

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON

WEST VIRGINIA

January 17, 2006

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JANUARY ON THE 17th DAY, IN THE YEAR 2006, 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 TERESA REED.

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

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

TWENTY- EIGHT 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

None

CLAIMS

1. A claim of David Jarrett, 903 Fourth Ave., St. Albans, WV; alleges damage to vehicle. Refer to City Solicitor.

2. A claim of Eileen Pettigrew, 4209 Chesterfield Ave., Charleston, WV; alleges damage to property. Refer to City Solicitor.

3. A claim of Melissa Ann Bays, 1811 Cosmos Drive, Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

PROCLAMATION

Mayor’s Martin Luther King, Jr. Award to Stonewall Jackson Middle School.

COMMUNICATIONS

The Clerk read the following communication:

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

Dear Mayor Jones and Councilmember’s:

On January 4, 2005, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases should be referred to the Planning Committee of Council:

Bill # 7183 – Petition of the city of Charleston to rezone parcels located on Kanawha Avenue, S.E. between 19th Street and 22nd Street, S.E. (Kanawha City District Map 2, Parcels 17 through 21) from R-10 High Density Multi-Family Residential District to R-4 Single Family Residential District.

Bill #7188 – Petition of Frank J. Martin and Lelia K. Martin requesting abandonment and closure of the alley located in Block 138, Revised Map of Kanawha City adjacent to 4907 Virginia Avenue, S.E.

Sincerely,

Municipal Planning Commission
Phyllis White, Administrative Assistant

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

MISCELLANEOUS RESOLUTIONS

Resolution No. 974-06

Introduced in Council
January 17, 2006

Passed by Council
January 17, 2006

Introduced by:
Charlie Loeb, Mary Jean Davis, Tom Lane

WHEREAS: The State of West Virginia's Historic Preservation Office has notified some property owners in downtown Charleston, while failing to adequately do so to others, that the state's Archives and History Commission will consider – at its meeting on Friday, February 3 – a proposal to register a portion of downtown Charleston on the National Register of Historic Places; and

WHEREAS: The district designated for nomination is bounded by Kanawha Boulevard, Leon Sullivan Way, Washington Street and Summers Street; and

WHEREAS: The inclusion of that area on the National Register would affect all property owners within that district and could be construed to have an impact on the city's plans for that section of Kanawha Boulevard in conjunction with riverfront development plans that may be adopted by the city; and

WHEREAS: Because of those potential impacts, the nomination of that district should proceed in conjunction with the elected leaders of the city and with ample opportunity for public input from affected property owners and other stakeholders; and

WHEREAS: Under the rules of nomination for listing on the National Register, the state can forward its nomination to federal officials in Washington, D.C. unless a majority of property owners within a designated district file formal, notarized objections to the State; and

WHEREAS: The State Archives and History Commission meeting to consider this proposal is scheduled on a Friday morning less than two weeks away and will take place in Glenville – approximately 90 miles away from the property owners and stakeholders in question.

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

That the elected leaders of the City of Charleston urge the State's Archives and History Commission and Historic Preservation Officer to take steps that would involve and include more effectively the Charleston property owners and other stakeholders in the historic registration process prior to any formal action on the nomination of this district for the National Register of Historic Places. Such steps should include working with the city council and administration on the issue and scheduling a public meeting to explain

all ramifications of such historic registration at a time and place that would be more likely – than a Friday morning in Glenville – to attract citizens concerned about or affected by this proposed nomination.

Should the State of West Virginia’s Historic Preservation Office not agree to delay their presentation of the District, by the 18th of January, the City of Charleston formally opposes the nomination and recommends that property owners file formal notarized objections to the State.

Upon adoption of this resolution, the Council authorizes the City Clerk to forward copies of it to the State Archives and History Commission and Historic Preservation Officer.

Marc Weintraub made a motion to amend the Resolution by striking the Paragraph beginning with the word “should” and ending with the word “state” and inserting the following paragraph:

“Strongly encourages the Historic Preservation Office to delay action on the nomination until such time as the City of Charleston and the impacted property owners have been given ample opportunity to consider the impacts of the nomination and express their opinions as to whether the nomination should move forward.”

The motion was seconded by Archie Chestnut. The question being on the adoption of the amendment a vote was taken. There being one dissent from Sadd the Mayor declared the amendment adopted.

The question being on the adoption of the Resolution as amended a vote was taken. There being one dissent from Sadd the Mayor declared Resolution No. 974-06 as amended, adopted.

Resolution No. 975-06

Introduced in Council
January 17, 2006

Passed by Council
January 17, 2006

Introduced by
Archie Chestnut

Resolution No. 975-06 – a Resolution to express the gratitude of Charleston through its Mayor and elected representatives to Governor Joe Manchin III for his efforts to attract Chesapeake Energy Corporation’s new Eastern Division office headquarters to the City of Charleston.

WHEREAS, Governor Joe Manchin has declared “West Virginia is Open for Business” and has put muscle behind those words with aggressive strategies and personal involvement to attract employers and employment to West Virginia and the Kanawha Valley; and

WHEREAS, Governor Manchin’s most recent success, announced during his State of the State Address last Wednesday evening, is the commitment by Chesapeake Energy Corporation to open its new Eastern Division office headquarters in the City of Charleston; and

WHEREAS, Chesapeake Energy Corporation could have chosen Pennsylvania or New York for its regional headquarters, but instead chose West Virginia’s Capital City, thanks in great measure to the efforts of Governor Manchin; and

WHEREAS, The Eastern Division, headquartered in the City of Charleston, will manage Chesapeake Energy Corporation's activities in West Virginia, Virginia, Kentucky, Ohio, New York, Pennsylvania and Maryland; and

WHEREAS, Tom Price, Senior Vice President of Chesapeake Energy Corporation said it best: "Governor Joe Manchin has a vision and passion that West Virginians are very fortunate to have. He's an extraordinary salesman of the product he's selling, which is the people and the natural resources of West Virginia."

Now, Therefore be it resolved by the City Council of the City of Charleston, West Virginia:

That the city expresses its deep appreciation to Governor Joe Manchin III for a job well done with this aggressive and effective efforts to bring Chesapeake Energy's regional headquarters to Charleston and to make sure employers know that, indeed, "West Virginia is Open for Business."

Upon adoption of this resolution, the Council directs Mayor Danny Jones to deliver this resolution of appreciation to Governor Manchin at the earliest possible opportunity.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 975-06, adopted.

Resolution No. 976-06

Introduced in Council
January 17, 2006

Passed by Council
January 17, 2006

Introduced by:
Tom Lane, Charles Loeb

WHEREAS: William E. Miller served his nation, his state and his city in several different leadership capacities during his 88 years of life; and

WHEREAS: Bill Miller, as he was more widely known, made Charleston a more attractive community through more than 17 years of service on the Municipal Beautification Commission, including ten years as the commission's chairman; and

WHEREAS: Among the many beautification project he supported, Bill Miller holds a lasting legacy within our city because of his vision, which became a reality, for planting trees in Shanklin Park in honor of Charleston's First Ladies; and

WHEREAS: Bill Miller also served on the city's River Lights Committee, which has worked every year to add to Charleston's attractiveness and enlightenment during the Christmas holiday season; and

WHEREAS: Bill Miller was truly "a man about town," not only through his many civic leadership roles but also as a newspaper columnist who enlightened and enlivened his readers in Charleston and in Morgantown, where he was a student leader at West Virginia University and a journalist in the best sense of the word; and

WHEREAS: Bill Miller also served his home state of West Virginia as Assistant Adjutant General for 17 years under five different governors, as Post Commander of Camp Dawson and as commanding officer of the 16th Special Forces Group; and

WHEREAS: Bill Miller also served his nation during World War II in the 17th and 82nd Airborne divisions in Europe, where he saw action on D-Day and helped stabilize post-war Germany.

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

That the City Council and Mayor of Charleston join Bill Miller's wife Marty, his family and many friends in mourning his passing on January 8, 2006, and yet also in celebrating his life of 88 years, which included many achievements in both private enterprise and public service. We recognize that our city is a much better, more beautiful and more attractive place to be because Bill Miller lived and served here.

Upon approval of this resolution, the City Council authorizes Mayor Danny Jones to convey this resolution to Marty Miller along with our sympathy for his passing and our gratitude for his life among us.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 976-06, 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. 7166, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7166-- A Bill repealing Section 23-10 (d), titled "Elk River Park" of the Zoning Ordinance of the City of Charleston, and inserting it by amendment, as Section 127 Chapter 82, titled "Parks and Recreation" of the Code of the City of Charleston.

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

The Zoning Ordinance of the City of Charleston, West Virginia enacted the 7th day of March 1983, as amended, and Code of the City of Charleston, November 25, 2003, as amended, are hereby amended by repealing Section 23-10 (d) titled "Elk River Park" from the Zoning Ordinance of the City of Charleston and amending and reenacting Chapter Eighty Two (82) of the Code of the City of Charleston titled "Parks and Recreation" by adding thereto one new section designated as Section One hundred twenty seven (127), relating to the Elk River Park.

1. That Section 23-10 (d) of Article XXIII: SIGNS, of the Zoning Ordinance of the City of Charleston be repealed in its entirety.

(d) Elk River Park

(1) Findings of Fact

~~It is hereby found, determined and declared as findings of fact by the Council of the City of Charleston, West Virginia, that there is presently a shortage of parks and recreation facilities in the City of Charleston; that due to the recent Federal Interstate construction along Elk River, it is in the best interest of the City and its citizens to preserve the esthetic and ecological integrity and character of the area adjacent to the Federal Interstate highway and Elk River; that the establishment of parks and recreational facilities along rivers within a municipality is an economic asset to the City and surrounding community; that in order to promote the health, safety, and welfare of the City, its residents and citizens, it is hereby declared that it is in the best interests of the City of Charleston to establish a city park along Elk River between Pennsylvania Avenue and Elk River on property presently owned, leased or hereinafter acquired or leased by the City of Charleston.~~

(2) Establishment of Park

~~Pursuant to the provisions of chapter eight of the Code of West Virginia, one thousand nine hundred thirty one, as amended, and the Charter of the City of Charleston, West Virginia, there is hereby established by the Council of the City of Charleston a park hereinafter known as the "ELK RIVER PARK", which park is to consist of all property currently owned, leased or hereinafter acquired or leased by the City, which is located in the area bounded and described as follows:~~

~~"All streets, alleys, easements, right of way, lots or parcels of land bounded by the Kanawha Boulevard, Pennsylvania Avenue, Washington Street, West, and Elk River."~~

2. That Chapter Eighty Two (82) of the Code of the City of Charleston, titled "Parks and Recreation", be amended and reenacted by adding thereto one (1) new section designated as Section One hundred twenty seven (127), relating to the Elk River Park.

CHAPTER 82
Article IV

Sec. 82-127 Elk River Park

(1) Findings of Fact

It is hereby found, determined and declared as findings of fact by the Council of the City of Charleston, West Virginia, that there is presently a shortage of parks and recreation facilities in the City of Charleston; that due to the recent Federal Interstate construction along Elk River, it is in

the best interest of the City and its citizens to preserve the esthetic and ecological integrity and character of the area adjacent to the Federal Interstate highway and Elk River; that the establishment of parks and recreational facilities along rivers within a municipality is an economic asset to the City and surrounding community; that in order to promote the health, safety, and welfare of the City, its residents and citizens, it is hereby declared that it is in the best interests of the City of Charleston to establish a city park along Elk River between Pennsylvania Avenue and Elk River on property presently owned, leased or hereinafter acquired or leased by the City of Charleston.

(2) Establishment of Park

Pursuant to the provisions of chapter eight of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, and the Charter of the City of Charleston, West Virginia, there is hereby established by the Council of the City of Charleston a park hereinafter known as the "ELK RIVER PARK", which park is to consist of all property currently owned, leased or hereinafter acquired or leased by the City, which is located in the area bounded and described as follows:

"All streets, alleys, easements, right of way, lots or parcels of land bounded by the Kanawha Boulevard, Pennsylvania Avenue, Washington Street, West, and Elk River."

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-28, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7166, passed.

2. Your Committee on Ordinance and Rules has had under consideration Bill No. 7189, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7189 - - A Bill approving the reorganization between Charleston Housing Authority and Kanawha Housing Authority and further authorizing the Mayor of the City of Charleston to enter into an Intergovernmental Agreement and any other related agreements with Kanawha County in furtherance of that reorganization.

WHEREAS, pursuant to the provisions of the State Housing Law, the City authorized the Housing Authority of the City of Charleston ("Charleston Housing") to transact business and exercise its

statutory powers as a housing authority by ordinance enacted on November 22, 1937;

WHEREAS, pursuant to the provisions of the State Housing Law, West Virginia Code § 16-15-1 *et seq.* (“State Housing Law”) and the Urban Renewal Authority Law, West Virginia Code §16-18-1 *et seq.*, the County authorized the Kanawha County Housing and Redevelopment Authority (“Kanawha Housing”) to transact business and exercise its statutory powers as a housing authority and an urban renewal authority by Order made and entered on July 27, 1978;

WHEREAS, the City and the County are both authorized pursuant to Chapter 16, Article 15 of the West Virginia Code to operate a housing authority in accordance with the State Housing Law;

WHEREAS, the City of Charleston and the Kanawha County Commission, as the respective jurisdictional entities governing Charleston Housing and Kanawha Housing, have expressed a mutual interest in the reorganization of said Housing Authorities in furtherance of the joint efforts of said governments toward a Metro Government, and for the specific purposes to include, but not be limited to, consolidating resources, cost savings, and developing more efficient means of providing for the housing needs of citizens who qualify for affordable low income housing;

WHEREAS, the Boards of Commissioners of the respective Housing Authorities deem a reorganization of said Housing Authorities desirable and in the best interest of their respective Housing Authority, the residents of Public Housing whom they serve, persons receiving Section 8 Rental Assistance administered by the Housing Authorities, and the citizens of Kanawha County, including those citizens who reside within the territorial boundaries of the City of Charleston;

WHEREAS, in furtherance of the City’s and the County’s joint efforts toward a Metro Government, Charleston Housing and Kanawha Housing have entered into a Reorganization Agreement whereby Kanawha Housing has agreed to transfer all of its operations and certain of its assets to Charleston Housing and thereafter cease to function as a housing authority in exchange for Charleston Housing’s agreement to accept all of Kanawha Housing’s operations and certain of its assets, assume all of Kanawha Housing’s liabilities and other obligations and employ all of Kanawha Housing’s employees, all as more particularly set forth in that certain Reorganization Agreement by and between Charleston Housing and Kanawha Housing, a copy of which is attached hereto as Exhibit A;

WHEREAS, consistent with state and federal laws and pursuant to the Reorganization Agreement between Charleston Housing and Kanawha Housing, the Reorganization Agreement shall not become effective unless and until it is approved by the City of Charleston and the Kanawha County Commission;

WHEREAS, in addition to approval by the City of Charleston and the Kanawha County Commission of the reorganization between Charleston Housing and Kanawha Housing, the City and County are required to enter into an Intergovernmental Agreement, a draft of which is attached hereto as Exhibit B, which sets forth the mutual promises, covenants and recitals between the City and the County related to the reorganization;

WHEREAS, provided both the City and County approve the reorganization and execute the Intergovernmental Agreement related to the reorganization, Kanawha Housing shall transfer all of its

operations and assets to Charleston Housing pursuant to the Reorganization Agreement, Kanawha Housing shall cease to function as a housing authority under the State Housing Law, and Charleston Housing Authority shall continue to operate as a Housing Authority under the new name of Charleston Kanawha Housing Authority;

WHEREAS, the City has previously determined and hereby reaffirms that there is a continued need for a housing authority consistent with West Virginia Code §16-15-3(b) and further determines that the proposed reorganization is in the best interests of the City and that it furthers the City's goals of consolidating resources, cost savings, and developing more efficient means of providing for the housing needs of citizens who qualify for affordable low income housing.

Be it Ordained by the Council of the City of Charleston, West Virginia: That the City of Charleston approves the reorganization between Charleston Housing and Kanawha Housing, recognizes the reorganized entity, to be known as Charleston Kanawha Housing Authority, as the City of Charleston's official housing authority and further authorizes the Mayor of the City of Charleston to enter into an Intergovernmental Agreement and any other related agreements with Kanawha County in furtherance of that reorganization.

The question being on the passage of the Bill a roll call was taken and there were; yeas-28, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7189, passed.

PLANNING

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

1. Your Committee on Planning has had under consideration Street Naming and Dedication of the new 33rd Street, S.E., and reports the same to Council with the recommendation that the Street Naming and Dedication be accepted.

Your Committee finds the following:

1. All required city departments have reviewed and approved the application.
2. The application meets all the minimum requirements of the Subdivision Regulations.
3. A 3-year street maintenance bond in the amount to \$44,000.00 will be filed before it goes to City Council.
- 4.

The question being on the approval of the Street Naming and Dedication a vote was taken. There being no dissent the Mayor declared the new 33rd Street S.E., as a Street Name approved.

2. Your Committee on Planning has had under consideration Special Permit No. 1216, and reports the same to Council with the recommendation that the Special Permit be approved.

Your Committee finds the following:

1. The number of police calls to this establishment in the past year is very low compared with the other bars.
2. The Planning department has received no recent complaints regarding this establishment.
3. This will be a private club limited to people 21 years of age and older with a limited membership with members only permitted.
4. Closing time shall be restricted to 12 p.m. Monday thru Thursday and 1 a.m. Friday and Saturday.
5. The Special Permit is to be reviewed by the Municipal Planning Commission in 6 months.

The question being on the approval of the Special Permit a vote was taken. There being no dissent the Mayor declared Special Permit 1216, approved.

3. Your Committee on Planning has had under consideration Special Permit No. 1220, and reports the same to Council with the recommendation that the Special Permit be approved.
- 4.

Your Committee finds the following:

1. The Charleston Urban Renewal Authority does not object to the request.
2. Due to the commercial nature of the downtown commercial district there should not be an adverse impact on surrounding land uses.
3. The proposed use as a bar is consistent with other uses in the Central Business District.
4. A 6 month review of the establishment will be required to be sure there are no further problems. (MPC hearing on June 7, 2006).

The question being on the approval of the Special Permit a vote was taken. There being one dissent from Councilman Jones, the Mayor declared Special Permit 1220, approved.

4. Your Committee on Planning has had under consideration Special Permit No. 1221, and reports the same to Council with the recommendation that the Special Permit be denied.

Your Committee finds the following:

1. The only exit onto Corridor G from this location in the location of a high incidence of traffic accidents with fatalities.
2. The granting of this special permit has the potential to be determined to the surrounding residential neighborhood.

The question being on the approval of the Special Permit a vote was taken. With all members voting in the negative the mayor declared Special Permit 1221, denied.

5. Your Committee on Planning has had under consideration Special Permit No. 1223, and

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

Your Committee finds the following:

1. The request complies with the zoning requirements relating to parking requirements and maintaining the historical character of the structure.
2. The Municipal Planning Commission and City Council have approved similar requests in the area.
3. The addition will not cause damage, hazard, and nuisance or be deterrent to persons in the vicinity.

The question being on the approval of the Special Permit a vote was taken. There being no dissent the Mayor declared Special Permit 1213, approved.

STREETS AND TRAFFIC

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

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7184, and reports the same to Council with the recommendation that the bill do pass.

A Bill to establish a 10 Minute Limited Time Parking Zone with 45 Degree Angle Parking Spaces on the easterly a side of McFarland Street from a point 70 feet south of Quarrier Street, to a point 158 feet south of Quarrier Street, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A 10 minute Limited Time Parking Zone with 45 Degree Angle Parking Spaces on the easterly side of McFarland Street from a point 70 feet south of Quarrier Street to a point 158 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-28, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Higgins, Hanna, Harris, Harrison, Jones,

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7184, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7185, and reports the same to Council with the recommendation that the bill do pass.

A Bill to establish a 4 Way Stop intersection on 49th Street, S. E. and Staunton Avenue 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 4 Way Stop intersection on 49th Street, S. E. and Staunton Avenue 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-28, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7185, passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7187, and reports the same to Council with the recommendation that the bill do pass.

A Bill to establish a No Parking Anytime Tow-Away zone on 56th Street, S. E. from MacCorkle Avenue to Lancaster Avenue and amending the Traffic Control Map and Traffic Control file, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A No Parking Anytime Tow-Away zone on 56th Street, S. E. from MacCorkle Ave. to Lancaster Avenue 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-28, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7187, passed.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No. 970-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 970-06: “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 budget 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-28, absent – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 970-06, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 971-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 971-06: “Authorizing the Mayor to sign a contract accepting the conditions between the City of Charleston and the West Virginia Development Office for a FY 2005 LEDA grant, in the amount of \$20,000, for the Tiskelwah Center. The grant will provide for construction of an entrance ramp and installation of electrical upgrades to improve accessibility and safety at the Center.”

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

That the Mayor is hereby authorized and directed to sign a contract accepting the conditions between the City of Charleston and the West Virginia Development Office for a FY 2005 LEDA grant, in the amount of Twenty Thousand Dollars (\$20,000), for the Tiskelwah Center. The grant will provide for construction of an entrance ramp and installation of electrical upgrades to improve accessibility and safety at the Center.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-28, absent – 0, as follows:

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 971-06, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 972-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 972-06: “Authorizing the Mayor to sign Change Order No. 2 with McClanahan Construction Co., in the amount of \$54,610, relating to additional work for the Tennis Club Road Sidewalk Extension project. The change order increases the project cost to \$459,233.”

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. 2 with McClanahan Construction Co., in the amount of Fifty-four Thousand Six Hundred Ten Dollars (\$54,610), relating to additional work for the Tennis Club Road Sidewalk Extension project. The change order increases the project cost to \$459,233 and provides for the following:

Anchor Blocks	\$ 4,380
Driveway / Curb	\$ 1,730
Handrail Fence	<u>\$48,500</u>
	\$54,610

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 972-06, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 973-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 973-06: “Authorizing the Mayor to enter into an Agreement with the Charleston Sanitary Board for the Storm / Sanitary Sewer Separation project between Spring and Ridgemont roads. Work will be on a time and materials basis and shall not exceed \$65,320.”

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 Charleston Sanitary Board for the Storm / Sanitary Sewer Separation project between Spring and Ridgemont roads. Work will be on a time and materials basis and shall not exceed Sixty-five Thousand Three Hundred Twenty Dollars (\$65,320). The costs for the project include the following:

Mainline	\$21,160
Down spout connections for eight household	<u>\$44,160</u>
	\$65,320

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 973-06, adopted.

5 . Your Committee on Finance has had under consideration a bid submitted by Cunningham Associated, in the amount of \$40, 000, for playground equipment to serve Danner Meadows Park. 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.

REPORTS OF OFFICERS

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

2. Report of the City of Charleston Payroll Variance Analysis; November 2005; Received and Filed.

3. Report of the City of Charleston Payroll Variance Analysis; December 2005; Received and Filed.

4. Report of the City of Charleston Financial Statements for the Five-month period ended November 30, 2005. Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilmember Marc Weintraub, on January 17, 2006:

Bill No. 7190 - A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the westerly side of Bradford Street from a point 35 feet north of Kanawha Blvd., East to a point 79 feet north of Kanawha Blvd., E. and from a point 187 feet north of Kanawha Blvd., E. to a point 231 feet north of Kanawha Blvd., E. to provide for handicapped parking for existing apartment buildings that do not have accessible off-street parking and to provide for the removal of vehicles illegally parked in these spaces, 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 Councilmember Michael Clowser, on January 17, 2006:

Bill No. 7191 - A Bill to establish a Stop sign on Wild Turkey Road at the intersection of Wild Turkey Road and Quarry Ridge South 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, Clowser, Davis, Deitzler, Ealy, Hall, Higgins, Hanna, Harris, Harrison, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Sadd, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

At 8:15 p.m., on motion of Councilman Loeb, Council adjourned until Monday, February 6, 2006, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk