

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

OCTOBER 16, 2006

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF OCTOBER ON THE 16th DAY, IN THE YEAR 2006, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LED BY WARE.

**CHESTNUT
DEITZLER
HANNA
HIGGINS
LANHAM
MILLER**

**WARE
MAYOR JONES**

CLOWSER

**HARRIS
JONES
LANE
MONROE
REED**

WEINTRAUB

**HARRISON
LOEB**

**MARKHAM
REISHMAN
TALKINGTON
WHITE**

TWENTY-ONE 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. Edward Roycroft
2. Michael Tolliver
3. Jane Claymore
4. Dr. Tierney

CLAIMS

1. A claim of Ralph and Judy Fields, 174 Mt. Hope Rd., Walton, WV; alleges damage to vehicle.

Refer to City Solicitor.

2. A claim of Pamela Ross, 8 Pipestem Drive, St. Albans, WV; alleges damage to vehicle.

Refer to City Solicitor.

3. A claim of Margarita Pauley, 608 42nd Street, Charleston, WV; alleges damage to property.

Refer to City Solicitor.

4. A claim of Mary Kidd, 1596 Virginia St., East, Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

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 October 4, 2006, 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 #7230 – Petition of G. Nicholas Casey, Jr. requesting to rezone from R-6 Medium Density Residential District to R-O Residential Office District to the properties situate at 2916, 2918, and 2920 Chesterfield Avenue.

Bill #7231 – Petition of Gregory A. Hoyer of Lewis, Glasser, Casey & Rollins on behalf of Joseph rentals requesting to rezone from R-6 Medium Density Residential District to C-4 Neighborhood Commercial District the property situate at 6600 MacCorkle Ave, S.E.

Bill # 7232 – Petition of David E. Alvis of Red Tape Processing Co., agent for Jerry burgess requesting to rezone from R-4 Single Family, R-6 Medium Density

Residential and C-10 General Commercial District to PMC Professional Medical Complex the property located at 2199 Sissonville Road.

Street Naming – Application of the 911 System for approval of various street names associated with the 911 Street Naming and Numbering System for streets required by the Statewide Street naming and Numbering Law to be names within the City of Charleston. The street name being requested is Bible Center Drive.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant

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

MISCELLANEOUS RESOLUTIONS

Resolution No. 121-06

Introduced in Council: October 16, 2006

Passed by Council: October 16, 2006

Introduced by: Tom Lane

RESOLUTION

WHEREAS, Kids on Court is a summer tennis program designed to introduce children to tennis through instruction focused on fun, getting exercise and making new friends; and

WHEREAS, the program is available to children ages 6 to 11 who might not otherwise have access to tennis instruction. Under the program local tennis professionals and players provided tennis lessons and an organized program for two weeks extending from June 19 to June 30; and

WHEREAS, almost 70 children from the Salvation Army Boys and Girls Club, 2nd Avenue Baptist Church, Roosevelt Community Center and King Center participated in this year's program; and

WHEREAS, the program was chaired by Jack Harrison of Charleston City Council and he led the program daily throughout its two week term; and

WHEREAS, the Charleston Area Tennis Association, as an arm of the United States Tennis Association provided funding for the program; and

WHEREAS, the Kids on Court program was organized and implemented by a volunteer committee, including:

Ann Bradley
Kathy Hudson

Jerry Ware
Kate Ruggery

Mimi Davis

Jack Harrison

WHEREAS, the Kids on Court program could not have been successful without volunteers whose interest in tennis, patience, and desire to enrich the lives of the children made the program a wonderful experience. They included:

Debbie Anderson-Conliffe	Sandy Campbell
Cory Campbell	Perry Campbell
Lisa Cassis	Mark Cassis
Andrew Cassis	Katilyn Gibbons
Penny Gorby	Marvin Grayson
Jamar Grayson	Zach Griffith
Kim Isaac	Pam Kuyk
Haley Kuyk	Shannon Lane
Pam Lorensen	

NOW, therefore Charleston City Council does hereby recognize and thank the organizers, chairs and all of the volunteers of the Kids on Court program for their participation and for enriching the lives of the children who participated.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 121-06, adopted.

REPORTS OF STANDING COMMITTEES

REDISTRICTING COMMITTEE

Councilman Marc Weintraub, Chairperson of the Council Committee on Redistricting, submitted the following reports.

1. Your Committee on Redistricting has had under consideration Bill No.7234, and reports the same to Council with the recommendation that the bill be adopted as amended.

Bill No. 7234 - A Bill changing the ward boundaries in the City of Charleston.

WHEREAS, the 2000 Census taken under the authority of the U.S. Census Bureau demonstrated that the existing wards of the City of Charleston are disproportionate in population; and

WHEREAS, in order to facilitate City elections and to be able to use the County's election registration records, the municipal ward boundaries must coincide with the County's precincts; and

WHEREAS, House Bill No. 3093 requires all precinct boundaries to be comprised of

intersecting geographic physical features or municipal boundaries recognized by the U.S. Census Bureau by June 30, 2007; and

WHEREAS, the current ward boundaries do not comply with House Bill No. 3093; and

WHEREAS, the attached redistricting plan has considered population as the primary factor in the reapportionment of the wards, and that said plan has a population deviation that is well within acceptable tolerances; and

WHEREAS, the City has coordinated the redistricting plan with the Voter's Registration Office of Kanawha County to ensure that the wards and precincts will share common boundaries and that said boundaries will be in compliance with House Bill No. 3093.

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

The City of Charleston shall be divided into the following twenty-one wards.

1. The geographic description of said wards is described on the attached map and the metes and bounds description is on file in the City Clerk's office.
2. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of said inconsistency.

Councilman Ed Talkington moved to amend Wards 6 and 8 of the Metes and Bounds Description attached to Bill No. 7234 by changing the following language, Councilman White second the motion.

Sixth Ward

All of that portion of Kanawha County bounded and described as follows: Beginning at the point of intersection of 7th Street and Russell Street, and proceeding easterly along 7th Street to Park Avenue, and proceeding northerly along Park Avenue to ~~New York Central Railroad, and proceeding easterly along New York Central Railroad to Atkinson Court, and proceeding northerly along Atkinson Court to W. Washington Street, and proceeding easterly along W. Washington Street~~ Madison Street, and proceeding easterly along Madison Street to Roane Street, and proceeding southerly along Roane Street to Maryland Avenue, and proceeding westerly along Maryland Avenue to Wyoming Street, and proceeding southerly along Wyoming Street to Ohio Avenue, and proceeding westerly along Ohio Avenue to Randolph Street, and proceeding southerly along Randolph Street to Quarrier St Bridge, and proceeding southerly along Quarrier St Bridge to Nonvisible boundary, and proceeding southerly along Nonvisible boundary to Kanawha Boulevard W, and proceeding westerly along Kanawha Boulevard W to Lovell Drive, and proceeding northerly along Lovell Drive to Glenwood Avenue, and proceeding northerly along Glenwood Avenue to Main Street, and proceeding westerly along Main Street to Russell Street, and proceeding northerly along Russell Street to the point of beginning.

Eighth Ward

All of that portion of Kanawha County bounded and described as follows: Beginning at the point of intersection of Woodbine Avenue and Nonvisible boundary, and proceeding northerly along Woodbine Avenue to Elmore Avenue, and proceeding easterly along Elmore Avenue to Preston Street, and proceeding easterly along Preston Street to Monroe Street, and proceeding southerly along Monroe Street to Carson Street, and proceeding westerly along Carson Street to Hillsdale Drive, and proceeding

easterly along Hillsdale Drive to Crescent Road, and proceeding westerly along Crescent Road to Cora Street, and proceeding southerly along Cora Street to Pennsylvania Avenue, and proceeding westerly along Pennsylvania Avenue to Unnamed Local road, and proceeding southerly along Unnamed Local road to Nonvisible boundary, and proceeding southerly along Nonvisible boundary to Water feature, and proceeding easterly along Water feature to the Charleston city line, and proceeding southerly along the Charleston city line to Water feature, and proceeding westerly along Water feature to Spring Street, and proceeding southerly along Spring Street to Bullitt Street, and proceeding easterly along Bullitt Street to Short Street, and proceeding southerly along Short Street to Slack Street, and proceeding southerly along Slack Street to Capitol Street, and proceeding westerly along Capitol Street to New York Central Railroad, and proceeding southerly along New York Central Railroad to Conrail Railroad, and proceeding easterly along Conrail Railroad to Broad Street, and proceeding westerly along Broad Street to Lewis Street, and proceeding northerly along Lewis Street to Dickinson Street, and proceeding westerly along Dickinson Street to Donnally Street, and proceeding northerly along Donnally Street to Margaret Street, and proceeding westerly along Margaret Street to Joseph Street, and proceeding northerly along Joseph Street to Margaret Street, and proceeding southerly along Margaret Street to Washington Street E, and proceeding westerly along Washington Street E to Washington St Bridge E, and proceeding northerly along Washington St Bridge E to Nonvisible boundary, and proceeding westerly along Nonvisible boundary to Quarrier St Bridge, and proceeding northerly along Quarrier St Bridge to Randolph Street, and proceeding northerly along Randolph Street to ~~Ohio Avenue~~, and proceeding easterly along ~~Ohio Avenue~~ Tennessee Avenue, and proceeding easterly along Tennessee Avenue to Wyoming Street, and proceeding northerly along Wyoming Street to Maryland Avenue, and proceeding easterly along Maryland Avenue to New York Central Railroad, and proceeding easterly along New York Central Railroad to Dayton Drive, and proceeding northerly along Dayton Drive to Crescent Road, and proceeding easterly along Crescent Road to Britton Street, and proceeding southerly along Britton Street to I-77, and proceeding easterly along I-77 to Magazine Branch Avenue, and proceeding northerly along Magazine Branch Avenue to Crescent Road, and proceeding easterly along Crescent Road to Mary Street, and proceeding northerly along Mary Street to Piccadilly Street, and proceeding easterly along Piccadilly Street to Evergreen Street, and proceeding northerly along Evergreen Street to Nonvisible boundary, and proceeding northerly along Nonvisible boundary to the point of beginning.

The question being on the passage of the amendment a roll call was taken and there were; yeas - 21, nays –0, absent –7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the amendment passed.

Councilman John Miller made a motion to table the Bill, Councilperson Ditty Markham second the motion.

The question being on tabling the Bill, a roll call was taken and there were; yeas - 2, nays –19, absent –7, as follows:

YEAS: Markham, Miller,

NAYS: Chestnut, Clowser, Deitzler, Higgins, Hanna, Harris, Harrison, Jones, Lane, Lanham, Loeb, Monroe, Reed, Reishman, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting against the motion to table the Bill, the Mayor declared the motion failed.

The Clerk read the Bill as amended,

The question being on the passage of the Bill as amendment a roll call was taken and there were; yeas - 19, nays -2, absent -7, as follows:

YEAS: Chestnut, Clowser, Deitzler, Higgins, Hanna, Harris, Harrison, Jones, Lane, Lanham, Loeb, Monroe, Reed, Reishman, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS: Markham, Miller,

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the bill 7234, as amended, passed.

2. Your Committee on Redistricting has had under consideration Bill No.7235, and reports the same to Council with the recommendation that the bill be adopted.

Bill No. 7235: A Bill to set the date of the upcoming City of Charleston Primary Election, Candidate Filing Period, and the last day for a Candidate to Withdraw from the Ballot.

WHEREAS, on March 6, 2007, the City of Charleston desires to hold its Primary Election for the offices of Mayor, Municipal Judge, Treasurer and City Council;

WHEREAS, pursuant to the timing set forth in West Virginia Code Section 3-5-7 and 3-5-23 the filing period for an individual to file his or her certificate of announcement to announce his or her candidacy for office in the City Of Charleston is to end approximately 11 weeks before any election (the "Candidate Filing Period");

WHEREAS, to comply with the filing period required by West Virginia Code Sections 3-5-7 and 3-5-23 for the upcoming Primary Election, the Candidate Filing Period must begin on December 1, 2006 and continue through the close of regular business on December 15, 2006;

WHEREAS, West Virginia Code Section 3-5-11 establishes the third Tuesday following close of the Candidate Filing Period to be the last date for a candidate to file a statement to withdraw his or her name from the ballot (the "Candidate Withdrawal Deadline");

WHEREAS, to comply with the Candidate Withdrawal Deadline required by West Virginia Code Section 3-5-11, the deadline to withdraw as a candidate for the upcoming Primary Election must be January 2, 2007;

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

That the Council for the City of Charleston hereby approves the dates for the City of Charleston Primary Election, Candidate Filing Period and the Candidate Withdrawal Deadline, as follows:

- Primary Election—to be held on March 6, 2007;
- Candidate Filing Period--December 1, 2006 through December 15, 2006; and
- Candidate Withdrawal Deadline--January 2, 2007.

The question being on the passage of the Bill as amendment a roll call was taken and there were; yeas - 21, nays –0, absent –7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the bill 7235, passed.

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.7226, and reports the same to Council with the recommendation that the bill be adopted as amended.

A Bill to establish a 20 Mile Per Hour speed limit on Sherwood Road and amending the Traffic Control Map and Traffic Control File, 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 20 Mile Per Hour speed limit on Sherwood Road 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 as amendment a roll call was taken and there were; yeas - 21, nays –0, absent –7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the bill 7226, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No.7227, and reports the same to Council with the recommendation that the bill be adopted as amended.

A Bill to establish a 20 Mile Per Hour speed limit on Alexandria Place and amending the Traffic Control Map and Traffic Control File, 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 20 Mile Per Hour speed limit on Alexandria Place 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 as amendment a roll call was taken and there were; yeas - 21, nays -0, absent -7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the bill 7227, passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No.7228, and reports the same to Council with the recommendation that the bill be adopted as amended.

A Bill to establish a 20 Mile Per Hour speed limit on Allen Drive and amending the Traffic Control Map and Traffic Control File, 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 20 Mile Per Hour speed limit on Allen Drive 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 as amendment a roll call was taken and there were; yeas - 21, nays -0, absent -7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the bill 7228, passed.

4. Your Committee on Streets and Traffic has had under consideration Bill No.7233, and reports the same to Council with the recommendation that the bill be adopted as amended.

A Bill to establish a 20 Mile Per Hour speed limit on Barberrry Lane and amending the Traffic Control Map and Traffic Control File, 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 20 Mile Per Hour speed limit on Barberrry Lane 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 as amendment a roll call was taken and there were; yeas - 21, nays –0, absent –7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the bill 7233, passed.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No. 099-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 099-06: “Rescinding that portion of Resolution No. 099-06, approved by Council on September 5, 2006, requesting allocation of funds in the amount of \$14,800, providing for JMH, Inc. to rehabilitate an owner-occupied residence on the City’s West Side. The Mayor’s Office of Economic and Community Development has been notified by the contractor that he is unable to complete this project within the scheduled period required by HUD and, therefore, has withdrawn his bid.”

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

That a portion of Resolution No. 099-06, approved by Council on September 5, 2006, requesting allocation of funds in the amount of \$14,800, providing for JMH, Inc. to rehabilitate an owner-occupied residence on the City’s West Side, is hereby rescinded. The Mayor’s Office of Economic and Community Development has been notified by the contractor that he is unable to complete this project within the scheduled period required by HUD and, therefore, has withdrawn his bid.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas - 21, nays –0, absent –7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.099-06, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 115-06,

and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 115-06: “Authorizing the Finance Director to allocate funds in the amount of \$18,000 for rehabilitation of one owner-occupied residence on the City’s West Side. The project has been awarded to Faith Construction, second low bidder, following notification by JMH, Inc. that it was unable to meet HUD’s schedule to complete the rehabilitation work.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of Eighteen Thousand Dollars (\$18,000) for rehabilitation of one owner-occupied residence on the City’s West Side. The project has been awarded to Faith Construction, second low bidder, following notification by JMH, Inc. that it was unable to meet HUD’s schedule to complete the rehabilitation work.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas - 21, nays –0, absent –7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.115-06, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 116.0-, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 116-06: “Authorizing the Mayor to sign an Agreement with Thrasher Environmental Inc., in the amount of \$162,650, to provide environmental, engineering and consulting services to conduct inventory and environmental site assessments for the EPA Brownfields Community-Wide Petroleum Assessment Program.”

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

That the Mayor is hereby authorized and directed to sign an Agreement with Thrasher Environmental Inc., in the amount of \$162,650, to provide environmental, engineering and consulting services to conduct inventory and environmental site assessments for the EPA Brownfields Community-Wide Petroleum Assessment Program.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas - 21, nays –0, absent –7, as follows:

YEAS: Chestnut, Clowser, Deitzler, Higgins, Hanna, Harris, Harrison, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Reed, Reishman, Talkington, Ware,

Weintraub, White, Mayor Jones.

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.116-06, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 117-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 117-06: "Authorizing the Mayor to sign Change Order No. 4, with Garcie R. Marker & Sons, in the amount of \$134,880.50, for sidewalk and curb replacement in various locations throughout the City relating to the Concrete Sidewalk Accessibility Ramps Project. This change order increases the contract price from \$404,365 to \$539,245.50."

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. 4 with Garcie R. Marker & Sons, in the amount of \$134,880.50, for sidewalk and curb replacement in various locations throughout the City relating to the Concrete Sidewalk Accessibility Ramps Project. This change order increases the contract price from \$404,365 to \$539,245.50.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas - 21, nays -0, absent -7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.117-06, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 118-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 118-06 : "Authorizing payment to Loretta Johnson in the amount of \$75,000, upon recommendation of Safety National Casualty Corporation, the excess liability carrier for the City of Charleston, in exchange for full and final settlement of the indemnity portion of Ms. Johnson's workers compensation claim stemming from a compensable work-related injury on July 9, 1984. Said settlement to be covered under an excess liability policy with Safety National Casualty Corporation, and the amount will be fully reimbursed to the City by Safety National Casualty Corporation."

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

That authorization for payment to Loretta Johnson in the amount of \$75,000, said amount to be fully reimbursed by Safety National Casualty Corporation, in exchange for full and final settlement of the indemnity portion of her workers compensation claim stemming from a compensable work-related injury on July 9, 1984, is hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 118-06, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 119-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 119-06: "Authorizing the Finance Director to amend the 2006-2007 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 amend the 2006-2007 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary amendment 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 - 21, nays -0, absent -7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.119-06, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 120-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 120-06: "Authorizing the Finance Director to amend the 2006-2007 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 amend the 2006-2007 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary amendment 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 - 21, nays –0, absent –7, as follows:

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.120-06, adopted.

8. Your committee on Finance has had under consideration A bid submitted by Davis Athletics, LLC, in the amount of \$12,100, for purchase of playground equipment. The new equipment will be installed by Parks and Recreation personnel. 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.

9. Your committee on Finance has had under consideration A bid submitted by Cunningham Associates, Inc., in the amount of \$18,320, for playground equipment. The new equipment will be installed by Parks and Recreation personnel. 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; September, 2006.

Received and Filed.

2. City Treasurer's Report to City Council Month Ending September, 2006;

Received and Filed.

3. Report of the City of Charleston Financial Statements for the Fiscal Year Ended June 30, 2006.

Received and Filed.

NEW BILLS

Introduced by Councilmember Mike Clowser, on October 16, 2006:

Bill No. 7230, amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, and the map made a part thereof, by rezoning two parcels of land situate at 2916/2918 and 2920 Chesterfield Avenue, Charleston, West Virginia from a R-6 district to a R-10 district.

Refer to Planning Committee

Introduced by Councilmember Mary Jean Davis, on October 16, 2006:

Bill No. 7231, amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, and the map made a part thereof, by rezoning the whole of that certain parcel of land situate at 6600 MacCorkle Avenue, S. E., Charleston, West Virginia from an R-6 district to a C-4 district.

Refer to Planning Committee

Introduced by Councilmember Mary Jean Davis, on October 16, 2006:

Bill No. 7232, amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-4, an R-6 and a C-10 district to a PMC district, that certain parcel of land situate on the west side of the 2100 block of Sissonville Road, Charleston, West Virginia.

Refer to Planning Committee

Introduced by Councilmember Archie Chestnut, on October 16, 2006:

Bill No. 7237, A Bill authorizing execution of an agreement with the West Virginia Department Of Transportation, Division Of Highways, with regard to modification and maintenance of a traffic signal system within the municipal limits of the City of Charleston, Kanawha County, West Virginia.

Refer to Streets and Traffic Committee

Introduced by Councilmember Robert Reishman, on October 16, 2006:

Bill No. 7238, A Bill authorizing the Mayor to transfer by deed all ownership rights and interests of the City to a City owned portion of The Daniel Boone Park on which the historic structure known as the Craik-Patton house is situated, said portion being 28,681 square feet (the "Property"), to Craik-Patton, Inc. a non-profit corporation created and existing under the laws of the State of West Virginia whose charter meets the requirements of W. Va. Code Section 8-32-1 for such transfer.

Refer to Finance Committee

ROLL CALL

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

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

ABSENT: Davis, Ealy, Hall, Morton, Nielsen, Robertson, Sadd.

At 8:25 p.m., on motion of Councilmember Loeb, Council adjourned until Monday, November 6, 2006, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk