

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

July 18, 2005

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JULY ON THE 18th DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LED BY MARY JEAN DAVIS.

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

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

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

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

July 18, 2005, SECOND MEETING

PUBLIC SPEAKERS

1. Danny Wells and three members of the West Side Association presented to the City of Charleston a certification that a grant of \$20,000 has been awarded to the City to assist with the creation of a recreational trail in Charleston's West Side in Cooperation with the West Side Neighborhood Association.

CLAIMS

1. A claim of John Charnock, 1410 Sweetbrier Rd., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

2. A claim of Charlene Keeney, 5244 Bailey Rd., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

3. A claim of Marble Lynn Dunbar, HC 80 Box 284 D., Ripley, WV; alleges damage to vehicle. Refer to City Solicitor.

4. A claim of Bonita Greenleaf, 502 Piccadilly Street., Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the following appointments:

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Civic Center Board

Date: July 18, 2005

I recommend that Paul Nusbaum, 2130 Presidential Road, Charleston, WV 25314, be reappointed to the Civic Center Board, with a said term to expire June 22, 2009. I respectfully request City Council's approval of this recommendation.

DJ/blp

Council approved the appointment.

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Civic Center Board

Date: July 18, 2005

I recommend that Edward Howard, 1321 Virginia Street East, Charleston, WV 25301, be reappointed to the Civic Center Board, with a said term to expire June 22, 2009. I respectfully request City Council's approval of this recommendation.

DJ/blp

Council approved the appointment.

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Civic Center Board

Date: July 18, 2005

I recommend that A. Lawrence Crimmins, 51 North Abney Circle, Charleston, WV 25314, be reappointed to the Civic Center Board, with a said term to expire June 22, 2009. I respectfully request City Council's approval of this recommendation.

DJ/blp

Council approved the appointment.

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Board of Zoning Appeals

Date: July 18, 2005

I recommend that Courtlandt Smith, 1 Comstock Place, Charleston, WV 25314, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2008. I respectfully request City Council's approval of this recommendation.

DJ/blr
Council approved the appointment.

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Board of Zoning Appeals

Date: July 18, 2005

I recommend that Thebe Jordan, 4001 Kanawha Avenue S.E., Charleston, WV 25304, be reappointed to the Board of Zoning Appeals, with a said term to expire January 1, 2008. I respectfully request City Council's approval of this recommendation.

DJ/blr

Council approved the appointment.

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Charleston Building Commission

Date: July 18, 2005

I recommend that R. Brawley Tracy, 921 Newton Road, Charleston, WV 25314, be reappointed to the Charleston Building Commission, with a said term to expire July 20, 2010. I respectfully request City Council's approval of this recommendation.

DJ/blr

Council approved the appointment.

The Clerk read the following communication:

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

Dear Mayor Jones and Councilmember's:

On July 6, 2005, the Municipal Planning Commission held public hearings and its regularly monthly meeting. The following case should be referred to the Council Committee on Planning.

Bill No. 7156 – Text Amendment to amend the Zoning Ordinance of the City of Charleston to allow “Catering” as a permitted use in a C-4 Neighborhood Commercial District.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant

The Mayor referred the Case to the Planning Committee of Council.

MISCELLANEOUS RESOLUTIONS

Resolution No. 867-05

Introduced in Council

Passes by Council

July 18, 2005

July 18, 2005

Tom Lane, Charles Loeb

WHEREAS: FestivALL Charleston was created and inaugurated in our city this summer as a successful event to promote Charleston as a destination for cultural tourism and a new experience to attract people to our city, perhaps for years to come; and

WHEREAS: Thousands of people participated in FestivALL Charleston through the special ticketed events, free performances throughout the city, a street art fair, workshops, demonstrations of dance, theatrical performances, a new public art display and so much more; and

WHEREAS: The vision of Vic Grigoraci and Mary Angel for a new fine arts festival in Charleston became a reality this year primarily because of the fund-raising by Mayor Danny Jones, the skillful implementation by Larry Groce and the work of dozens of volunteers dedicated to promoting our city; and

WHEREAS: The event and our city benefited tremendously because of Larry Groce’s volunteer leadership, his understanding of how performances are arranged, his professional connections in the arts and entertainment industries and his vision of how this kind of event could be created and implemented in our community; and

WHEREAS: FestivALL also became a reality because of generous financial support provided by the Kanawha County Commission, Charleston City Council, Mayor Danny Jones, Andrew and Becky Jordan, Pritchard Mining, John and Fonda Elliott, the Daywood Foundation, the Greater Kanawha Valley Foundation, George and

Laura Patterson, the Haddad Foundation, Walker Machinery, Angus Peyton, Jr., One Stop Petroleum Products, Embassy Suites, Andy and Margo Teeter, Doctors Edward and Richard Howard, the West Virginia Division of Culture and History, Dr. Gina Puzzuoli Miller and Jeff Miller, and others; and

WHEREAS: In addition to the volunteer leadership of Mr. Groce, the event and the city benefited from the long hours of donated time, expertise and energies from:

- Lisa McCracken and several public relations/marketing professionals on the Marketing Committee;
- David Wohl and the Theater Committee;
- Nina Denton Passinetti and the Dance Committee;
- Judy Wellington, Callen McJunkin and others who arranged the street art fair;
- Kelli Burns and those who arranged the public art project;
- Sue Sergi and Brad Bradley who coordinated tickets;
- Eddie Canaday of the Convention and Visitors Bureau;
- Julie Caldwell who coordinated volunteers during the weekend; and
- Steering Committee chairman Joe Wollenberger.

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

That Larry Groce, Mayor Danny Jones and Treasurer Vic Grigoraci and the many others involved in creating and inaugurating FestivALL Charleston be commended for their efforts in laying the foundation for a successful new event and yet another reason for people to live in and visit the City of Charleston.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No.867-05, adopted.

REPORTS OF STANDING COMMITTEES

ORDINANCE AND RULES

Councilman Charlie Loeb, 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. 7152, and reports the same to Council with the recommendation that the Bill do pass.

A BILL to amend and reenact section fifteen, article one; and sections one hundred eighteen and one hundred twenty-one, division one, article three, all of chapter ten of the code of the City of Charleston, two thousand three, as amended; all relating to penalties for violations of “Chapter 10 – Animals”.

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

That section fifteen, article one; and sections one hundred eighteen and one hundred twenty-one, division one, article three, all of chapter ten of the code of the City of Charleston, two thousand three, as amended, be amended and reenacted, all to read as follows:

Chapter 10

ANIMALS*

ARTICLE I. IN GENERAL.

Sec. 10-15. General penalty.

Except as otherwise provided by law or ordinance, a person convicted of a violation of this chapter for which no specific penalty is prescribed shall be punished by a fine of not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00). Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

State law references: Authorized penalty for ordinance violations, W. Va. Code §§ 8-11-1, 8-12-5(57), 8-34-1.

ARTICLE III. DOGS*

DIVISION 1. GENERALLY

Sec. 10-118. Keeping vicious dog.

No person shall own, keep or harbor any dog known by him to be vicious, dangerous or in the habit of biting or attacking persons, whether or not such dog wears a tag or muzzle; and upon satisfactory proof that such dog is vicious, dangerous or in the habit of biting or attacking persons or other dogs or animals, the humane officer may cause such dog to be killed.

Any person violating this section shall, upon conviction, be punished as provided in section 1-8.

(Code 1975, § 4-34)

State law references: Vicious dogs, W. Va. Code §§ 19-20-20, 19-20-21.

Sec. 10-121. Inducing dogs to fight or annoy persons or animals.

No person shall entice, induce, urge or cause any dogs to engage or participate in a fight;

and no person shall induce or cause any dog to run after, bark at, frighten or bite any person or animal.

Any person violating this section shall, upon conviction, be punished as provided in section 1-8.

(Code 1975, § 4-37)

State law references: Animal fights, W. Va. Code § 61-8-19a.

NOTE: This bill establishes a general penalty for violations of “Chapter 10 – Animals”, and specific penalties for certain sections of the chapter.

The question being on the passage of the Bill 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, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Higgins, Jones

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7152, adopted

PLANNING

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

1. Your Committee on Ordinance and Rules has had under consideration Bill No. 7126, Committee Substitute, as amended and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7126 adopting certain rules of procedures and policy for the Municipal Planning Commission. Rules and procedures may be adopted by the Municipal Planning Commission and approved by City Council pursuant to the authority given to the Commission by Section 8A-2-11 of the State Code, Section 90-36 of the City Code and Section 26-5 of the Zoning Ordinance

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

1. The rules and procedures for the Municipal Planning Commission are hereby adopted as follows:

City of Charleston
Municipal Planning Commission
Rules of Procedure and Policy
And Overview of the Application Process

1. Establishment of the Rules of Procedure and Policy

1.1 Name

The name of the Commission shall be the Municipal Planning Commission of the City of Charleston, hereinafter referred to as "Commission."

1.2 Purpose

The purpose of these rules of procedure and policy are to provide for the conduct of Commission business in a responsible and orderly manner.

1.3 Authority

These rules of procedure and policy have been adopted by the Commission pursuant Section 8A-2-11 of the State Code, Section 90-36 of the City of Charleston Code, and Section 26-5 of the Zoning Ordinance of the City of Charleston.

1.4 Amendments

These rules of procedure and policy may be amended or altered by a majority vote of the Commission and affirmed by the Charleston City Council.

2. General Rules

2.1 Open Meetings

All official meetings of the Commission and its Committees shall be open to the public and the news media. The minutes of the proceedings shall be open to the public.

2.2 Quorum

The Commission must have a quorum to conduct a meeting. A majority of the members constitutes a quorum. No action of the Commission is official unless authorized by a majority of the members present.

2.3 Recording of Minutes

Commission meetings are recorded on tape. As a matter of general policy, the proceedings are not transcribed. Anyone wishing a legal transcription must provide a court reporter at his/her own expense. Copies of tapes and minutes of Commission meetings shall be furnished upon written request. There will be a charge as necessary to recover the cost of making such copies. (Note: Commission minutes are not final until approved by the Commission at the subsequent meeting).

2.4 Planning Department Staff

The Planning Department staff, hereinafter referred to as "Staff," assists the Commission in carrying out their duties and responsibilities by: accepting applications for items to be reviewed by the Commission; preparing the Commissions agenda; publishing legal advertisements; posting notices on the subject property; taking minutes of the meetings; maintaining custody and preservation of all papers and documents of the Commission and their proceedings; preparing, publishing and distributing reports, ordinances and

other material relating to the activities of the Commission; and enforcing the Commission's decisions.

2.5 Officers

The Commission shall elect from its members a Chairperson and Vice Chairperson. The Vice Chairperson shall have the authority to act as Chairperson in the absence or disability of the Chairperson.

2.6 Attendance

Should a Commissioner fail to attend four (4) or more regular meetings of the Commission per calendar year, that office may be declared vacant and a new Commissioner may be appointed by the Mayor and affirmed by the Charleston City Council.

4. Meetings

4.1 Regular Meetings

The Commission will meet regularly on the Wednesday following the first Monday of each month and shall begin its meetings at 3:00p.m. in the City Council Chambers of City Hall at the intersection of Court and Virginia Streets.

4.2 Special Meetings

Notice for a special meeting must be in writing, include the date, time and place of the special meeting, and be sent to all Commissioners at least two (2) days before the special meeting

Written notice of a special meeting is not required if the date, time and place of the special meeting were set during a regular meeting.

4.3 Study Sessions

The Commission may meet informally in study sessions (open to the public) at the request of a majority of the Commission or Staff, to review forthcoming requests of the City, to receive progress reports on current programs or projects, or to receive other similar information from the City Administration, provided that all discussions and conclusions thereon shall be informal.

5. Order of Business and Agenda

5.1 Order of Business

The general rule as to the order of business in regular meetings shall be as follows, unless modified by the Commission or the Staff pursuant to the provisions below:

- Call to Order
- Unfinished Business
- New Business
 - Subdivisions

Rezoning
Special Permits
Temporary Permits
Street and Alley Closings
Text Amendments
Other Items
Approval and or Correction to Minutes of the Previous Meeting
Announcements
Adjournment

If there is more than one request pertaining to a particular project or property, the requests may be arranged consecutively on the agenda.

5.2 Agenda

Items may be placed on the agenda by either the Chairperson or Staff. Requests for rezonings, text amendments, special permits and subdivisions must be filed with staff on or before the appropriate filing deadline. All other requests must be filed in writing at least four (4) calendar days prior to the hearing.

5.3 Request for Continuance

Prior to the hearing, any request for continuance must be made in writing at least seven (7) calendar days prior to the hearing. Staff will send notices to the adjacent property owners by U.S. mail stating that the request has been delayed. A request for continuance after the seven (7) day deadline requires a majority vote of the Commission at the hearing.

5.4 Request for Withdrawal

Requests for withdrawal must be made in writing prior to the hearing. A new application and associated filing fees must be resubmitted before the item is placed on a future agenda.

6. Meeting Procedures

6.1 Speaking Order

After the Chairperson announces a case, the testimony shall be made in the following order:

Applicant or his/her agent
Staff Report
Other Persons in Favor
Persons in Opposition
Rebuttal by the Applicant

Except for a spokesperson that is coordinating presentations, no one may speak a second time until all other persons wishing to speak have been heard. Once the applicant, staff and all persons in favor of and in opposition to the application have been heard, the Chairperson shall close the case for public comment. The Commission may then hold

discussion on the application. Following the discussion, the Chairperson shall ask for a motion, second on the motion and a hand count.

6.2 Applicant and Staff Responsibilities

It shall be the applicant's responsibility to prepare and present their case to the Commission. Staff shall not be expected to present or influence an application for either side, but shall be expected to exercise independent and professional judgment when presenting the staff report.

6.3 Time Limits

There shall be a five (5) minute time limit for all parties that address the Commission as either the applicant or parties speaking in favor or opposition to a case. The Commission may, at their discretion and upon a majority vote of the members present, extend the time limit.

6.4 Addressing the Commission

Formal rules of evidence do not apply at the Commission meetings. Anyone may appear and speak at a hearing. However, no person may speak until recognized by the Chairperson of the hearing.

6.5 Manner of Addressing the Commissions

Each person addressing the Commission shall speak clearly into the microphone located at the lectern and give his/her name and address for the record. All testimony shall be addressed to the Commission or Chairperson of the hearing.

6.6 Personal and Slandorous Remarks

The Chairperson may declare out of order and terminate testimony that is repetitious, irrelevant, abusive or not within the Commission's jurisdiction.

6.7 Evidence

After a hearing is completed, no further evidence shall be received, unless (a) the evidence is specifically requested by the Commission; or (b) the hearing is re-opened by the Commission and opportunity is provided to other persons to respond.

6.8 Submitting Evidence

Persons wishing to submit reports or studies relating to a matter before the Commission should submit sufficient copies to staff for public inspection and distribution to Commission members at least two weeks prior to the hearing. This allows time for the study or report to be mailed to the Commissioners for their review. Otherwise, it may be necessary for the Commission to continue the hearing to another date. However, the Commission will not allow the late filing of material to be used as a delay tactic that infringes upon the rights of people on the opposite side of an issue.

6.9 Failure to Appear

The Commission, upon a majority vote, may open a hearing for public comment if the applicant or his/her agent fails to appear at the meeting. The public comments shall be

recorded and made part of the file.

Application Process Overview*

1. Application Filing Deadline

Applications will be accepted on or before the appropriate filing deadlines for special permits, temporary permits, rezonings, text amendments and subdivisions. The application will be placed in a file, assigned a case number and be made available for public review.

2. Public Notification

After the appropriate filing deadline, staff will publish a legal advertisement in the local newspaper, send a notice via U.S. mail to those persons entitled to receive notice pursuant to applicable law, and post a sign on the subject property announcing the request.

3. Agenda

Staff will prepare the agenda and display a copy in the office of the City Clerk for public review. Staff may post the agenda on the City's web site. The agenda is subject to change, addition or deletion without notice.

4. Packets and Departmental Reviews

Staff will make copies of all timely filed applications and mail them to the Commission members for their review prior to the hearing. Copies will also be sent to various City departments for review and comment.

5. Public Record

Applications and their content are public information and shall be available for public review during normal office hours of the Planning Department.

6. Submittal of Evidence and Comments

Persons wishing to have their opinions heard but who are unable to attend the Commission meeting are encouraged to submit their comments or evidence in writing to the Planning Department so that it can be made part of the public file. Packets are prepared for the Commission members on a black and white copier using standard letter sized paper. Staff is not responsible for image degradation as a result of the copier, or from reducing exhibits submitted on larger than letter size paper.

7. Revised Agenda

Staff will revise the agenda to remove any withdrawn items or to add miscellaneous items prior to the hearing.

8. Revised Packet

Staff will create a revised packet for the Commission members a few days prior to the hearing that may include new exhibits, departmental reviews, or letters from the public. Generally the Commission receives the revised packet at the meeting.

- Section 3 is not part of the Rules of Procedures of the Planning Commission. They are general policies of the Planning Department and are subject to change with out notice. The inclusion of the section is to provide the public with as much policy and procedure information as possible in one document.

The question being on the passage of the Bill 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, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Higgins, Jones

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7126, Committee Substitute, as amended, adopted

2. Your Committee on Planning has had under consideration Special Permit #1205 attached hereto and made a part thereof, and reports the same to Council with the recommendation that he Special Permit be approved.

Your Committee finds that the special permit be restricted to “No beer and wine Sales after 11 p.m.”

Your committee further finds:

1. The size of the establishment should not cause excessive increased traffic impact on Bridge Road.
2. Due to the Commercial nature of the majority of the surrounding area and the restriction of “No beer and wine Sales after 11 p.m.” the use should not have any adverse affect on the neighborhood.

And reports the same to Council with the recommendation that the Special Permit as restricted be approved. .

The question being on the denial of the Special Permit a vote was taken. There being no dissent the Mayor declared Special Permit #1205, approved.

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. 859-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 859-05 : “Authorizing the Mayor to sign Change Order No. 7 with Schoolfield-Harvey, in the amount of \$395.00, for Baseball Stadium Bid Package CI-3C / 601 Morris Street (Electrical), to change power for washer from commercial to residential and install 12-hour timers on lights in batting cage. The change order brings the contract price for this bid package to \$259,158.89.”

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 Schoolfield-Harvey, in the amount of Three Hundred Ninety-five Dollars (\$395.00), for Baseball Stadium Bid Package CI-3C / 601 Morris Street (Electrical), to change power for washer from commercial to residential and install 12-hour timers on lights in batting cage. The change order brings the contract price for this bid package to \$259,158.89.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 859-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 860-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 860-05 : “Authorizing the Mayor to enter into an Agreement with Iso Bunkers, LLC, for purchase of 89 Octane Gasoline at \$1.8267 per gallon, and No. 2 Diesel Gasoline at \$1.9649 per gallon to serve the City’s vehicle fueling requirements for a one year period from date of contract. This contract is being entered into through a bid received by Kanawha Valley Regional Transportation Authority (KRT) on behalf of the City and area municipalities in an effort to streamline gasoline prices. The City has the option to renew the contract for a second year at \$1.8467 per gallon for 89 Octane Gasoline and \$2.0049 per gallon for No. 2 Diesel Gasoline.”

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 Iso Bunkers, LLC, for purchase of 89 Octane Gasoline at \$1.8267 per gallon, and No. 2 Diesel Gasoline at \$1.9649 per gallon to serve the City’s vehicle fueling requirements for a one year period from date of contract. This contract is being entered into through a bid received by Kanawha Valley Regional Transportation Authority (KRT) on behalf of the City and area municipalities in an effort to streamline gasoline prices. The City has the option to renew the contract for a second year at \$1.8467 per gallon for 89 Octane Gasoline and \$2.0049 per gallon for No. 2 Diesel Gasoline.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 860-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 861-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 861-05 : “Authorizing the Mayor to enter into a renewal agreement with the Kanawha County Board of Education (Board) to provide off-duty Charleston Police Department officers as security personnel at scheduled Board meetings. The Board will reimburse the City for these services at the rate of \$34.05 per hour. This Agreement is for a one year period and shall become effective July 19, 2005. The Agreement will renew at the end of the one year term and continue from year to year unless terminated by either party upon ten (10) days written notice. On or before July 1st of each year that the Agreement is in effect, the hourly rate shall be adjusted to reflect the CPD rate existing at that time.”

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 renewal agreement with the Kanawha County Board of Education (Board) to provide off-duty Charleston Police Department officers as security personnel at scheduled Board meetings. The Board will reimburse the City for these services at the rate of \$34.05 per hour. This Agreement is for a one year period and shall become effective July 19, 2005. The Agreement will renew at the end of the one year term and continue from year to year unless terminated by either party upon ten (10) days written notice. On or before July 1st of each year that the Agreement is in effect, the hourly rate shall be adjusted to reflect the CPD rate existing at that time.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-24, nays-1, absent-2, abstain – 2, as follows:

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

NAYS: Sadd

ABSENT: Higgins, Jones

ABSTAIN: Miller, Morton

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 861-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 862-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 862-05 : “Authorizing the Mayor to enter into an Agreement with the United States Department of Justice and the Bureau of Alcohol, Tobacco and Firearms (ATF) to provide funds in assisting the ATF in the Charleston Gang Task Force. The ATF will reimburse the City up to \$14,000 for overtime, plus travel, fuel, training and other expenses related to the officer(s) assigned as a member of the joint operation/task force with the ATF.”

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 the United States Department of Justice and the Bureau of Alcohol, Tobacco and Firearms (ATF) to provide funds in assisting the AFT in the Charleston Gang Task Force. The ATF will reimburse the City up to \$14,000 for overtime, plus travel, fuel, training and other expenses related to the officer(s) assigned as a member of the joint operation/task force with the ATF.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 862-05, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 863-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 863-05 : “Authorizing the Mayor to enter into an Agreement with the West Virginia Division of Criminal Justice Services to receive and administer grant funds in the amount of \$326,082 for salary reimbursements to member agencies of the Metro Drug Enforcement Narcotics Team (MDENT). The Charleston Police Department will be allocated \$96,500 of the total grant funds.”

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 the West Virginia Division of Criminal Justice Services to receive and administer grant funds in the amount of \$326,082 for salary reimbursements to member agencies of the Metro Drug Enforcement Narcotics Team (MDENT). The Charleston Police Department will be allocated Ninety-six Thousand Five Hundred Dollars (\$96,500) of the total grant funds.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 863-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 864-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 864-05 : “Authorizing the Mayor to sign and submit Fiscal Year 2005 Governor’s Community Partnership Grant application and all related documents, in the amount of \$15,000, for the West Side Neighborhood Association to provide for the purchase of trash receptacles for placement near business locations on Charleston’s West Side.”

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

That the Mayor is hereby authorized and directed to sign and submit Fiscal Year 2005 Governor’s Community Partnership Grant application and all related documents, in the amount of Fifteen Thousand Dollars (\$15,000), for the West Side Neighborhood Association to provide for the purchase of trash receptacles for placement near business locations on Charleston’s West Side.

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

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

ABSENT: Higgins, Jones

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 864-05, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 865-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 865-05 : “Authorizing the Mayor to enter into a right of way and easement agreement between the City of Charleston and Equitable Production Company, Inc., consistent with all applicable State and City laws and the terms set forth therein, for the purpose of granting Equitable a thirty foot (30’) right of way and easement to lay, maintain, operate and repair a pipeline for the transportation of natural gas through lands owned by the City of Charleston adjacent to the Charleston Landfill.”

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 right of way and easement agreement between the City of Charleston and Equitable Production Company, Inc., consistent with all applicable State and City laws and the terms set forth therein, for the purpose of granting Equitable a thirty foot (30’) right of way and easement to lay, maintain, operate and repair a pipeline for the transportation of natural gas through lands owned by the City of Charleston adjacent to the Charleston Landfill.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 865-05, adopted. Abstain: Weintraub, Sadd.

8. Your Committee on Finance has had under consideration Resolution No. 866-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 866-05 : “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-26, absent-2, as follows:

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

ABSENT: Higgins, Jones

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 866-05, adopted.

9. Your Committee on Finance has had under consideration a bid submitted by Dill's Fire and Safety Equipment Co., Inc. for purchase of protective clothing for the Charleston Fire Department, in the amount of \$1,218 per set. The clothing will be purchased on an as needed basis and the unit price will remain in effect for a one – year period. To be charged to Account No.001-706-00-000-3-345, Fire Department –Uniforms, 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.

10. Your Committee on Finance has had under consideration a bid submitted by North American Salt Co., in the amount of \$46.80 per ton, for purchase of approximately 7,000 tons of salt to be used by the Street Department for snow removal and ice removal. To be charged to Account No. 001-750-00-000-3-359, Street – Snow Removal Materials, 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.

11. Your Committee on Finance has had under consideration a payment of an invoice from Visionair, in the amount of \$39,673.46, for the annual software maintenance covering the Mobile Data and Records Management System for the Charleston Police Department from August 1, 2005 through July 31, 2006, 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.

REPORTS OF OFFICERS

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

NEW BILLS INTRODUCED

Introduced by Councilman Robert Reishman, on July,18, 2005:

Bill No. 7157 – a Bill authorizing the Mayor to enter into a Housing Consortium Agreement between the City of Charleston, the Kanawha County Commission, the Town of Belle, the Town of Cedar Grove, the Town of Clendenin, the Town of Marmet, the City of Nitro, the Town of Pratt, the City of St. Albans, the City of Dunbar, and the City of South Charleston to renew the Charleston/Kanawha Housing Consortium for fiscal years 2006, 2007 and 2008.
Refer to Finance Committee.

ROLL CALL

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

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

ABSENT: Higgins, Jones

At 7:45 p.m., on motion of Councilman Loeb, Council adjourned until Monday, August 1, 2005, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk