

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

JULY 17, 2006

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JULY ON THE 17th DAY, IN THE YEAR 2006, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LED BY EALY.

CHESTNUT

**HANNA
HIGGINS
LANHAM
MILLER**

ROBERTSON

MAYOR JONES

**CLOUSER
EALY**

**MONROE
REED
SADD**

**DAVIS
HALL
HARRISON**

**MORTON
MARKHAM
REISHMAN
TALKINGTON
WHITE**

TWENTY 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. Kenneth Coston

CLAIMS

1. A claim of Kanti Patel, 601 Ohio Ave., Charleston, WV; alleges damage to property. Refer to City Solicitor.
2. A claim of Anna-Betty Arthur, 225 Bird Ct., South Charleston, WV; alleges personal injury. 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 July 5, 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:

Street Dedication – Application of George Neilan, Developer, to dedicate to the City of Charleston a new street in Jamestown Subdivision named Salem Road.

Bill No. 7216 – Application of Marathon Petroleum, LLC requesting the abandonment of public rights-of-way known as Standard Street and part of Creel Avenue.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative

The clerk read the following appointments:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: JULY 17, 2006

I recommend that Aric Margolis, Associated Architects, 318 Lee St., W. Suite 200, Charleston, WV 25302, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2009.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: JULY 17, 2006

I recommend that Jackie Rosencrance, 3901 Kanawha Avenue, Charleston, WV 25305, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2009.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: JULY 17, 2006

I recommend that Margo Teeter, C/O Old Colony, 13 Kanawha Blvd. W. Charleston, WV 25302, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2009.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: JULY 17, 2006

I recommend that Rev. Braxton Broady, 1503 3rd Avenue, Charleston, WV 25312, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2009.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: JULY 17, 2006

I recommend that Teresa Moore, 712 Park Avenue, Charleston, WV 25302, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2009.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON-KANAWHA HOUSING AUTHORITY

DATE: JULY 17, 2006

I recommend that Vernadine Crothers, 909 Griffin Drive, #10, Charleston, WV 25312, be reappointed to the Charleston Housing Authority and to its successor entity, the Charleston-Kanawha Housing Authority as the merger of the agencies is completed, for the remainder of a five-year term to expire December 1, 2009. She fills the requirement for a resident commissioner on the board.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON-KANAWHA HOUSING AUTHORITY

DATE: JULY 17, 2006

I recommend that Michael Stajduhar, 127 Swarthmore Avenue, Charleston, WV 25302, be appointed to the Charleston-Kanawha Housing Authority as the merger of the agencies is completed for the remainder of a five-year term to expire December 1, 2008. He replaces Richard Cooke, who resigned from the Charleston Housing Authority effective at the completion of the merger, and has been nominated by the President of the Kanawha County Commission to represent residents of Kanawha County in conjunction provisions with the agency merger agreement.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON URBAN RENEWAL AUTHORITY

DATE: JULY 17, 2006

I recommend that Ed Maier, 1233 Staunton Road, Charleston, WV 25314, be reappointed to the Charleston Urban Renewal Authority, with a said term to expire March 3, 2011.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON URBAN RENEWAL AUTHORITY

DATE: JULY 17, 2006

I recommend that John M. Wells, III, 3 Oglethorpe Road, Charleston, WV 25314, be reappointed to the Charleston Urban Renewal Authority, with a said term to expire March 3, 2011.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON-KANAWHA HOUSING AUTHORITY

DATE: JULY 17, 2006

I recommend that Michael G. Comer 1618 Greystone Place, Charleston, WV 25314, be reappointed to the Charleston Housing Authority and to its successor entity, the Charleston-Kanawha Housing Authority as the merger of the agencies is completed, for the remainder of a five-year term to expire December 1, 2010.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

REPORTS OF STANDING COMMITTEES

PLANNING

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

1. Your Committee on Planning has had under consideration Bill No.7202 , and reports the same to Council with the recommendation that the committee report be adopted.

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.

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 21st day of November 2005, as amended, is hereby amended by revising certain sections of Article 19 Overlay Districts. The new provisions shall read as follows:

Article 19 OVERLAY DISTRICTS

- Sec. 19-010 Purpose
- Sec. 19-020 Establishment and Designation
- Sec. 19-030 Urban Renewal (UR) Overlay District
- Sec. 19-040 ~~East End Historic (EE)~~ Overlay District
- Sec. 19-050 Neighborhood Conservation (NC) Overlay District

Sec. 19-010 Purpose

The purpose of overlay zoning districts is to allow the City to establish special land use regulations, standards, or procedures in areas with unique land use, site planning, building design, or environmental resource issues. Overlay zoning districts are also an appropriate mechanism to implement long-term goals and land use requirements of the City for a specific property, location, or to coordinate land use and design requirements unique to a large tract of land. Overlay zoning districts are intended to be applied only where special circumstances justify the modification of base zoning district regulations to achieve specific land use and design objectives.

In addition to the conventional zoning districts established by this ordinance, the following overlay districts are established:

- A. Urban Renewal Overlay (UR)
- B. ~~East End Historical District Overlay (EE)~~ (HD)
- C. Neighborhood Conservation Overlay (NC)

Sec. 19-040 ~~East End Historic District Overlay (EE)~~ (HD)

Sec. 19-040-01 Purpose

It is the purpose of the Historic District Overlay to achieve the preservation of selected historic buildings, structures and sites throughout the City of Charleston by providing additional safeguards and land use regulations in addition to the requirements of the base zoning district and the design review powers of the Charleston Historic Landmarks Commission in order to: 1) protect the heritage of the historic site(s) by preserving the cultural, social, economic, political, architectural or archaeological history; 2) foster urban and civic beauty; 3) promote the preservation, and where permitted and appropriate, the use of historic districts for the education, welfare, and pleasure of the residents of the City and the region; and 4) strengthen the local economy.

Sec. 19-040-02 Power to Designate Districts

For the purposes of this section, City Council may establish, change, layout, and define historic districts which are of local, state or national historic or architectural significance following the procedures set forth in this ordinance for the reclassification of zoning. Such Historic Districts may include structures, archaeological sites, lots, tracts of land, as well as portions thereof.

Sec. 19-040-03 Conflict

The historic district and property regulations provided in this section are intended to identify, study, preserve and protect historic buildings, structures, sites and districts within the boundaries of a zoning district. Such properties are subject to the regulations for the base zoning district and the historic district overlay. If there is a conflict between the requirements of the zoning district and the requirements of the historic district overlay, the historic district overlay requirements apply.

Sec. 19-040-04 Local Register Historic Districts

As established in Chapter Two, Article VII, Division 10 of the Code of the City of Charleston, the Charleston Historic Landmarks Commission is granted the power to designate and maintain a register of locally significant historic districts. Such districts are recorded on the official Zoning Map of the City of Charleston and applications for new construction, alteration, reconstruction, relocation or demolition may be subject to design review by the Charleston Historic Landmarks Commission.

Sec. 19-041 East End Historic District Overlay (EE)

Sec. 19-0401-01 Purpose of the East End Historic District Overlay

It is the purpose of this historic district overlay to achieve the preservation of structures in the East End Historic District of Charleston in order to: 1) safeguard the heritage of the historic neighborhood by preserving the areas therein which reflect elements of its cultural, social, economic, political, or architectural or archaeological history; 2) foster urban and civic beauty; 3) promote the preservation, and where permitted and appropriate, the use of historic districts for the education, welfare, and pleasure of the residents of the City and the region; and 4) strengthen the local economy.

~~**Sec. 19-040-02 Power to Designate Districts**~~

~~For the purposes of this section, City Council may establish, change, layout, and define historic districts which are of local, state or national historic or architectural significance following the procedures set forth in this ordinance for the reclassification of zoning. Such Historic Districts may include structures, archaeological sites, lots, tracts of land, as well as portions thereof.~~

Sec. 19-0401-032 Establishment of the East End Historic District Overlay

The East End Historic District Overlay is hereby established as a district which overlays existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map of the City of Charleston and are identical to those of the East End Historic District as listed on the National Register of Historic Places.

~~**Sec. 19-040-04 Permitted Uses.**~~

~~This district is not intended to regulate the use of land, buildings or structures. Property and buildings in the East End Historic Overlay District may be used for the purpose permitted by the base zoning district in effect at the time of the historic district zoning or subsequent zoning districts legislatively approved for the district.~~

Sec. 19-0401-053 Lot Provisions in the East End Historic District Overlay

Lot sizes, front, side and rear yard setbacks, and off-street parking are to be in accordance with design guidelines adopted concurrently with the creation of an East End Historic District. Minimum lot sizes specified by the design guidelines may be smaller than those required by the base zone. If the guidelines do not specify any particular area, setback, height, or parking requirements, the requirements of the base zoning district shall be applicable. Intensity of use for multi-family residential development shall be determined by the base zoning district.

Sec. 19-0401-064 Height Provisions of the East End Historic District Overlay

Height shall not exceed 35 feet above grade at the building line.

Sec. 19-0401-075 Application for Permission to Build, Alter, etc. in the East End Historic District Overlay

Before the construction, alteration, reconstruction, moving or demolition of any structure within a designated historic district and before any changes take place which would affect either the exterior appearance of a structure or the character of its related environment within the designated historic district, the person proposing to make the changes shall file with the Planning Department an application for permission to build, alter, reconstruct, move or demolish. Every such application for a Certificate of Appropriateness shall be referred to and considered by the Charleston Historic District Review Board Landmarks Commission or by the Planning Department as set forth in the design guidelines for the district.

~~**Sec. 19-040-08 Factors for Consideration in Reviewing Plans for Construction or Change**~~

~~In reviewing the plans for any such construction or change, the East End Historic District Review Board shall give consideration to: 1) the effect of the proposed changes on the general character of the designated historic district, weighing their impacts on the integrity of both structures and the related environment and 2) the historic and aesthetic appropriateness of new design proposals for historically significant structures. In judging the compatibility of proposed changes to the buildings and environments of historic districts the East End Historic District Review Board shall rely on the objective standards set forth in the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and in addition may consider any pertinent factors relevant to the case but not specifically addressed in the aforementioned guidelines and standards.~~

~~**Sec. 19-040-09 Exemptions from Regulations**~~

~~A. The East End Historic District Review Board shall consider only exterior features of a structure and shall not consider any interior arrangements.~~

~~B. Nothing in this section shall be construed to prevent work and repairs on any structure coming under the heading of ordinary maintenance. Nothing in this section affects the right to complete any work covered by a permit issued prior to the date upon which such historic districts may be established. Ordinary maintenance shall be defined as that which does not alter the architecture or~~

environment of the designated historic district.

Sec. ~~19-040-10~~ Strictness and Leniency in Judgment of Plans

~~The East End Historic District Review Board shall be strict in its judgment of plans for those structures deemed to be valuable according to studies performed for districts of historic or architectural value. The Board shall be lenient in its judgment of plans for structures of little value or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of the structures or environment of the designated historic district. The East End Historic District Review Board is not required to limit new construction, alteration, or repairs to the architectural style of any one period.~~

Sec. ~~19-040-11~~ Application for Reconstruction, Alteration, etc. of Unusual Importance

~~Application shall be made to the East End Historic District Review Board for permission to undertake any proposed reconstruction or alterations affecting the exterior appearance of a structure or for the moving or demolition of a structure if it has been designated as an historic district. Unless the Board is satisfied that the proposed work or changes will not materially impair the historic or architectural value of the structure, the Board shall reject the application, filing a copy of its rejection with the Planning Director. The application shall not be renewed in less than one year. Prior to any such rejection, the Board shall attempt with the owner of the structure to formulate an economically feasible plan for its preservation. Should the Board conclude that no economically feasible plan can be formulated, it shall have ninety (90) days from the time it so concludes to negotiate further with the owner, and other parties, in an effort to find a means of preserving the building or structure.~~

Sec. ~~19-0401-1206~~ Parking, Loading and Internal Circulation in the East End Historic District Overlay

- A. The parking regulations of the underlying zoning district shall apply.
- B. Except for driveways serving single family dwellings, all parking shall be located in the rear of the primary structure.
- C. In addition to the parking regulations for the underlying zoning district, for principal uses located on lots fronting on Kanawha Boulevard, vehicular ingress and egress to and from Virginia Street are prohibited.

Sec. ~~19-0401-1307~~ Landscaping and Screening in of the East End Historic District Overlay

In addition to the landscaping and screening regulations of the underlying zoning districts, the following landscaping and screening regulations also shall apply to all properties affected by the overlay designation:

- A. Parking areas for all multi-family residential and non-residential uses containing more than two (2) parking spaces and all loading facilities shall be screened from view from adjacent single-family residential properties by a six (6) foot high predominantly opaque fence or decorative wall, or by an earth berm or plantings.

- B. All parking areas, containing more than two parking spaces, and loading facilities shall be screened from view from all public streets by a three and one-half (3.5) foot predominantly opaque fence, wall, berm or plantings. Such fence, wall, plantings or berm shall be compatible in appearance with existing fences, walls, plantings and berms in the district. Such wall plantings or berms shall not be more than two and one-half (2.5) feet in height in triangles at the intersection of a driveway with the street right-of-way. The triangles shall be determined by measuring twenty (20) feet along the street frontage on each side of the driveway, and by measuring back on each side of the driveway the depth of the required front setback.

Sec. 19-0401-1408 Signs in the East End Historic District Overlay

- A. All signage shall be compatible with the exterior of existing buildings in the district.
- B. One sign shall be permitted for the sole purpose of identifying the occupant of the principal structure on the lot. Such identification shall be limited to the name of the company or occupant, and the street number (not to exceed six digits).
- C. The permitted sign shall not exceed 10 square feet including the supporting structure. The dimensions shall not exceed 2.5 feet in height or 4 feet in width.
- D. The permitted sign shall be set back at least 10 feet from the curb.
- E. The overall height of the entire permitted sign shall not exceed 3 feet above grade.
- F. The permitted sign shall be designed and produced by a professional sign manufacturer or professional sign painter, using one of the following font styles:
 - 1. Souvenir Medium
 - 2. Times Roman
 - 3. Standard Medium
 - 4. Tiffany Medium
- G. Any illumination of the permitted sign shall be from an indirect source.

~~Sec. 19-040-15 Certificate of Appropriateness~~

- ~~A. No structure shall be erected, reconstructed, restored or altered without a Certificate of Appropriateness obtained from the East End Historic District Review Board.~~
- ~~B. Schematic plans drawn to scale showing the exterior of the proposed construction work shall be submitted to the East End Historic District Review Board.~~
- ~~C. The Board may adopt uniform rules requiring other data as is reasonably necessary to evaluate an application for a Certificate of Appropriateness.~~
- ~~D. In making decisions regarding a Certificate of Appropriateness, the Board shall evaluate the proposed work based on conformance with the East End Historic District regulations. In addition, the Board shall use as a~~

~~general guide in making decisions The United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.~~

- ~~E. The Board shall set forth its findings and conclusions regarding each application in writing, a copy of which shall be provided to the applicant. The written decision also shall indicate approval, conditional approval, or denial of the application.~~
- ~~F. The Board shall issue its written decision within fifteen (15) days following the Commission meeting at which the application is first reviewed.~~
- ~~G. Every decision or order of the East End Historic District Review Board shall be subject to review by certiorari. Within thirty (30) days after a decision or order by the Board, any aggrieved person may present to the Circuit Court of Kanawha County a duly verified petition of writ of certiorari setting forth that the decision or order by the Board is illegal in whole or in part, and specify the grounds of the alleged illegality. Any petition filed shall be done pursuant to the Code of West Virginia, Chapter 8, Article 26A, Section 7, Number 10.~~

~~Sec. 19-040-16 Review Criteria for Certificate of Appropriateness~~

- ~~A. It is the intention of these regulations to insure, insofar as possible, that buildings or structures in the East End Historic District shall be in harmony with other buildings or structures located therein. However, it is not the intention of these regulations to require the demolition or removal of same or to impose architectural styles from particular historic periods.~~
- ~~B. In considering new construction, the East End Historic District Review Board shall encourage contemporary design which is harmonious with the character of the District. In granting a Certificate of Appropriateness, the Board shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed Additions or modifications to that structure as well as the effect of such change or Additions upon other structures in the vicinity.~~
- ~~C. In considering an application for a certificate of appropriateness, the East End Historic District Review Board shall be guided by the following:
 - ~~1. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.~~
 - ~~2. The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.~~
 - ~~3. All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall not be permitted.~~
 - ~~4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure,~~~~

~~object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.~~

- ~~5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.~~
- ~~6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.~~
- ~~7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.~~
- ~~8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.~~
- ~~9. Contemporary design for alterations and Additions to existing properties shall not be discouraged when such alterations and Additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.~~
- ~~10. Whenever possible, new Additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such Additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.~~

~~Sec. 19-040-17 Historic District Review Board~~

~~The Mayor shall appoint a committee known as the Historic District Review Board consisting of five members to be comprised as follows: an architect, an historian, a realtor, a resident of the historic district, and one member of the Municipal Planning Commission. All members of the Board shall be appointed with the advice and consent of City Council and shall serve initial terms on one year, two years, two years, three years and three years, respectively, with all subsequent terms to be of three years duration. The Historic District Review Board shall review and make determinations on all applications for Certificates of Appropriateness. All members of the Historic District Review Board shall serve without compensation.~~

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON,
WEST VIRGINIA

That Chapter two (2) of the Code of the City of Charleston, as amended, be amended by adding thereto 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. The new provisions shall read as follows:

Chapter Two
Article VII
Division 10. Charleston Historic Landmarks Commission

Sec. 2-690 Findings.

It is hereby declared as a matter of legislative determination:

- a) That the city of Charleston is richly endowed with numerous historic buildings, structures, sites and districts which represent the historical, architectural and cultural heritage of the City;
- b) That Charleston's heritage, represented by such historic buildings, structures, sites and districts can best be identified, studied, preserved and protected for the general welfare of residents of the City by authorizing and empowering action for this purpose at the local level;
- c) That the preservation and protection of such historic buildings, structures, sites and districts aid economic development through revitalization of the City's central business district and urban neighborhoods, improvement of property values and enhancement of the City's historic attractions to tourists and visitors; and aid the development of education by preservation of such heritage for future generations;
- d) That the preservation of this heritage is essential to the promotion of the prosperity, education and general welfare of the people; and
- e) That City Council hereby finds that it is the public policy and the public interest of this City to engage in a comprehensive program of historic preservation, undertaken at all levels of government, along with the private sector, to promote the use and preservation of such heritage for the education and general welfare of the people of this City; and, accordingly, this article shall be broadly construed in order to accomplish the purposes herein set forth.

Sec. 2-691 Creation.

The Charleston Historic Landmarks Commission is hereby created and shall exist as an agency of the City to identify study, preserve and protect the historic landscape. The creation of the Commission is authorized by §8-26A of the State Code of West Virginia of 1931, as amended.

Sec. 2-692 Definitions.

As used in this article:

- a) "Exterior architectural features" include the architectural character and general composition of the exterior of a structure, including, but not limited to, the type and texture of the building material, design and character of all windows, doors, light fixtures, signs, other appurtenant elements and natural features when they are integral to the significance of the site, all of which are subject to public view from a public street, way or place.
- b) "Historic district" is a geographically definable area possessing a significant concentration, linkage or continuity of sites buildings, structures or objects united historically or aesthetically by plan or physical development.
- c) "Historic landmark" is a site, building, structure or object designated as a "Landmark" either on a national, state or local register.
- d) "Historic site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure.
- e) "Secretary of the Interior's Standards" are the standards and guidelines adopted and published by the National Park Service, United States Department of the Interior, for the rehabilitation of historic sites or properties.
- f) "State Historic Preservation Office" is the subdivision of the West Virginia Division of Culture and History charged with the administration of federal and state laws, rules and regulations applicable to historic sites or properties, historic landmarks and historic districts or real properties, structures, buildings and other improvements that are eligible to become historic sites, historic landmarks and historic designations based on the Secretary of the Interior's Standards.

Sec. 2-693 Composition and Organization.

Composition. The Charleston Historic Landmarks Commission shall consist of five members and shall be comprised as follows: an architect meeting the professional qualification standards published in the Code of Federal Regulations, 36 CFR Part 61; a structural historian meeting the professional qualification standards published in the Code of Federal Regulations, 36 CFR Part 61; a real estate broker; a member of City Council or a member of the Municipal Planning Commission; and an interested citizen or layperson. All members shall have a demonstrated interest, competence or knowledge in historic preservation and local history and, to the extent available in the community, shall be preservation-related professionals. Members who are not professionally qualified shall demonstrate a vocational experience in preservation and associated disciplines. Members shall reside within the City of Charleston and shall represent diverse geographic areas of the City. No employee of the City of Charleston shall be eligible to serve on the Commission.

Election and Terms of Service. Members shall be appointed by the Mayor with the advice and consent of City Council and shall serve initial terms of one year, two years, two years, three years and three years respectively, with all subsequent terms to be of three years duration. Vacancies shall be filled by election for the unexpired term in the same manner as provided above.

Service without Compensation. All members shall serve without compensation but may be reimbursed for reasonable expenses arising out of the performance of their duties.

Governance. Members of the Commission shall select annually from its membership a chairman, vice-chairman, treasurer and other officers as it determines necessary for the performance of its duties.

Meetings. The Commission shall meet monthly and may meet more frequently if it elects. The Commission may convene its meetings on the site or sites of real properties in issue with the consent of property owners.

Quorum. A majority of the members of the Commission shall constitute a quorum. A majority vote of the members present at a meeting shall be required for any action or decision of the Commission.

Parliamentary Procedure. The Commission shall adopt such rules and hold such meetings as shall be necessary or convenient for the transaction of its business under established rules of parliamentary procedure.

Sec. 2-694 Powers and Duties.

The Charleston Historic Landmarks Commission shall have the following powers and duties:

- a) Make a survey of, and designate as historic landmarks, buildings, structures and districts which constitute the principal historical and architectural sites which are of local, regional, statewide or national significance in accordance with Sec. 2-695 of this article;
- b) Prepare a register of buildings, structures, sites and districts which meet the requirements of subsection (a) of this section, publish lists of such properties and, with the consent of the property owners, inspect such properties from time to time and publish a register thereof from time to time setting forth appropriate information concerning the registered buildings, structures, sites and districts;
- c) Review applications for certificates of appropriateness and grant or deny the same in accordance with Sec. 2-696 of this article;
- d) With the consent of the property owners, mark with appropriately designed markers, buildings, structures and sites which it has registered;
- e) Establish standards for the care and management of designated historic landmarks and withdraw such certification for failure to maintain the standards so prescribed;
- f) Acquire by purchase, gift or lease and administer registered landmarks and easements and interests therein, both real and personal;
- g) Lease or sell property so acquired under terms and conditions designed to ensure the proper preservation of the historic landmark in question;
- h) Aid and encourage the City to adopt ordinances and resolutions for the preservation of landmarks and historic districts, their buildings, structures and character;

- i) Prepare and place historical markers on or along the highway or street closest to the location which is intended to be identified by such marker;
- j) Seek the advice and assistance of individuals, groups and departments and agencies of government who or which are conducting historical preservation programs and coordinate the same insofar as possible;
- k) Seek and accept gifts, bequests, endowments and funds from any and all sources for the accomplishment of the functions of the commission;
- l) Adopt rules and regulations concerning the operation of the commission, the functions and responsibilities of its officers, employees, assistants and other personnel and such other matters as may be necessary to carry out the purposes of this article; and
- m) Adopt such other rules and regulations as may be deemed necessary to effectuate the purposes of this article, but no such rules and regulations shall be inconsistent with any plan of the Municipal Planning Commission: *Provided*, that in no case shall such rules and regulations take precedence over the duly enacted ordinances of the City.

Sec. 2-695 Designation of historic properties and historic districts with review for certificates of appropriateness.

Prior to designation of an historic landmark or historic district that includes review of certificate of appropriateness's by the Commission , the Commission shall make or cause to be made a report on the historical, cultural, architectural significance of each building, structure, site and district proposed for designation, based upon the following standards:

- i. No building, structure, site or district shall be deemed to be an historic one unless it has been prominently identified with or best represents, some major aspect of the cultural, political, economic, military or social history of the City, region, state or nation, or has had a major relationship with the life of an historic personage or event representing some major aspect of, or ideals related to, the history of the City, region, state or nation. In the case of buildings or structures which are to be so designated, they shall embody the principal or unique features of an architectural type or demonstrate the style of a period of our history or method of construction, or serve as an illustration of the work of a master builder, designer or architect whose genius influenced the period in which he worked or has significance in current times.
- ii. The Commission shall submit such report, including maps and photographs as necessary, to the State Historic Preservation Office and the West Virginia Division of Culture and History. In the case of a report for a proposed historic district, the commission shall submit with the report a map showing boundaries of the proposed district.

In the event that a historic district or historic property is to be subject to review of certificates of appropriateness by the Historic Landmarks Commission, then upon a

nomination by the Commission, the City Council shall hold a public hearing on the proposed designation of the historic property or historic district, and any proposed regulations and requirements for the historic district. Notice of the hearing shall be published at least two times in the principal newspaper of general circulation within the City; and written notice of the hearing shall be mailed by certified mail with signed return receipt required by the Commission to all owners and occupants of such properties. All the notices shall be published or mailed not less than ten nor more than twenty days prior to the date set for the public hearing. Following the public hearing, unless the owner of a proposed property or fifty percent of the ownership interest in a proposed district objects in writing by a notarized letter to such designation or regulations and requirements within thirty days following the public hearing, the local governing body may designate the property or properties as historic, and approve, amend or reject the proposed regulations or requirements. The notarized letter must state the party is the sole or partial owner of the property.

Within thirty days following such designation or approval, the owners and occupants of each designated historic property shall be given written notification of such designation or approval by City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in the appearance of the historic site, property or landmark designated or within an historic district.

Any such designated historic landmark or district designated under this ordinance shall be shown on the official zoning map of the City and kept by the City as a public record to provide notice of such designation in addition to other such notification requirements of this section.

The East End Historic District shall be deemed a lawfully created historic district at the time of enactment of the creation of the Historic Landmarks Commission and shall be subject to rules and regulations in regard to review of certificate of appropriateness's by the Historic Landmarks Commission.

Sec. 2-696 Certificate of appropriateness, review procedures, variances and appeals.

The Charleston Historic Landmarks Commission shall exercise authority to issue certificates of appropriateness to regulate new construction, alteration, removal or demolition of buildings, sites or structures within an historic district or individually designated as an historic landmark or site when authorized by ordinance under the provisions of section 2-695 and according to the following provisions:

- i. No private building, site or structure shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the Commission, except as otherwise provided by City Council or as provided by rules, regulations, policies, procedures and standards adopted and published by the Commission. For the purposes of

- this article, "exterior architectural features" shall include such portion of the exterior of a structure as is open to view from a public street, way or place.
- ii. Similarly, if earthworks of historical or archaeological importance exist in the historic district there shall be no excavating or moving of earth, rock or subsoil or any development upon or around earthworks without a certificate of appropriateness.
 - iii. The style, material, size and location of outdoor advertising signs and bill posters shall be under the control of the Commission.

The Commission may request such plans, elevations, specifications, drawings, photographs and other information as may be reasonably deemed necessary to enable it to make a determination on the application for a certificate of appropriateness.

The Commission shall hold a public hearing upon each application for a certificate of appropriateness. Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the City at least seven days before such hearing, and by posting such notice on or near the main entrance of any hall or room where the Commission usually meets. The Commission shall take such action as required to inform the owners of any property likely to be affected by the application and shall give the applicant and such owners an opportunity to be heard.

The Commission shall consider an application for a certificate of appropriateness within forty-five days after the filing thereof by the owner or occupant of an historic property or a building, site or structure located within an historic district. Evidence of approval shall be by a certificate of appropriateness issued by the Commission.

In passing upon the appropriateness of proposed action, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural integrity and significance; architectural style; design, arrangement, texture and materials of exterior architectural features; and the relationship and general compatibility thereof to the historical value and exterior architectural style and pertinent features of other structures in the surrounding area.

The Commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed action would be appropriate. In the event an application is rejected, the Commission shall put the rejection and the reasons therefore in writing, and shall transmit such written record to the applicant. The written record may include recommendations relative to design, arrangement, texture, material and similar features. The applicant may make modifications to the plans and resubmit the application at any time after doing so.

In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of an application for a certificate of appropriateness by the Commission shall be binding upon the building inspector or other administrative office charged with issuing building permits.

Where such action is reasonably necessary or appropriate for the preservation of a unique historic property, the Commission may enter into negotiations with the owner for the acquisition by gift, purchase, exchange or otherwise of the property or any interest therein.

If the strict application of any provision of this article would result in exceptional practical difficulty or undue economic hardship upon any owner of any specific property, the Commission, in passing upon applications, shall have the power to vary or modify strict adherence to the provisions or to interpret the meaning of the provision so as to relieve such difficulty or hardship: *Provided*, That such variance, modification or interpretation shall remain in harmony with the general purpose and intent of the provisions so that architectural or historical integrity or character of the property shall be conserved and substantial justice done. In granting variations, the commission may impose such reasonable and additional stipulations and conditions as will in its judgment best fulfill the purpose of this article.

The Commission shall keep a record of all applications for certificates of appropriateness and of all its proceedings.

Any person adversely affected by any determinations made by the Commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the Kanawha County Circuit Court.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on an historic property, which maintenance or repair does not involve a material change in design, material or outer appearance thereof, nor to prevent any property owner from making any use of his property not prohibited by other laws, ordinances or regulations.

Undertakings permitted, funded, licensed or otherwise assisted by the state shall be reviewed in accordance with subsection (e), section five, article one, chapter twenty-nine of the State Code of West Virginia of 1931, as amended, shall be considered exempt from review for certification of appropriateness as described in this section.

Sec. 2-697 Conflict.

The historic district and property regulations provided in this article are intended to identify, study, preserve and protect historic buildings, structures, sites and districts within the boundaries of a zoning district. Such properties are subject to the regulations for the base zoning district and the historic district or property. If there is a conflict between the requirements of the zoning district and the requirements of the historic district or property, the zoning district requirements apply.

Sec. 2-698 Court action or proceedings to prevent improper changes or illegal conduct.

The City and the Charleston Historic Landmarks Commission shall be authorized to

institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in the appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this article or to prevent any illegal acts or conduct with respect to such historic property or historic district.

Sec. 2-699 Violations and penalties.

Violations of any such ordinance adopted in conformity with this article shall be punishable by a fine up to ten percent of the total cost of the project requiring a certificate of appropriateness or five hundred dollars, whichever is greater, or imprisoned in the county jail not more than six months, or both fined and imprisoned.

Sec. 2-700 Notice to county assessor of designation of historic district.

When the Commission establishes an historic district, it shall notify the Kanawha County Assessor of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to the properties located in such district. The Assessor shall take such factors into consideration in assessing the properties therein.

Sec. 2-701 Reporting.

The Commission shall submit an annual report to the City of Charleston and the West Virginia Division of Culture and History.

The question being on the passage of the Bill a roll call was taken and there were; yeas- 20, absent – 8, as follows:

YEAS: Chestnut, Clowser, Davis, Ealy, Hall, Higgins, Hanna, Harrison, Lanham, Markham, Miller, Monroe, Morton, Sadd, Reed, Reishman, Robertson, Talkington, White, Mayor Jones.

ABSENT: Deitzler, Harris, Jones, Lane, Loeb, Nielsen, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7202 as amended, passed.

2. Your Committee on Planning has had under consideration Bill No.7209 , and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7209 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the enacted the 1st 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.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, is hereby amended by rezoning from R-8 to C- 8 District the whole of the parcel of land known as WC 11, Parcel 184, 1213 ½

Washington St. W. Said tax map is of record in the City of Charleston Planning Office.

2. The zoning map, attached to and made a part of said ordinance, is hereby amended in accordance with Section 27 of this ordinance.
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-20, absent – 8,as follows:

YEAS: Chestnut, Clowser, Davis, Ealy, Hall, Higgins, Hanna, Harrison, Lanham, Markham, Miller, Monroe, Morton, Sadd, Reed, Reishman, Robertson, Talkington, White, Mayor Jones.

ABSENT: Deitzler, Harris, Jones, Lane, Loeb, Nielsen, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7209, passed.

3. Your Committee on Planning has had under consideration Bill No.7210 , and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7210 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the enacted the 1st 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.

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 1st day of January, 2006, as amended, is hereby amended by rezoning from C-8 Village Commercial District with land use restrictions to a C-8 Village Commercial District that parcel of land known as EC 29, Parcel 190, 2445 Washington St. E., Charleston, WV. Said tax map is of record in the City of Charleston Planning Office.

4. The zoning map, attached to and made a part of said ordinance, is hereby amended in accordance with Section 27 of this ordinance.
5. 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-

20, absent – 8, as follows:

YEAS: Chestnut, Clowser, Davis, Ealy, Hall, Higgins, Hanna, Harrison, Lanham, Markham, Miller, Monroe, Morton, Sadd, Reed, Reishman, Robertson, Talkington, White, Mayor Jones.

ABSENT: Deitzler, Harris, Jones, Lane, Loeb, Nielsen, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7210, 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. 071-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 071-06: “Authorizing the Mayor to enter into an Agreement with Agsten Construction Co., Inc., in the amount of \$12,590, for Replacement of Exit Doors at the Charleston Civic Center Little Theater.”

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 Agsten Construction Co., Inc., in the amount of Twelve Thousand Five Hundred Ninety Dollars (\$12,590), for Replacement of Exit Doors at the Charleston Civic Center Little Theater.

The question being on the adoption of the Resolution a roll call was taken and there were; 20, absent – 8, as follows:

YEAS: Chestnut, Clowser, Davis, Ealy, Hall, Higgins, Hanna, Harrison, Lanham, Markham, Miller, Monroe, Morton, Sadd, Reed, Reishman, Robertson, Talkington, White, Mayor Jones.

ABSENT: Deitzler, Harris, Jones, Lane, Loeb, Nielsen, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 071-06, adopted.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 071-06, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 072-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 072-06: “Authorizing the Mayor to enter into an Agreement with Agsten Construction Co., Inc., in the total amount of \$75,000 (base bid \$58,200 and Alternate 1 – stainless steel in side walls of vestibule, \$16,800), for the Charleston Municipal Auditorium Chamber Door Renovation.”

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 Agsten Construction Co., Inc., in the total amount of Seventy-five Thousand Dollars (\$75,000) [base bid \$58,200 and Alternate 1 – stainless steel in side walls of vestibule, \$16,800], for the Charleston Municipal Auditorium Chamber Door Renovation.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 072-06, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 073-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 073-06: “Authorizing the Mayor to enter into an Agreement with Kanawha County Schools for leasing of the facility adjoining the Martin Luther King Community Center, located at 314 Donnally Street, at the rate of \$1.00 per year for the period July 1, 2006 through June 30, 2007, from 6:30 a.m. to 6:00 p.m., Monday through Friday, for operation of the Head Start Program.”

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 Kanawha County Schools for leasing of the facility adjoining the Martin Luther King Community Center, located at 314 Donnally Street, at the rate of One Dollar (\$1.00) per year for the period July 1, 2006 through June 30, 2007, from 6:30 a.m. to 6:00 p.m., Monday through Friday, for operation of the Head Start Program.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 073-06, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 074-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 074-06 : “Authorizing the Mayor to enter into an Agreement with Nichols Construction, LLC, in the amount of \$45,039.50, for purchase and installation of a Conduit-Fiber Connection from City Hall to Municipal Parking Building No. 1, located at Virginia, Quarrier, Dickinson and McFarland streets.”

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 Nichols Construction, LLC, in the amount of Forty-five Thousand Thirty-nine Dollars and Fifty Cents (\$45,039.50), for purchase and installation of a Conduit-Fiber Connection from City Hall to Municipal Parking Building No. 1, located at Virginia, Quarrier, Dickinson and McFarland streets.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 074-06, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 075-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 075-06: “Authorizing the Mayor to sign a Grant Contract Agreement with the Division of Criminal Justice Services to receive and administer grant funds in the amount of \$28,000 to provide a Prevention Resource Officer (PRO) for Stonewall Jackson Middle School.”

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

That the Mayor is hereby authorized and directed to sign a Grant Contract Agreement with the Division of Criminal Justice Services to receive and administer grant funds in the amount of Twenty-eight Thousand Dollars (\$28,000) to provide a Prevention Resource Officer (PRO) for Stonewall Jackson Middle School.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 075-06, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 076-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 076-06: “Authorizing the Mayor to sign an Agreement with Sun Control, Inc., in the amount of \$41,552.87, for application of Safety and Security Laminate on the Windows at Municipal Parking Building No. 1, located at Virginia, Quarrier, Dickinson and McFarland streets.”

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 Sun Control, Inc., in the amount of Forty-one Thousand Five Hundred Fifty-two Dollars and Eighty-seven Cents (\$41,552.87), for application of Safety and Security Laminate on the Windows at Municipal Parking Building No. 1, located at Virginia, Quarrier, Dickinson and McFarland streets.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 076-06, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 077-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 077-06: "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.

The question being on the adoption of the Resolution a roll call was taken and there were; 20, absent – 8, as follows:

YEAS: Chestnut, Clowser, Davis, Ealy, Hall, Higgins, Hanna, Harrison, Lanham, Markham, Miller, Monroe, Morton, Sadd, Reed, Reishman, Robertson, Talkington, White, Mayor Jones.

ABSENT: Deitzler, Harris, Jones, Lane, Loeb, Nielsen, Ware, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 077-06, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 078-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 078-06: "Authorizing the Mayor to enter into an Agreement with Catalyst Rx for pharmacy benefits management for City employees. The Agreement will be for a three (3) year period from October 1, 2006 to September 30, 2009, subject to the annual appropriations of funds by Council."

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 Catalyst Rx for pharmacy benefits management for City employees. The Agreement will be for a three (3) year period from October 1, 2006 to September 30, 2009, subject to the annual appropriations of funds by Council.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 078-06, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 079-06, and reports the same to Council with the recommendation that the committee report be

adopted.

Resolution No. 079-06: “Authorizing the Mayor to enter into an Agreement with Point Forward, in the amount of \$20,400, plus graduated commissions, for services related to the development of Corporate Sponsorships for the period August 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 Point Forward, in the amount of Twenty Thousand Four Hundred Dollars (\$20,400), plus graduated commissions as follows:

- a. 0% Commission up to \$100,000
- b. 10% Commission \$100,000 to \$250,000
- c. 12% Commission \$250,000 to \$500,000
- d. 15% Commission \$500,000+

This Agreement is for services related to the development of Corporate Sponsorships and is for the period August 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. 079-06, adopted.

10. Your committee on Finance has had under consideration a A bid submitted by Cargill, Inc., in the amount of \$46.80 per ton, for purchase of approximately 7,000 tons of salt to be used by the Street Department for snow and ice removal. To be charged to Account No. 001-750-00-000-3-359, Street—Snow Removal Materials, and reports the same to Council with the recommendation that the committee report be adopted.

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

11. Your committee on Finance has had under consideration a bid submitted by Flint Trading, Inc., in the amount of \$16,862.99, for purchase of Premark Plus preformed thermoplastic pavement markings to be used by the Street Department in marking crosswalks, turning arrows and stop blocks on City streets. To be charged to Account No. 221-975-00-420-4-458, Engineering—Capital Outlay, Major Improvements—City Service Fee Capital Projects Fund, 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.

12. Your committee on Finance has had under consideration a A proposal submitted by Electronic Specialty Company, in the amount of \$39,050, for purchase and installation

of three barrier gates; three aluminum gate arms; two ticket issue machines and related materials compatible with existing software and equipment at Municipal Parking Building No. 6 at 166 Summers Street. To be charged to Account No. 406-571-00-000-4-458, Parking System—Capital Outlay, Major Improvements, and reports the same to Council with the recommendation that the committee report be adopted.

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

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; June, 2006. Received and Filed.

2. City Treasurer's Report to City Council Month Ending June, 30 2006; Received and Filed.

NEW BILLS

Introduced by Councilman John Miller, on July 17, 2006:

Bill No. 7218 - A Bill to prohibit vehicular traffic from traveling in an easterly direction on the first alley north of MacCorkle Avenue between 45th Street, S. E. and 46th Street, S. E. 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 Councilman Archie Chestnut, on July 17, 2006:

Bill No. 7219 - A Bill to establish a 15 minute parking zone on the easterly side of Clendenin Street from a point 84 feet south of Donnally Street to a point 108 feet south of Donnally Street, for the purpose of loading and unloading, for the exclusive use of the physically disabled and to provide for the removal of vehicles illegally 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

ROLL CALL

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

YEAS: Chestnut, Clowser, Davis, Ealy, Hall, Higgins, Hanna, Harrison, Lanham, Markham, Miller, Monroe, Morton, Sadd, Reed, Reishman, Robertson, Talkington, White, Mayor Jones.

ABSENT: Deitzler, Harris, Jones, Lane, Loeb, Nielsen, Ware, Weintraub

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

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk