

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

September 19, 2005

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF SEPTEMBER ON THE 19th DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY 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

DEITZLER

HANNA

HIGGINS

LANHAM

MILLER

NIELSEN

ROBERTSON

WARE

WEINTRAUB

MAYOR JONES

HARRIS

JONES

LANE

MONROE

REED

SADD

WHITE

DAVIS

HALL

HARRISON

LOEB

MORTON

MARKHAM

REISHMAN

TALKINGTON

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.

PUBLIC SPEAKERS

1. Sharon Covert, Well Workplace Award

CLAIMS

1. A claim of Barbara E. Clarke, 1527 Dixie St., Charleston, WV; alleges damage to property. Refer to City Solicitor.
2. A claim of Ronald and Nettie Robinson, 809 Smith St., Charleston, WV; alleges damage to property. Refer to City Solicitor.
3. A claim of Betty Moses, 101 49th St. SE., Charleston, WV; alleges damage to property. Refer to City Solicitor.

COMMUNICATIONS

The Mayor read the following Public Hearing . . .

After duly being published as required, I now declare the floor open for a Public Hearing on Bill No. 7169, A Bill amending and reenacting Sections 114-602 of the Code of the City of Charleston, as amended 2004, all related to parking fees.

The Chair sees no one from the public.

The Chair hears no one from the public.

The Chair declares Public Hearing on Bill No. 7169, Closed.

PROCLAMATION

Stop the Hate Awareness Day – Presented to Linda Bodie

MISCELLANEOUS RESOLUTIONS

Resolution No. 905-05

Introduced in Council

Passed by Council

September 19, 2005

September 19, 2005

Introduced by:

James Ealy	Will Hanna
Pat Jones	James "Mose" Lanham
Paul Monroe	Teresa Reed
Edward Talkington	Bob White

WHEREAS: The Kanawha County Board of Education has determined that it cannot continue to effectively maintain four West Side neighborhood elementary schools: Chandler, Glenwood, Robins, and Watts; and

WHEREAS: The Kanawha County Board of Education will submit a funding request to the West Virginia School Building Authority to establish facilities to combine the aforementioned schools; and

WHEREAS: The plan currently being recommended to the Kanawha County School Board would build one new school at the Cabell Field site and expand Grandview Elementary School in North Charleston; and

WHEREAS: The plan currently being recommended is insufficient to accommodate all current students attending the affected schools; and

WHEREAS: The plan currently being recommended would require the redistricting of students into schools out of their neighborhoods; and

WHEREAS: Strong cohesive neighborhoods are essential to the quality of life of the City of Charleston and its residents; and

WHEREAS: A key component of maintaining a strong cohesive neighborhood is having local community elementary schools that most neighborhood children can easily walk or ride a bike to attend;

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

That the Council requests that the Kanawha County Board of Education strongly consider adopting a plan that would establish at least two elementary school facilities sufficient to accommodate the needs of the elementary age children of the West Side, one facility to be established in the hill area of the West Side, north of Washington Street West, and one facility to be established in the flat area of the West Side, south of Washington Street West, thereby reinforcing and supporting strong cohesive neighborhoods and acting

in the best interest of the children of the West Side neighborhoods.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 905-05, adopted.

REPORTS OF STANDING COMMITTEES

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. 901-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 901-05- Authorizing the Finance Director to amend the 2000, 2004 and 2005 Community Development Block Grant Budgets as indicated on the attached list of accounts. The “ADA Accessibility Public Facility” and “Market Drive Retaining Wall” projects have been completed. The city proposes adding these remaining funds to complete much needed CDBG-eligible Curb, Gutter and Sidewalk projects.

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

That the Finance Director to amend the 2000, 2004 and 2005 Community Development Block Grant Budgets as indicated on the attached list of accounts. The “ADA Accessibility Public Facility” and “Market Drive Retaining Wall” projects have been completed. The city proposes adding these remaining funds to complete much needed CDBG-eligible Curb, Gutter and Sidewalk projects.

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

ABSENT: Clowser, Ealy

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 901-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 902-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 902--05 -Authorizing the Mayor to sign a request for Project Amendment

Scope/Activity Change (Form 2) for PRO-Kids, Incorporated, Project No. 04/CPGP0058 in the amount of \$2,000. The original scope of work was to perform and carry out in a satisfactory and proper manner all duties, tasks and functions necessary to purchase computers and office equipment. In addition to the original scope, the amendment change is being requested to provide for the purchase of kitchen equipment and materials to complete the kitchen upgrade project.”

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 PRO-Kids, Incorporated, Project No. 04/CPGP0058 in the amount of Two Thousand Dollars (\$2,000). The original scope of work was to perform and carry out in a satisfactory and proper manner all duties, tasks and functions necessary to purchase computers and office equipment. In addition to the original scope, the amendment change is being requested to provide for the purchase of kitchen equipment and materials to complete the kitchen upgrade project.

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

ABSENT: Clowser, Ealy

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 902-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 903-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 903--05 – “Authorizing the Mayor to enter into a contract with Garcie R. Marker & Sons, Inc., in the amount of \$343,275, for the Concrete Sidewalk Accessibility Ramp project.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Garcie R. Marker & Sons, Inc., in the amount of Three Hundred Forty-three Thousand Two Hundred Seventy-five Dollars (\$343,275), for the Concrete Sidewalk Accessibility Ramp project.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent-3, as follows:

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

ABSENT: Clowser, Ealy, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 903-05, adopted.

4. Your Committee on Finance has had under consideration a bid submitted by West Virginia Tractor Company, in the amount of \$200,000, for two (2) 20-cubic yard rear loading Packer units (\$100,000 each) to be used in the Refuse Collection & Recycling Department. To be charged to Account No. 001-978-00-800-4-461, Refuse Collection & Recycling –Capital Outlay, Lease/Purchase, 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.

5. Your Committee on Finance has had under consideration a bid submitted by West Virginia Tractor Company, in the amount of \$200,000, for two (2) 20-cubic yard rear loading Packer units (\$100,000 each) to be used in the Refuse Collection & Recycling Department. To be charged to Account No. 001-978-00-800-4-461, Refuse Collection & Recycling –Capital Outlay, Lease/Purchase, 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.

6. Your Committee on Finance has had under consideration Bill No. 7168, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7168 - - A Bill authorizing the Mayor to execute an agreement with the West Virginia Department of Transportation, Division of Highways, with regard to the paving and sharing of costs of paving US Route 60 (Lee Street) within the City of Charleston, Kanawha County, West Virginia.

Now Therefore be it Ordained by the Council of the City of Charleston, West Virginia, as follows:

That the Mayor of the City of Charleston, is hereby authorized and directed to execute an agreement with the West Virginia Department of Transportation, Division of Highways, with regard to the paving and sharing of costs of paving of US Route 60 (Lee Street) within the City of Charleston, Kanawha County, West Virginia.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, absent-3, as follows:

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

ABSENT: Clowser, Ealy, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7168, adopted.

7. Your Committee on Finance has had under consideration Bill No. 7169, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7169 - A Bill to amend and revise Section 114-602 of the City Code of the City of Charleston, as amended 2004, all related to parking fees.

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

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

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

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

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

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

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

(2) 5:00 p.m. through 6:00 a.m.:	1.00
Less than one hour	2.00
One to two hours.	3.00
Two to three hours	3.00
Daytime maximum	3.00
 (3) Events (pre-charge)	 3.00
 (4) Civic Center North, per month (exclusive of event parking)	 not less than \$30.00

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

(e) Event parking at the Morris Street and Smith Street Lots shall be at a rate of \$3.00 per event. The rental for each separate usage of any space that is not otherwise made available for metered parking in the Morris Street Lot shall be \$55.00 per month plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an Event Parking period shall be available for Event Parking on a first come first served basis and subject to the Event Parking rate. The rental for each separate usage of any space that is not otherwise made available for metered parking in the Smith Street Lot shall be \$45.00 per month plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an Event Parking period shall be available for Event Parking on a first come first served basis and subject to the Event Parking rate.

(f) Parking shall be provided for city employees on the top floor of Building No. 5. The city shall pay the parking system \$60.00 per month per employee. The city manager shall report quarterly to the parking facilities committee the number of employees and the allocation of parking spaces; council parking, 27 permits at \$2.00 per day, an average of one day per week for 48 weeks. The parking system director shall make available to members of council, parking spaces in the Shanklin parking facility on or about 6:00 p.m. for attending meetings of council or its committee under the same terms and conditions as the director makes available to city employees.

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

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

(i) The rental fee for each separate usage of any space on the uncovered rooftop floor of Building No. 1 shall be at the rate of \$45.00 per month plus a \$10.00 activation fee.

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

(1) 6:00 a.m. to 10:00 p.m. Hourly parking rate, per hour	\$1.00
Maximum, per day	5.00
Building No. 6 (Summers Street Parking Garage):	
5:00 p.m. to 4:00 a.m. Monday through Saturday.	2.00
(2) Monthly non-reserve space parking, per month	60.00
(3) Reserve space parking, per month	70.00
Plus one time activation cost.	10.00
(4) Service fee, monthly service fee charged to all accounts if paid after the tenth of the month	15.00
(5) Deposit for each monthly card	10.00
Additional Charge for each Lost or destroyed card.	10.00

(6) Events per-charge:

for pre-approved events or activities scheduled for more than four hours and/or beginning before 5:00 p.m. 4.00

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

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

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

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

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

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

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

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

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, absent-3, as follows:

YEAS: Chestnut, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham,

Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Clowser, Ealy, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7169, adopted.

REPORTS OF OFFICERS

1. City Treasurer’s Report to City Council Month Ending August 2005; Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman David Higgins, on September 19, 2005:
Bill No. 7170 - A Bill to establish the southern most lane of Virginia Street, East as a right turn only lane at the intersection of Virginia Street, East and Clendenin Street and amending the Traffic Control Map and Traffic Control file, established by the Code of the City of Charleston, West Virginia two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.
Refer to Streets and Traffic Committee.

ROLL CALL

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

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

At 7:50 p.m., on motion of Councilman Loeb, Council adjourned until Monday, October 3, 2005, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk