

**JOURNAL**  
**OF THE**  
**COUNCIL**  
**CITY OF CHARLESTON**  
**WEST VIRGINIA**  
**AUGUST 7, 2006**

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF AUGUST ON THE 7<sup>th</sup> 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 TALKINGTON.

CHESTNUT  
DEITZLER  
HANNA  
HIGGINS  
LANHAM  
MILLER  
NIELSEN  
ROBERTSON

MAYOR JONES

CLOWSER  
EALY  
HARRIS  
JONES  
  
MONROE  
REED  
SADD  
WEINTRAUB

DAVIS  
HALL  
HARRISON  
LOEB  
MORTON  
MARKHAM  
REISHMAN  
TALKINGTON  
WHITE

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

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

## **PUBLIC SPEAKERS**

None

## **CLAIMS**

1. A claim of Joan Marie Coleman, Osf, 3607 Virginia Ave. SE., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
2. A claim of Kay Vaughn, 5607 ½ Raven Drive, Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
3. A claim of Kenneth Coston, 867 Greendale Drive, Charleston, WV; alleges damage to property.  
Refer to City Solicitor.
4. A claim of Edward Kingery, 794 Gordon Drive, Charleston, WV; alleges damage to property.  
Refer to City Solicitor.
5. A claim of Donald Toler, 6554 MacCorkle Ave, SE., Charleston, WV; alleges damage to property.  
Refer to City Solicitor.
6. A claim of Kenneth E. Webb, Jr., 30 Carriage Rd., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
7. A claim of Helen Davis, Rt. 4 Box 91, Hurricane, WV; alleges damage to vehicle.  
Refer to City Solicitor.
8. A claim of Jesus Reyes, 753 ½ South Park Court, Charleston, WV; alleges damage to property.  
Refer to City Solicitor.
9. A claim of Melanie Blasingim, 3402 Noyes Ave., Charleston, WV; alleges personal injury.  
Refer to City Solicitor.

## **PUBLIC HEARING**

The Mayor read the following Public Hearing:

After duly being published as required, I now declare the floor open for a Public Hearing on Bill No. 7215, A Bill to amend and revise section 114-602e of the Code of the City of Charleston, related to parking fees for reserved parking at the West Side Lot "C" located off Indiana Ave.

The Chair sees no one from the public.

The Chair hears no one from the public.

The Chair declares Public Hearing on Bill No. 7215, Closed.

## **MISCELLANEOUS RESOLUTIONS**

Resolution No. 092-06

Introduced in Council

August 7, 2006

Introduced by

Bobby Reishman

Resolution No. 092-06 – A Resolution to certify the of results as reflected by the attached Report and Certificate of Results as the official and correct returns and true results of the “Referendum on Charleston User Fee Ordinance” Special Election held for the City of Charleston on the twenty-fourth day of July, two thousand and six.

WHEREAS, a Select Committee for the Council of the City of Charleston was appointed by the adoption of Resolution No. 049-06 at the City Council meeting on the 19<sup>th</sup> day of June, 2006, to act as a Canvassing Board to canvass the votes cast for the “Referendum on Charleston User Fee Ordinance” Special Election of the City of Charleston on the twenty-fourth day of July, two thousand and six, and make a report to Council of the correct returns ascertained from an inspection of the ballots used in said election and a true count of the challenged ballots; and after completing their canvass;

WHEREAS, the said Select Committee completed its canvass of the Special Election on July 31, 2006, at the Voters Registration office, and has submitted the Report and Certificate of Results, attached hereto, as the official and correct returns and true results of the Special Election.

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

"That the Council of the City of Charleston hereby adopts the Certificate of Results as reflected by the attached Report and Certificate of Results as the official and correct returns and true results of the "Referendum on Charleston User Fee Ordinance" Special Election held for the City of Charleston on the twenty-fourth day of July, two thousand and six."

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 092-06, adopted.

## **REPORTS OF STANDING COMMITTEES**

### ***ENVIRONMENT AND RECYCLING***

Councilman Ed Talkington, Chairperson of the Council Committee on Environment and Recycling, submitted the following reports.

1. Your Committee on Environment and Recycling has had under consideration Resolution No. 080-06 and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 080-06 -- "Concerning a 10% increase in the monthly tonnage at the City of Charleston Landfill operated by Landfill Services of Charleston, Inc.."

WHEREAS, the City entered into an Operating Agreement with Landfill Services of Charleston, Inc., formerly known as West Virginia Waste Services, Inc., on February 15, 1994, to construct and operate the City of Charleston Landfill; and

WHEREAS, the solid waste permit issued to the permittee City of Charleston on December 1, 1994, was modified to reflect a "CLASS A" Landfill with the tonnage authorization of "15,000 tons/month" on April 29, 1997 that was modified to "16,500 tons/month" by a 10% increase on April 19, 1999 by Resolution No. 180-99, and modified to 18,150 tons/month on February 2, 2004 by Resolution No. 432-03, and

WHEREAS, pursuant to West Virginia Code §22-15-1 *et seq.* and West Virginia Solid Waste Management Rule 33-01, a permittee may request a permit modification in alternate years from the West Virginia Division of Environmental Protection ("WVDEP") to increase the volume of solid waste accepted at the landfill facility by an amount of 10% or less, unless such an increase requires a change in the classification of the facility; and

WHEREAS, more than two years time has elapsed since the previous modification to the Solid Waste Permit; and

WHEREAS, the City has received an Engineer's Opinion and Recommendation, incorporated herein and attached hereto as Exhibit A, which indicates that a 10% monthly tonnage increase is necessary to provide for continued efficient disposal of waste at the landfill facility;

WHEREAS, upon information and belief, a 10% increase in monthly tonnage will not change the classification of the landfill facility; therefore

THEREFORE, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That the Council of the City of Charleston directs the administration to take the appropriate action(s), consistent with all state and local laws and rules, to initiate the submittal of an application to the WVDEP, Office of Waste Management, requesting a permit modification allowing permittee to increase the allowable monthly tonnage of the landfill facility by 10%.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 080-06, adopted.

2. Your Committee on Environment and Recycling has had under consideration Resolution No. 081-06 and reports the same to Council with the recommendation that the committee report be adopted.

RESOLUTION NO. 081-06 "Authorizing the Mayor to execute an amendment to extend the term of the February 15, 1994, Operating Agreement, as amended, for a period of five years pursuant to section 5.01 of the Operating Agreement."

WHEREAS, on February 15, 1994, the City of Charleston, West Virginia, and West Virginia Waste Services, Inc., entered into an Operating Agreement for the City of Charleston Solid Waste Facility (the "Agreement"); and

WHEREAS, Landfill Services of Charleston, Inc. ("Contractor"), is the successor to West Virginia Waste Services, Inc.; and

WHEREAS, Section 5.01 of the Operating Agreement allows for the extension of the Agreement for additional five year periods if the Contractor is not in default of any of the terms, conditions, provisions, and/or covenants it is obligated to keep, perform and/or observe under the terms of the Agreement; and

WHEREAS, the estimated site life of the landfill was originally 25 years (through the year 2019), but, due to efforts to maximize the compaction of waste, the projected site life has been extended through the year 2024, see June 12, 2006, letter from Counsel for Contractor, incorporated herein and attached hereto as Exhibit A; and

WHEREAS, the estimated site life now exceeds the term of the original agreement; and

WHEREAS, upon representations by the Contractor and upon information and belief, the Contractor is not currently in default of any of the terms, conditions, provisions, and/or covenants it is obligated to keep, perform and/or observe under the terms of the Agreements; and

WHEREAS, it is consistent with the original intent of the City and Contractor to amend the Agreement to extend the term for five (5) years to maintain continuity of landfill operations through the life of the site; and

WHEREAS, the aforementioned amendment to extend the term of the Agreement shall not in any way modify or amend any other terms or conditions of the Agreement, and the City expressly preserves all other terms and conditions of the Agreement as set forth therein, including, but not limited to, the terms and conditions related to termination of the Agreement;

THEREFORE, Be it Resolved by the Council of the City of Charleston:

That the Mayor is hereby authorized and directed to sign, on behalf of the City of Charleston, an amendment to extend the term of the Agreement for five (5) years (through February 15, 2024); provided, that said amendment shall be consistent with the terms stated herein and with state and local laws, and shall be subject review and approval of legal counsel for the City prior to execution of the amendment.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 081-06, adopted.

## **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.7216, and reports the same to Council with the recommendation that the committee report be adopted, but first be referred to Finance Committee for a determination of the consideration.

A Bill closing, abandoning and discontinuing as a public right of way a street known as Standard Street, and a portion of the street known as Creel Avenue, situate north of, and parallel with, Ferry Branch Street and south of, and parallel with, MacCorkle Avenue, in the City of Charleston, West Virginia, and reserving a sewer easement for the City of Charleston.

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

1. The public right of way commonly known as Standard Street and a part of Creel Avenue, located in the 15<sup>th</sup> Ward of the City of Charleston, Kanawha County, West Virginia., more aptly described as follows:

Beginning at a point where the westerly right of way line (R/W line) of Standard Street intersects the northerly line of Ferry Street, then with said R/W line of Standard Street, N 41° 30' 00" E. 302.17' to a point in the southerly R/W line of MacCorkle Avenue (W.V. State Route #61), then with said R/W line, S 44° 50' 46"E, 35.07" to a point in the easterly R/W line of Standard Street, thence S 41° 30' 00" W. 102.40' to a point in the northerly R/W line of Creel Avenue, thence with said R/W line, S 47° 43' 00" E. 203.81' to a point in the northerly R/W line of Creel Avenue, and in the northwesterly R/W line of Pickens Street, then with said R/W line crossing Creel Avenue S 42° 17' 00" W. 35.00' to a R.R. Spike at the back of the concrete sidewalk in the southerly R/W line of Creel Avenue and with same N 47 43' 00 W. 203.33' to a point in the easterly R/W line of Standard Street and with said R/W line S 41° 30' 00" W. 159.80' to a point in the northerly R/W line of Ferry Street, then with said R/W line, crossing Standard Street N 52° 57' 48" W. 35.11' to the point of beginning, containing a total area to be conveyed of 17,614 square feet. The area of that portion of Creel Avenue of the total to be conveyed is 7,125 square feet.

2. The City of Charleston hereby reserves a sewer easement for the full width and length of the above-described right of way for the purpose of construction, maintenance, repair and removal of storm and sanitary sewer lines. No person shall construct improvements or take any other actions which would interfere with this easement, or alter the present surface profile or contour of the subject right of way by more than one (1) foot without the written permission of the City Engineer and Charleston Sanitary Board.

3. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to Marathon Petroleum LLC, and its successors in office, all right, title and interest in and to said real property as described in Section 1 above, except as provided in Section 2 above, for the consideration of Twenty-five Thousand Three Hundred Sixty Four and 00/100 (\$25,364.00).

4. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

The Mayor referred the Bill to Finance Committee for consideration.

## **STREETS AND TRAFFIC**

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

1. Your Committee on Streets and Traffic has had under consideration Bill No.7195, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to establish One Hour Parking, Tow Away between the hours of 7:00 a.m. and 7:00 p.m., on both sides of Bullitt Street from Piedmont Road to Spring Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114 to conform therewith.

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

Section 1. One Hour Parking, Tow Away between the hours of 7:00 a.m. and 7:00 p.m., on both sides of Bullitt from Piedmont Road to Spring Street is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilman Higgins made a motion to adopt a floor amendment, Councilperson Nielsen seconded the motion.

The floor amendment read as follows:

Bill No. 7198 – a Bill to established Three Hour parking, Tow Away between the hours of 2 p.m. and 10 p.m. Tuesday though Sunday, on both sides of Bullitt Street from Piedmont toad to Spring Street and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic law, Section 263, Division 2, Article 4, Chapter 114 to conform therewith.

Council approved the amendment.

The question being on the passage of the Bill as amended, a roll call was taken and there were; yeas-26, nays – 0, absent –2, as follows:

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

ABSENT: Lane, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7195 as amended, 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. 082-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 082-06 : “Authorizing the Mayor to enter into an Agreement with the West Virginia Division of Criminal Justice Services to receive and administer grant funds in the amount of \$200,347 for salary reimbursements to member agencies of the Metro Drug Enforcement Network Team (MDENT). The Charleston Police Department will be allocated \$56,000 of the total grant funds.”

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 West Virginia Division of Criminal Justice Services to receive and administer grant funds in the amount of Two Hundred Thousand Three Hundred Forty-seven Dollars for salary reimbursements to member agencies of the Metro Drug Enforcement Network Team (MDENT). The Charleston Police Department will be allocated Fifty-six Thousand Dollars (\$56,000) of the total grant funds.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 082-06, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 083-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 083-06 : “Authorizing the Mayor to enter into a Memorandum of Understanding with eight other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that assist the Charleston area offices of the Drug Enforcement Administration (DEA), the Federal Bureau of Investigations (FBI), and the Bureau of Alcohol, Tobacco, and Firearms (ATF) to achieve maximum cooperation in combined law enforcement efforts to address drug and violent crime related offenses in and around Charleston and surrounding communities.”

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 Memorandum of Understanding with eight other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that assist the Charleston area offices of the Drug Enforcement Administration (DEA), the Federal Bureau of Investigations (FBI), and the Bureau of Alcohol, Tobacco, and Firearms (ATF) to achieve maximum cooperation in combined law enforcement efforts to address drug and violent crime related offenses in and around Charleston and surrounding communities.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 083-06, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 084-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 084-06 : “Authorizing the Mayor to sign Change Order No. 1, in the amount of \$18,319, and Change Order No. 2, in the amount of \$29,505, with Garcie R. Marker & Sons for the Concrete Sidewalk Accessibility Ramps Project. Change Order No. 1 provides for sidewalk and curb replacement along the south side of the 1800 Block of 5th Avenue, and Change Order No. 2 provides for sidewalk and curb replacement along the north side of the 1000 Block of Quarrier Street. The two change orders increase the contract price from \$343,275 to \$391,099.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1, in the amount of \$18,319, and Change Order No. 2, in the amount of \$29,505, with Garcie R. Marker & Sons for the Concrete Sidewalk Accessibility Ramps Project. Change Order No. 1 provides for sidewalk and curb replacement along the south side of the 1800 Block of 5th Avenue, and Change Order No. 2 provides for sidewalk and curb replacement along the north side of the 1000 Block of Quarrier Street. The two change orders increase the contract price from \$343,275 to \$391,099.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas - 28, nays-2 as follows:

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

ABSENT: Lane, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 084-06, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 085-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 085-06 : “Authorizing the Mayor to sign a grant application with KaBOOM! for a Community Partner Agreement providing funds for a community-building playground at Cato Park.”

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 application with KaBOOM! for a Community Partner Agreement providing funds for a community-building playground at Cato Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 085-06, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 086-06, and reports the same to Council with the recommendation that the committee report be

adopted.

Resolution No. 086-06 : “Authorizing the Mayor to sign a grant application with The Greater Kanawha Valley Foundation, in the amount of \$10,000, providing for the purchase of swings and benches for Danner Meadows Park.”

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 application with The Greater Kanawha Valley Foundation, in the amount of Ten Thousand Dollars (\$10,000), providing for the purchase of swings and benches for Danner Meadows Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 086-06, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 087-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 087-06 : “Authorizing the Finance Director to allocate funds in the amount of \$84,456.50 for rehabilitation of (6) owner occupied residences in the City of Charleston.”

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

That the Finance Director is authorized and directed to allocate funds in the amount of \$84,456.50 for rehabilitation of (6) owner-occupied residences in the City of Charleston, at the following locations:

West Side (4):	
JMH Construction	\$15,030.00
Burford Construction	\$13,315.00
Burford Construction	\$14,500.00
Burford Construction	\$16,506.50
East End (1):	
Burford Construction	\$ 8,210.00
South Hills (1):	
JMH Construction	\$16,895.00

The question being on the adoption of the Resolution a roll call was taken and there were; yeas - 28, nays-2 as follows:

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

ABSENT: Lane, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 087-06, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 088-06, and reports the same to Council with the recommendation that the committee report be

adopted.

Resolution No. 088-06 : “Authorizing the Mayor to sign a contract with the West Virginia Development Office for FY 2005 LEDA Grant in the amount of \$10,000 on behalf of Hospice House.”

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

That the Mayor is hereby authorized and directed to sign a contract with the West Virginia Development Office for FY 2005 LEDA Grant in the amount of Ten Thousand Dollars (\$10,000) on behalf of Hospice House.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas - 28, nays-2 as follows:

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

ABSENT: Lane, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 088-06, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 089-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 089-06 : “Authorizing the Mayor to enter into a contract with McClanahan Construction, in the amount of \$683,677, for the Florida Street Streetscape Project.”

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

That the Mayor is hereby authorized and directed to enter into a contract with McClanahan Construction in the amount of Six Hundred Eighty-three Thousand Six Hundred Seventy-seven Dollars (\$683,677) for the Florida Street Streetscape Project.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas - 28, nays-2 as follows:

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

ABSENT: Lane, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 089-06, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 090-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 090-06 : “Authorizing the Finance Director to amend the 2005 CDBG Budget as indicated on the attached list of accounts. This is contingent upon no adverse

comments received during the 30-day comment period.”

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

That the Mayor is hereby authorized and directed to amend the 2005CDBG Budget as indicated on the attached list of accounts. This is contingent upon no adverse comments received during the 30-day comment period:

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 090-06, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 091-06, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 091-06 – authorizing the Mayor to sign an amendment to contract with Andrapogon Associates, Ltd. for the Gateway Greenspace Site Development and Landscape Design Project, providing for an increase in cost from \$117, 000 to 132, 160. The increase in price reflects a change in the scope of services necessitates by change in the traffic pattern on Washington Street, East, and an increase in the professional hourly rates since the contract was approved by Council through Resolution No. 449-04 on January 5, 2004.”

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

That the Mayor is hereby authorized and directed to sign an amendment to contract with Andrapogon Associates, Ltd. for the Gateway Greenspace Site Development and Landscape Design Project, providing for an increase in cost from \$117, 000 to 132, 160. The increase in price reflects a change in the scope of services necessitates by change in the traffic pattern on Washington Street, East, and an increase in the professional hourly rates since the contract was approved by Council through Resolution No. 449-04 on January 5, 2004.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas - 28, nays-2 as follows:

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

ABSENT: Lane, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 091-06, adopted.

11. Your committee on Finance has had under consideration a bid submitted by Stephens Auto Center, Inc., in the amount of \$21,183, for purchase of a 2006 Jeep Wrangler Right-Hand Drive Meter Patrol Vehicle to be used by the Parking System. To be charged to Account No. 406-571-00-000-4-459, Parking System—Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

12. Your committee on Finance has had under consideration a payment of an invoice from

Visionair, in the amount of \$45,160.77, covering the software maintenance contract for the Charleston Police Department Mobile Data and Records Management System for a one year period from August 1, 2006 to July 31, 2007. To be charged to Account No. 001-700-00-000-2-217, Police—Maintenance & Repairs, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

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

13. Your committee on Finance has had under consideration a Proposal submitted by Goldfarb Electric Supply Co., Inc., in the amount of \$13, 053.42, fro purchase of materials and supplies to provide electrical services on Kanawha Boulevard at Haddad Riverfront Park to serve City functions. To be charged to Account No. 220-979-00-900-4-458, P&R, - 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.

14. Your Committee on Finance has had under consideration Bill No.7215, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7215 - A Bill to amend and revise Section 114-602e of the City Code of the City of Charleston, all related to parking fees.

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

That the Council of City of Charleston does hereby amend and revise Section 114-602e, related to parking fees for reserved parking at the West Side Lot "C" located off Indiana Ave, to read as follows:

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

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

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

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

(1) 6:00 a.m. through 5:00 p.m. . . .	
Less than one hour. . . . .	\$1.00
One to two hours . . . . .	2.00
Two to three hours . . . . .	3.00
Daytime maximum . . . . .	3.00
 (2) 5:00 p.m. through 6:00 a.m.:	1.00
Less than one hour . . . . .	2.00
One to two hours. . . . .	3.00
Two to three hours . . . . .	3.00
Daytime maximum . . . . .	3.00
 (3) Events (pre-charge) . . . . .	3.00
 (4) Civic Center North, per month (exclusive of event parking)	 \$25.00

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

(e) Reserved parking at the West Side Lot "C", located off Indiana Ave as shown on the attached map, which is incorporated herein by reference, shall be at a rate of \$35.00 per month plus a \$10.00 activation fee. The reserved rate shall apply to any space properly signed that is not otherwise made available for metered parking on the West Side Lot "C". All other spaces on lots "A" & "B" shall be metered spaces only providing for hourly parking for customers patronizing local businesses.

(e f) Parking shall be provided for city employees on the top floor of Building No. 5. The city shall pay the parking system \$60.00 per month per employee. The city manager shall report quarterly to the parking facilities committee the number of employees and

the allocation of parking spaces; council parking, 27 permits at \$2.00 per day, an average of one day per week for 48 weeks. The parking system director shall make available to members of council, parking spaces in the Shanklin parking facility on or about 6:00 p.m. for attending meetings of council or its committee under the same terms and conditions as the director makes available to city employees.

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

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

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

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

for pre-approved events or activities scheduled for more than four hours and/or beginning before 5:00 p.m. . . . .	4.00
For pre-approved events or activities scheduled for less than four hours and beginning after 5:00 p.m. . . . .	3.00

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

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

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

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

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

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

This bill is to become effective immediately upon its passage by a two-thirds vote of Council.

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays – 0, absent –2, as follows:

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

ABSENT: Lane, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7215 passed.

## **REPORTS OF OFFICERS**

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

### **NEW BILLS**

Introduced by Councilperson Paul Monroe, on August 7, 2006:

Bill No. 7220 - 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-6 Medium Density Residential to C-8 Village Commercial District that certain parcel of land known as West Charleston 28, Parcels 117-118- and 119 in the City of Charleston, Kanawha County, West Virginia.

Refer to Municipal Planning Commission

Introduced by Councilperson Mary Jean Davis, on August 7, 2006:

Bill No. 7221 - A Bill closing, abandoning and discontinuing as a public street located at the easterly right-of-way of MacCorkle Avenue, S.E. -W.V./ U.S. Route No. 61 and the westerly right-of-way line to West Virginia Turnpike

Refer to Municipal Planning Commission

Introduced by Councilperson Mary Jean Davis, on August 7, 2006:

Bill No. 7222- amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended and the map made a part thereof, by establishing R-4 Single Family Residential District zoning on those parcels of land located within the Woodlands Subdivision consisting of approximately 4.4 acres m/l and known as parcels 18-19-20-21-22 and adjacent roads and rights of way within the subdivision.

Refer to Municipal Planning Commission

Introduced by Councilperson Mary Jean Davis, on August 7, 2006:

Bill No. 7223- A Bill providing for an annexation without an election of the remaining portion of the Woodlands Subdivision situate on the waters of Rays Branch tributary of Davis Fork that is located outside the corporate limits of Charleston that is comprised of 4.4 acres m/l of land pursuant to the provisions of Chapter 8, Article 6, Section 4 of the West Virginia Code, 2006, as amended, and directing the City Clerk to forward a certificate to the County Court of Kanawha County to the affect that a petition to annex has been filed, in the manner required by law, to increase the Charleston corporate limits.

Refer to Municipal Planning Commission

## ROLL CALL

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

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

ABSENT: Lane, Ware

At 7:50 p.m., on motion of Councilmember Davis, Council adjourned until Monday, August 21, 2006, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk