation of lighting for the third base canopy. The change order increases the contract price to \$867,548.59.”

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. 8 with Progressive Electric, Inc., in the amount of Seventy-four Thousand Two Hundred thirty-seven Dollars and Twenty-six Cents (\$74,237.26), for additional lights and concession changes at the first base concession building and installation of lighting for the third base canopy. The change order increases the contract price to \$867,548.59.

The question being on the adoption of the Resolution a vote was taken. There being one dissent from Markham the Mayor declared Resolution No. 827-05, adopted.

13. Your Committee on Finance has had under consideration Resolution No. 828-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 828-05 : “Authorizing the non-recognition of Saturday, June 25,

2005, the date of a State of West Virginia special election, as a City holiday.

WHEREAS, the Charleston City Council passed Bill No.7144, Committee Substitute, relating to §86-161(13), §54-105(13), §66-64(13) of the code of the City of Charleston, 2003, as amended, which provides that the City of Charleston may choose not to recognize as a holiday any national, state or other election day throughout the district or municipality wherein the election is held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday; and

WHEREAS, the State of West Virginia has scheduled a special election for Saturday, June 25, 2005; now, therefore

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

That the City of Charleston City Council, by majority vote, chooses not to recognize Saturday, June 25, 2005, the date of a State of West Virginia special election as a City holiday.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 828-05, adopted by a unanimous vote.

14. Your Committee on Finance has had under consideration Resolution No. 829-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 829-05: “Authorizing the Mayor to sign a request for Project Amendment Scope/Activity Change (Form 2) for the Capitol Market Project No. 02LEDA0164 in the amount of \$40,000. The original scope of services includes the construction of a storage building at the Capitol Market to house equipment, furniture and fixtures. The request is to include the expense of the architectural design to the original scope of services.”

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 Amendment Scope/Activity Change (Form 2) for the Capitol Market Project No. 02LEDA0164 in the amount of Forty Thousand Dollars (\$40,000). The original scope of services includes the construction of a storage building at the Capitol Market to house equipment, furniture and fixtures. The request is to include the expense of the architectural design to the original scope of services.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 829-05, adopted.

15. Your Committee on Finance has had under consideration Resolution No. 830-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 830-05 : “Authorizing the Mayor to sign the U.S. Department of Housing and Urban Development (HUD) Continuum of Care Application for the Kanawha Valley Collective (KVC) supportive services renewal grant in the amount of \$567,801.”

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

That the Mayor is hereby authorized and directed to sign the U.S. Department of Housing and Urban Development (HUD) Continuum of Care Application for the Kanawha Valley Collective (KVC) supportive services renewal grant in the amount of Five Hundred Sixty-seven Thousand Eight Hundred One Dollar (\$567,801).

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 830-05, adopted.

16. Your Committee on Finance has had under consideration Resolution No. 831-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 831-05 : “Authorizing the Mayor to sign the proposal submitted by the Floyd Browne Group (formerly Environmental Design Group), in the amount of \$35,600, for design and construction administrative services for Phase I of the Florida Street Streetscape project. The Environmental Design Group was selected through a Request for Qualifications process for the initial West Side Master Plan. An addendum to that RFQ states that the City has the option of continuing with the same consultant throughout the different elements of the project.”

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

That the Mayor is hereby authorized and directed to sign the proposal submitted by the Floyd Browne Group (formerly Environmental Design Group), in the amount of Thirty-five Thousand Six Hundred Dollars (\$35,600), for design and construction administrative services for Phase I of the Florida Street Streetscape project. The Environmental Design Group was selected through a

Request for Qualifications process for the initial West Side Master Plan. And addendum to that RFQ states that the City has the option of continuing with the same consultant throughout the different elements of the project.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 831-05, adopted.

17. Your Committee on Finance has had under consideration Resolution No. 832-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 832-05 : “Authorizing the Mayor to enter into an Agreement with Harris Brothers Roofing & Sheet Metal Co., in the amount of \$7,800, for re-roofing two porches at the REA of Hope Fellowship Home located at 1429 Lee Street.”

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 Harris Brothers Roofing & Sheet Metal Co., in the amount of Seven Thousand Eight Hundred Dollars (\$7,800), for re-roofing two porches at the REA of Hope Fellowship Home located at 1429 Lee Street.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 832-05, adopted.

18. Your Committee on Finance has had under consideration Resolution No. 833-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 833-05 : “Authorizing approval to receive and administer grant funds in the amount of \$17,800 to be distributed to various local police agencies for the Click It or Ticket program for the period May 17 to June 5, 2005.”

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

That receipt and administration of grant funds in the amount of Seventeen Thousand Eight Hundred Dollars (\$17,800), to be distributed to various local police agencies for the Click It or Ticket program for the period May 17 to June 5, 2005, is hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 833-05, adopted by a unanimous vote.

19. Your Committee on Finance has had under consideration Resolution No. 762-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 762-05: “Authorizing the Mayor to enter into a Memorandum of Understanding with the U.S. Department of Housing and Urban Development (HUD), committing the City to a one-for-one replacement housing plan in conjunction with the proposed Vista View Apartments project. This plan was developed in compliance with 24 CFR 42.375, Subpart C, as required under the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) programs.”

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 Memorandum of Understanding with the U.S. Department of Housing and Urban Development (HUD), committing the City to a one-for-one replacement housing plan in conjunction with the proposed Vista View Apartments project. This plan was developed in compliance with 24 CFR 42.375, Subpart C, as required under the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) programs.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-0, absent-4, as follows:

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

NAYS:

ABSENT: Lane, Loeb, Sadd, Weintraub.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 762-05, adopted by a unanimous vote.

20. Your Committee on Finance has had under consideration a bid submitted by Stageline, in the amount of \$105,705, for purchase of mobile stage to be used by the Parks & Recreation Department. To be charged to Account No. 001-979-00-900-4-459, P&R – Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

21. Your Committee on Finance has had under consideration a bid submitted by Kustom Signals, Inc., in the amount of \$122,150 for purchase of 21 digital in car recording systems with selective options to be installed in police cruisers. To be charged to Account No. 045-976-04-001-4-459, Homeland Security – Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

22. Your Committee on Finance has had under consideration a proposal submitted by Visionair, Inc., in the amount of \$19,873, for purchase of ten (10) additional mobile vehicle and field based reporting software licenses for Police Department computer terminals in the Roll Call, Booking, Shift Commander's office, K-9 and traffic cruisers. To be charged to Account No. 093-976-00-000-4-459, Police Capital Outlay, 2004 Local Law Enforcement Block Grant, 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 by a unanimous vote.

### **REPORTS OF OFFICERS**

1. Report of the City of Charleston, Municipal Court Financial Statements; April, 2005. Received and Filed.

### **NEW BILLS INTRODUCED**

Introduced by Councilman Bob White, May 16, 2005:

Bill No. 7146 - A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the northerly side of Bigley Avenue from a point 27 feet east of Alethea Street to a point 49 feet east of Alethea Street and on the easterly side of Alethea Street from a point 30 feet north of Bigley Avenue to a point 52 feet north of Bigley Avenue 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.

Refer to Streets and Traffic Committee.

Introduced by Councilman James Lanham, May 16, 2005:

Bill No. 7147 - A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the southerly side of Washington Street, West from a point 80 feet east of Stockton Street to a point 102 feet east of Stockton 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.  
Refer to Streets and Traffic Committee.

Introduced by Councilman Will Hanna, May 16, 2005:  
Bill No. 7148 - A Bill to establish a 20 Mile Per Hour speed limit on Summit Drive from Amity Drive to Somerset Drive 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.  
Refer to Streets and Traffic Committee.

### **UNFINISHED 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, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, White, Mayor Jones.

ABSENT: Lane, Loeb, Sadd, Weintraub.

At 7:55 p.m., on motion of Councilman Loeb, Council adjourned until Monday, June 6, 2005, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk