

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

**JUNE 5, 2006**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JUNE ON THE 5<sup>th</sup> DAY, IN THE YEAR 2006, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY EALY, AND THE PLEDGE OF ALLEGIANCE WAS LED BY HIGGINS.**

**CHESTNUT**

**HIGGINS  
LANHAM  
MILLER  
NIELSEN**

**WARE  
MAYOR JONES**

**CLOWSER  
EALY  
HARRIS**

**JONES  
LANE  
MONROE  
REED  
SADD  
WEINTRAUB**

**DAVIS  
HALL  
HARRISON**

**MORTON  
MARKHAM  
REISHMAN  
TALKINGTON  
WHITE**

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

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

**PUBLIC SPEAKERS**

- 1. John Jarrell – 57<sup>th</sup> Street
- 2. Wayne Morris – 57<sup>th</sup> Street

**CLAIMS**

1. A claim of Thomas Harless, 421 Allen Drive, Charleston, WV; alleges damage to property.

**Refer to City Solicitor.**

2. A claim of Robert Hill, 1007 Dartmouth Ave.,Charleston, WV; alleges damage to vehicle.

**Refer to City Solicitor.**

3. A claim of Allan Tweedle, 3903 Virginia Ave., S.E., Charleston, WV; alleges damage to vehicle.

**Refer to City Solicitor.**

4. A claim of Steven Dodd, Rt. 2 Box 238, Red House, WV; alleges damage to vehicle.

**Refer to City Solicitor.**

5. A claim of Cassie Bickham, 1737 Woodbine Ave.,Charleston, WV; alleges personal injury.

**Refer to City Solicitor.**

**MISCELLANEOUS RESOLUTIONS**

Resolution No. 048-06

Introduced in Council

Passed by Council

June 5, 2006

June 5, 2006

John Miller, Harry Deitzler, Ditty Markham

**WHEREAS:** Horace Mann Middle School, in the Kanawha City section of Charleston, has been recognized as a West Virginia School of Excellence by the West Virginia Department of Education; and

**WHEREAS:** The Department of Education cites these five areas for this school recognition:

- o high student achievement,
- o a supportive, safe and drug-free environment,

- strong partnerships among the schools, families and the community,
- active teaching and learning, and
- documented student achievement; and

**WHEREAS:** A team of several students and parents joined the school's faculty and staff in documenting the school's achievements for the state Department of Education's consideration and led to Horace Mann Middle School becoming one of only two middle schools in West Virginia to achieve this status this year; and

**WHEREAS:** The 28-page application documented accomplishments, school activities and student achievements along with data about test scores, discipline cases, attendance and transfer rates; and

**WHEREAS:** The leaders of Charleston know first-hand the quality of work and the talents of students and teachers at Horace Mann Middle School following a special City Hall performance by the nationally-ranked Strings Orchestra this spring; and

**WHEREAS:** In addition to the Strings Orchestra, students and teachers at Horace Mann Middle School have been recognized by the West Virginia Reading Association, the West Side Optimist Club, the Kanawha County Schools' Science and Social Studies fairs and several other organizations for excellence in music, athletics and academic achievement.

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

That the Council commends and congratulates the faculty, staff, students and parents of Horace Mann Middle School, led by principal Mickey Blackwell, for this significant achievement and all of the accomplishments of the past several years that have developed HMMS as one of the top schools in our state.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 048-06, adopted.

**REPORTS OF STANDING COMMITTEES**

***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. 032-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 032-06: "Authorizing approval of the 2006-2007 Civic Center Budget as indicated on the attached list of accounts."

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

That approval of the 2006-2007 Civic Center Budget, as indicated on the attached list of accounts, is hereby approved.

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

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

ABSENT: Deitzler, Hanna, Loeb, Robertson

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 032-06, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 034-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 034-06: "Authorizing the Mayor to enter into a contract with Standard Security Life Insurance of New York, through Marlton Risk Group, covering stop-loss insurance for amounts of specific claims in excess of \$150,000, for a total projected premium of \$91,205.58, based on coverage for 1,247 employees, for the period July 1, 2006 through December 31, 2006."

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 Standard Security Life Insurance of New York, through Marlton Risk Group, covering stop-loss insurance for amounts of specific claims in excess of \$150,000, for a total projected premium of \$91,205.58, based on coverage for 1,247 employees, for the period July 1, 2006 through December 31, 2006.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 034-06, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 035-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 035-06: "Authorizing the Mayor to enter into a contract with West Virginia Paving, Inc., in the amount of \$1,736,652.80, for Street Paving Projects undertaken from July 1, 2006 to June 30, 2007."

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 West Virginia Paving, Inc., in the amount of One Million Seven Hundred Thirty-six Thousand Six Hundred Fifty-two Dollars and Eighty Cents (\$1,736,652.80), for Street Paving Projects undertaken from July 1, 2006 to June 30, 2007.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 035-06, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 036-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 036-06 "Authorizing the Mayor to enter into a contract with General Restoration Corporation, in the amount of \$354,870, for the Facade Restoration of City Hall."

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 General Restoration Corporation, in the amount of Three Hundred Fifty-four Thousand Eight Hundred Seventy Dollars (\$354,870), for the Facade Restoration of City Hall (see attached tabulation sheet for breakdown of costs).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 036-06, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 037-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 037-06: "Authorizing the Mayor to enter into a Grant Contract Agreement with the West Virginia Division of Criminal Justice Services to receive and administer grant funds in the amount of \$57,718 for the purpose of enhancing and continuing the Kanawha County STOP Team to improve the criminal justice system's response to violence against women."

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 Grant Contract Agreement with the West Virginia Division of Criminal Justice Services to receive and administer grant funds in the amount of Fifty-seven Thousand Seven Hundred Eighteen Dollars (\$57,718) for the purpose of enhancing and continuing the Kanawha County STOP Team to improve the criminal justice system's response to violence against

women.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 037-06, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 038-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 038-06: "Authorizing the Mayor to receive and administer 2006 Justice Assistance Grant (JAG) funds from the U.S. Department of Justice in the amount of \$110,975. The funds will be used for drug enforcement overtime for the Charleston Police Department and the Kanawha County Sheriff's Department. The grant award also includes funds to purchase equipment for the City's Special Enforcement Unit."

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

That the Mayor is hereby authorized and directed to receive and administer 2006 Justice Assistance Grant (JAG) funds from the U.S. Department of Justice in the amount of One Hundred Ten Thousand Nine Hundred Seventy-five Dollars (\$110,975). The funds will be used for drug enforcement overtime for the Charleston Police Department and the Kanawha County Sheriff's Department. The grant award also includes funds to purchase equipment for the City's Special Enforcement Unit.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 038-06, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 039-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 039-06: "Authorizing the Mayor to receive and administer grant funds from the West Virginia Division of Criminal Justice Services for the 2006 Project Safe Neighborhood in the amount of \$44,418. The grant will provide funds for overtime, computer equipment, additional pole camera, and travel for the Gang Task Force Unit."

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

That the Mayor is hereby authorized and directed to receive and administer grant funds from the West Virginia Division of Criminal Justice Services for the 2006 Project Safe Neighborhood in the amount of Forty-four Thousand Four Hundred Eighteen Dollars (\$44,418). The grant will provide funds for overtime, computer equipment, additional pole camera, and travel for the Gang Task Force Unit.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 039-06, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 040-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 040-06: "Authorizing the Mayor to enter into an agreement with the Kanawha-Charleston Health Department to provide clinical services for the Charleston Police Department by administering immunizations and vaccinations to officers at the rates listed on the attached schedule. This agreement will be in effect for a one year period from July 1, 2006 to June 30, 2007."

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 Kanawha-Charleston Health Department to provide clinical services for the Charleston Police Department by administering immunizations and vaccinations to officers at the rates listed on the attached schedule. This agreement will be in effect for a one year period from July 1, 2006 to June 30, 2007.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 040-06, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 041-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 041-06: "Authorizing the Finance Director to amend the 2001, 2004 and 2005 Community Development Block Grant budgets 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 2001, 2004 and 2005 Community Development Block Grant budgets as indicated on the attached list of accounts.

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

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

ABSENT: Deitzler, Hanna, Loeb, Robertson

With a majority of members elected recorded thereon as voting in the affirmative the

Mayor declared Resolution No. 041-06, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 042-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 042-06: “Authorizing the Mayor to enter into a contract with Ohio Valley Spray Foam, Incorporated, in the amount of \$15,970, for the encapsulation by means of spray polyurethane foam roofing on the Paul Laurence Dunbar Center, located at 1411 Second Avenue. The roofing system is covered by a 20-year warranty.”

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 Ohio Valley Spray Foam, Incorporated, in the amount of Fifteen Thousand Nine Hundred Seventy Dollars (\$15,970), for the encapsulation by means of spray polyurethane foam roofing on the Paul Laurence Dunbar Center, located at 1411 Second Avenue. The roofing system is covered by a 20-year warranty.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, absent – 4, abstain -1, as follows:

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

ABSENT: Deitzler, Hanna, Loeb, Robertson

ABSTAIN: Ealy

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 042-06, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 043-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 043-06: “Authorizing the Mayor to fully and finally resolve pending litigation, captioned Miller v. City of Charleston, et al., Consolidated Civil Action Nos. 00-C-2589 and 00-C-2604, Circuit Court of Kanawha County W.Va., Judge Jennifer Bailey Walker, by remitting the amount of \$40,560.17 (to be reimbursed to the City by the City’s liability insurer) and allowing Judge Walker’s ruling regarding ownership of the alleyway that is the subject of the litigation to stand in exchange for a full dismissal with prejudice of all claims by all parties to the litigation.”

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

That the Mayor is hereby authorized and directed to fully and finally resolve pending litigation, captioned Miller v. City of Charleston, et al., Consolidated Civil Action Nos. 00-

C-2589 and 00-C-2604, Circuit Court of Kanawha County W.Va., Judge Jennifer Bailey Walker, by remitting the amount of Forty Thousand Five Hundred Sixty Dollars and Seventeen Cents (\$40,560.17) [to be reimbursed to the City by the City's liability insurer] and allowing Judge Walker's ruling regarding ownership of the alleyway that is the subject of the litigation to stand in exchange for a full dismissal with prejudice of all claims by all parties to the litigation.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-21, nays- 2, absent – 4, abstain – 1, as follows:

YEAS: Clowser, Davis, Ealy, Hall, Higgins, Harris, Harrison, Jones, Lane, Lanham, Markham, Miller, Morton, Nielsen, Reed, Reishman, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Hanna, Loeb, Robertson

NAYS: Chestnut, Monroe

ABSTAIN: Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 043-06, adopted.

12. Your Committee on Finance has had under consideration Resolution No. 044-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 044-06, "Appointing election officials, establishing voting places, and authorizing payment of a rental fee for certain non-city owned voting places and payment for certain voting place personnel necessary for conducting the City of Charleston User Fee Election on the 24<sup>th</sup> day of July, 2006."

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

That the Council of the City of Charleston does hereby appoint the following persons (set forth in Attachment A hereto) to serve as election officials and establishes the following voting places (set forth in Attachment A hereto) for the City of Charleston User Fee Election to be held on the 24<sup>th</sup> day of July, 2006.

That the Council of the City of Charleston authorizes payment of a reasonable rental fee, not to exceed \$35.00, to certain non-city owned voting places and further authorizes payment of a reasonable fee, not to exceed \$250.00, to non-city personnel who are required to open and close certain non-city owned voting places.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 044-06, adopted.

Following this Resolution Tom Lane made a motion for the mayor to appoint a Select Committee of Council. Jerry Ware second the motion. The committee will consist of Bobby Reishman, Teresa

Reed and Archie Chestnut. Council voted to adopt a Resolution selecting these individuals to serve as the select committee officials of Council.

13. Your Committee on Finance has had under consideration Resolution No. 045-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 045-06, "Fixing the compensation of election officials for the Charleston User Fee Election on the 24<sup>th</sup> day of July 2006."

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

1. Pursuant to WV code 3-1-44b, that each commissioner of election and each poll clerk be paid the sum of \$115.00 for his/her services as commissioner and clerk of the election, and an additional sum of \$50.00 for his/her attendance at election schools of instruction for election officials. That each commissioner of election designated as supply commissioner to obtain and deliver election supplies be paid an additional sum of \$70.00 for his/her services and a mileage reimbursement at the rate of .445 cents per mile. That each commissioner of the opposite party who travels with the commissioner returning the supplies be paid an additional sum of \$10.00 for his/her services.

2. Pursuant to WV Code 3-1-44a, that one Democrat and one Republican Ballot Commissioner be paid the sum of \$50.00 for each day he or she serves as a ballot commissioner, not to exceed one hundred and twenty-five dollars per day, but in no case may a ballot commissioner receive payment for more than ten days service as a Ballot Commissioner.

3. Pursuant to WV Code 3-3-5c(c), that one Democrat and one Republican Emergency Absentee Ballot Commissioner at-large, appointed to deliver and return an absentee ballot for any person qualified to vote an emergency absentee ballot from a duly licensed health care facility within the City of Charleston, be paid the sum of \$70.00 for his/her services and a mileage reimbursement at the rate of .445 cents per mile.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 045-06, adopted.

14. Your Committee on Finance has had under consideration Resolution No. 046-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 046-06: "Authorizing the Finance Director to amend 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 amend the 2005-2006 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-24, absent – 4, as follows:

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

ABSENT: Deitzler, Hanna, Loeb, Robertson

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 046-06, adopted.

15. Your Committee on Finance has had under consideration Resolution No. 047-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 047-06: "Authorizing the Finance Director to amend the 2005-2006 Coal Severance Fund 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 2005-2006 Coal Severance Fund as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

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

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

ABSENT: Deitzler, Hanna, Loeb, Robertson

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 047-06, adopted.

16. Your committee on Finance has had under consideration a Purchase of various classes and sizes of aggregate on an as needed basis from Martin Marietta Aggregates, to be used by the Street Department for project undertaken throughout fiscal year 2006-

2007. To be charged to Account No. 001-750-00-000-3-341, Street – Materials & Supplies, 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.

17. Your committee on Finance has had under consideration a bid submitted by West Virginia Paving, Inc. for purchase of Bituminous Concrete (asphalt) on an as needed basis at prices quoted on the attached tabulation sheet. To be charged to Account No. 001-750-00-000-3-341, Street – Materials & Supplies, 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.

18. Your committee on Finance has had under consideration a bid submitted by Arrow Concrete Company for purchase of Portland Cement Concrete to be used by the Street Department on an as needed basis at prices quoted on the attached tabulation sheet. To be charged to Account No. 001-750-00-000-3-341, Street – Materials & Supplies, 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.

19. Your committee on Finance has had under consideration a bid submitted by M&S Services for chlorine tablets, in the amount of \$110 per 55lb., container to be used on an as needed basis by the Parks and Recreation Department in City swimming pools. To be charged to Account No. 001-900-00-000-3-341, P&R – Materials & Supplies, 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.

20. Your committee on Finance has had under consideration rescinding the purchase of one 1-ton 4x4 Crew Cab Pickup Truck for the Street Department from Bert Wolfe Ford (Council approved on November 7, 2005), in the amount of \$34,046, and approve purchase of a truck from General Truck Sales (WV State contract), in the amount of \$28,961. Due to manufacturing issues, the Ford Motor Company cancelled the truck order from Bert Wolfe Ford. Originally the 2006 WV State contract had not been finalized; therefore, bids were submitted and received for this unit with Bert Wolfe Ford submitting the low bid. To be charged to Account No. 001-977-00-750-4-459, Street— Capital Outlay, Equip. (Part of Lease/Purchase Escrow Account Schedule No. 5 for FY 2006) and reports the same to council with the recommendation that the committee report be adopted.

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

21. Your committee on Finance has had under consideration Rescinding the purchase of two trucks from Bert Wolfe Ford: one 1.5 ton Dump Truck with high GVWR, in the amount of \$52,693, to be used by Spring Hill Cemetery Park; and one 1.5 ton Dump Truck with low GVWR, in the amount of \$50,406, to be used by the Street Department. The trucks were approved for purchase by City Council on November 7, 2005. However, purchase of the trucks has been rescinded by Bert Wolfe Ford due to factory manufacturing issues. Committee approval is requested to purchase two trucks from Stephens Auto Center on the WV State contract at the following prices:

1.5 Ton Dump Truck—Cemetery .....	\$53,352
1.5 Ton Dump Truck—Street (2007 Model) .....	\$50,754

To be charged to the following accounts:

\$53,352 - 001-980-00-952-4-459, Cemetery—Capital Outlay, Equipment

\$50,754 - 001-977-00-750-4-459, Street—Capital Outlay, Equipment

(Purchases are part of Lease/Purchase Escrow Account Schedule No. 5 for FY 2006)

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

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

### REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; March 2006; Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; April 2006; Received and Filed.

3. Report of the City of Charleston Financial Statements for the Ten- month period ended April 30, 2006. Received and Filed.

### NEW BILLS

Introduced by Councilmembers Mary Jean Davis, Mark Sadd, Marc Weintraub, Teresa Reed, and Jack Harrison June 5, 2006:

**Bill No. 7202** -A Bill amending the Zoning Ordinance of the City of Charleston by revising certain sections of Article 19 of the Zoning Ordinance of the City of Charleston with respect to Overlay Districts and amending Chapter two (2) of the Code of the City of Charleston, as amended, by adding twelve (12) new sections designated sections six hundred ninety (690), six hundred ninety-one (691), six hundred ninety-two (692), six

hundred ninety-three (693), six hundred ninety-four (694), six hundred ninety-five (695), six hundred ninety-six (696), six hundred ninety-seven (697), six hundred ninety-eight (698), six hundred ninety-nine (699), seven hundred (700), and seven hundred one (701), all relating to the creation, organization, powers, duties and finances of the Charleston Historic Landmarks Commission.

**Refer to Planning Committee**

Introduced by Councilmember Mary Jean Davis, on June 5, 2006:

**Bill No. 7209** - amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the enacted the 1<sup>st</sup> day of January, 2006, as amended and the map made a part thereof, by rezoning from R-8 to C-8 District that parcel of land known as West Charleston 11, Parcel 184, 1213 ½ Washington St. W.

**Refer to Municipal Planning Commission**

Introduced by Councilmember Mary Jean Davis, on June 5, 2006:

**Bill No. 7210** - amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the enacted the 1<sup>st</sup> day of January, 2006, as amended and the map made a part thereof, by rezoning from a C-8 Village Commercial District with land use restrictions to a C-8 Village Commercial District that parcel of land known as EC 29, 190, 2445 Washington St. E., Charleston, WV.

**Refer to Municipal Planning Commission**

Introduced by Councilman Charlie Loeb, on June 5, 2006:

**Bill No. 7211** - A Bill to amend and reenact §78-210b (2), of said code; to correct the following language: Restricted hours means the time of night referred to in this section is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed by the public in the city. The term shall mean:

(1) 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and

(2) 12:01 a.m. until 6:00 a.m. on any Friday or Saturday ~~or Sunday~~.

**Refer to Rules and Ordinance Committee**

Introduced by Councilmembers Brenda Robertson and Mary Jean Davis, on June 5, 2006:

**Bill No. 7212** - A Bill to amend and reenact section forty-three, chapter seventy-eight of the code of the City of Charleston, relating to the prohibition against persons or animals under their control from befouling or disturbing public property or the property of another so as to create hazardous, unhealthy, or physically offensive condition.

**Refer to Rules and Ordinance Committee**

Introduced by Councilman Charlie Loeb, on June 5, 2006:

**Bill No. 7213** - A Bill to amend and re-enact Section 78-212 of the City Code of the City of Charleston, 2003, as amended, and to amend said code by adding thereto new sections, designated as Sections 78-212, 78-213, 78-214, 78-215, 78-216, 78-217, 78-218, 78-219, 78-220, 78-221, 78-222, 78-223, 78-224, 78-225, 78-226, and 78-227 all

relating to noise in the City of Charleston.  
**Refer to Rules and Ordinance Committee**

Introduced by Councilmembers Harry Deitzler and Linda Nielsen on June 5, 2006:  
**Bill No. 7214-** a Bill approving the transfer of the television system cable franchise now held by Charter Communications VI, LLC and its plant and systems to Cebridge Acquisition, LLC.

**Refer to Council Committee on Cable Television**

### **UNFINISHED BUSINESS**

Mary Jean Davis presented to Council the Strong Neighborhoods Taskforce Report.

### **ROLL CALL**

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

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

ABSENT: Deitzler, Hanna, Loeb, Robertson

At 8:00 p.m., on motion of Councilmember Davis, Council adjourned until Monday, June 19, 2006, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk