

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

July 16, 2007

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 16TH DAY, IN THE YEAR 2007, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY EALY AND THE PLEDGE OF ALLEGIANCE WAS LED BY HIGGINS.

**BURTON
HANNA
HIGGINS
KNAUFF
MILLER
REISHMAN
SHEETS
WARE
MAYOR JONES**

**CLOWSER
EALY
HARRIS
JONES
LANE
RUSSELL
SMITH
WEINTRAUB**

**DAVIS
HALL
HARRISON
KIRK
LANHAM
REED
SALISBURY
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 Christine Henry, 2121 Harrison Avenue, St. Albans, WV; alleges personal injury.
Refer to City Solicitor.

PUBLIC HEARINGS

1. PUBLIC HEARING – Bill No. 7267 as amended, A bill to amend §82-124 and §82-125 of the code of the City of Charleston concerning recreational facilities including swimming pools.

COMMUNICATIONS

The Clerk read the Communication:

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

Dear Mayor Jones and Councilmember's:

On July 11, 2007, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases should be referred to the Planning Committee of Council.

Cottage Point Lane Street Naming – Application of Topdown Development LLC requesting the private street within the Pointe Subdivision be named Cottage Pointe Lane to comply with the 911 System requirement for names associated with the 911 Street Naming and Numbering System for streets to be named within the City of Charleston.

Sadies Way Alley Naming – Application of Tom Lane requesting the private alley running west to east from Dunbar Street to dead end be named Sadies Way and for the named to be approved as required by the 911 Statewide Addressing requirement for streets to be named within the City of Charleston.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant

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

The Clerk read the Appointments:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: JULY 16, 2007

I recommend that Russell Young, 5533 Washington Avenue, Charleston, WV 25304, be reappointed to the Municipal Planning Commission, with a said term to expire July1, 2010.

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 16, 2007

I recommend that Watson Terry, 1110 Barton Street, Charleston, WV 25302, be reappointed to the Municipal Planning Commission, with a said term to expire July 1, 2010.

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 16, 2007

I recommend that Dean Dawson, 4920 Washington Avenue, Charleston, WV 25304, be appointed to the Municipal Planning Commission, with a said term to expire July 1, 2010.

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

Council approved the Appointment. Abstain: Clowser

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: July 16, 2007

I recommend that Ruth Elam, 461 Linden Road, Charleston, WV 25314, be appointed to the Municipal Planning Commission, with a said term to expire July 1, 2010.

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

Council approved the Appointment

MISCELLANEOUS RESOLUTIONS

1. Councilman Harris made a motion to reconsider Resolution 244-07. Councilman Ware second the motion. Council voted. Motion passed.

Councilman Harris move to approve Resolution 244-07 to reflect the final

wording of the proposed agreement between the City of Charleston and the University of Charleston. Councilman Ware second the motion. Council voted. Resolution passed.

PARKS AND RECREATION

1. Bill No. 7267 as amended, A bill to amend §82-124 and §82-125 of the code of the City of Charleston concerning recreational facilities including swimming pools. (Referred to Finance for final vote)

PLANNING

Councilwoman Mary Jean Davis, Chairman of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration Bill No. 7253, and reports the same to Council with the recommendation that the bill do pass.

Bill No.7253 amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 in order to make corrective additions and deletions as follows:

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective November 21, 2005, is hereby amended as follows:

Sec. 2-020 Definitions of Terms

Clinic, Medical or Dental. An establishment providing dental, medical, psychiatric or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services. Medical or Dental Clinics shall not include Opioid Treatment Clinics.

Methadone. – An opioid agonist used as replacement therapy for opioids in addicted patient.

Clinic, Opioid Treatment. – A clinic, whether a primary or accessory use that is licensed by the state of West Virginia and certified by the United States Drug Enforcement Administration and Substance Abuse and Mental Health Services Administrations to provide medication-assisted therapy for individuals addicted to opioids as outpatient treatment only.

Sec. 3-050 Permitted Land Uses

PERMITTED USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	PMC	I-2	I-4	PUD	SUPP.
<u>Clinic, Opioid Treatment</u>					<u>C</u>											

Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table

- 5. ~~The following conditions shall apply to a non-residential accessory use:~~
 - a. ~~No more than two accessory buildings per establishment shall be erected on a lot.~~
 - b. ~~An accessory building shall be at least 3 feet from all lot lines and from any other building on the~~

~~same lot, unless otherwise specified in this ordinance.~~

~~e. No accessory building shall be erected in a required front or side yard.~~

Sec. 3-080 Accessory Structures and Uses in Residential Districts

7. The total square footage of all accessory buildings shall not exceed ~~50 percent~~ 600 square feet or 75% of the first or ground floor area of the principal building whichever is greater.

~~10. No accessory structure shall be constructed with a cellar or below grade story.~~

Sec. 3-090 Accessory Structures and Uses in Commercial Districts

A. Customary and incidental accessory buildings and uses are allowed in all commercial districts, as specifically regulated in that district, provided:

1. The storage, collecting, dismantling, salvaging or repairing of more than one (1) piece of machinery, inoperative, expired inspection sticker, or unlicensed, motor vehicle, or appliance is prohibited, unless customary and incidental to the primary business such as an auto repair unless totally screened from view.

2. The following conditions shall apply to a non-residential accessory use :

a. No more than two accessory buildings per establishment shall be erected on a lot.

b. An accessory building shall be at least 3 feet from all lot lines and from any other building on the same lot, unless otherwise specified in this ordinance.

c. No accessory building shall be erected in a required front or side yard front of the building line.

Sec. 22-080-04 Instructional Signs in Commercial Districts

Sec. 22-100 Political Signs

For the purposes of this section the following shall govern political signs.

A. Political signs shall not be displayed except 90 days prior to any election. Primary and general elections shall be considered separately.

B. No sign permit shall be required for political signs.

C. Political signs shall be limited to one sign of 6.5 square feet per issue or candidate in Zoning Districts R-2, R-4, R-6, R-8 and R-10.

D. Political signs shall be limited to one sign of 32 square feet per issue or candidate in Zoning Districts R-O, C-4, C-8, C-10, C-12, CBD, PMC, 1-2, 1-4, and PUD.

Renumber Existing Section 22-100 Off-Premise Signs accordingly.

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

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

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7253, as amended, passed.

2. Your Committee on Planning has had under consideration Bill No. 7262, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7262 - amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, and the map made a part thereof, by rezoning the whole of that certain parcel of land situate at 117 Spring Street, Charleston, West Virginia from an I-2 Light Industrial District to C-10 General Commercial District

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 an I-2 Light Industrial District to a C-10 General Commercial District the whole of the following described parcel of land:

Parcel No. 161 as shown on Charleston Tax Map West Charleston No. 28. Subject parcel commonly known as 117 Spring Street, fronting 75 feet on the southerly side of Spring Street and 90 feet on the westerly side of the alley running north and south between Bigley Avenue and Spring Street containing 6750 square feet, more or less, Charleston, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this ordinance.
3. All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

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

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7262, as amended, passed.

3. Approval of Street names Middleton Drive and Milam Road.

STREETS AND TRAFFIC

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7260, and reports the same to Council with the recommendation that the bill do pass.

A Bill to amend **and re-enact Ordinance No. 1243** passed by Council on March 15, 19972 relating to establishing a 20 mile per hour speed limit on Amity Drive and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1.

A 20 mile per hour speed limit on Amity Drive is hereby established.

Section 2.

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

Section 3.

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

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

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7260, as amended, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7261, and reports the same to Council with the recommendation that the bill do pass.

A Bill to **prohibit** vehicular traffic from traveling in the south bound direction on Chamberlain Court 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.

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

Section 1.

Vehicles are hereby prohibited from traveling in a south bound direction on Chamberlain Court.

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, Chapter one hundred fourteen, Article five, shall be and hereby are amended, to conform to this Ordinance.

Section 3.

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

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

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7261 passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7268, and reports the same to Council with the recommendation that the bill do pass.

A Bill to establish a **15 minute Stopping and Standing Zone** on the easterly side of Morris Street from a point 125 feet north of Quarrier Street to a point 175 feet north of Quarrier Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1.

A 15 minute Stopping and Standing Zone on the easterly side of Morris Street from a point 125 feet north of Quarrier Street to a point 175 feet north of Quarrier Street is hereby established.

Section 2.

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

Section 3.

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

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

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7268 passed.

4. Your Committee on Streets and Traffic has had under consideration Bill No. 7269, and reports the same to Council with the recommendation that the bill do pass.

A Bill to establish a **No Parking Anytime Tow-Away** zone on the southerly side of Washington Street, West from Patrick Street to a point 97 feet east of Patrick Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A No Parking Anytime Tow-Away zone on the southerly side of Washington Street, West from Patrick Street to a point 97 feet east of Patrick Street is hereby established.

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

and hereby are amended, to conform to this Ordinance.

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

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

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7269 passed.

5. Your Committee on Streets and Traffic has had under consideration Bill No. 7270, and reports the same to Council with the recommendation that the bill do pass.

A Bill to establish a **No Parking Anytime Tow-Away** zone on the easterly side of 57th Street from MacCorkle Avenue to Kanawha Avenue between the hours of 2:00 a.m. and 6:00 a.m. and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A **No Parking Anytime Tow-Away** zone on the easterly side of 57th Street from MacCorkle Avenue to Kanawha Avenue between the hours of 2:00a.m and 6:00 a.m. is hereby established..

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

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

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

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7270 passed.

6. Your Committee on Streets and Traffic has had under consideration Bill No. 7271, and reports the same to Council with the recommendation that the bill do pass.

A Bill to establish a **45 degree Angle Parking Zone** on the easterly a side of 57th Street, S. E. from a point 70 feet north of MacCorkle Avenue to a point 670 feet north of MacCorkle Avenue and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A 45 Degree Angle Parking Zone on the easterly side of 57th Street, S. E. from a point 70 feet north of MacCorkle Avenue to a point 670 feet north of MacCorkle Avenue is hereby established.

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

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

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

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7271 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. 243-07, and reports the same to Council with the recommendation that the committee report be adopted.

RESOLUTION NO. 243-07 : “Authorizing the Mayor to execute and enter into a Cooperation Agreement with Charleston Replacement Housing L.P. #1 (“CRHLP#1”), a West Virginia limited partnership and controlled affiliate of the Charleston Kanawha Housing Authority (the “Authority”), in the form and upon terms as more fully set forth in the Agreement attached hereto or as may be revised as required by the Secretary of the United States Department of Housing and Urban Development (“HUD”), for the purpose of completing stage one of the redevelopment and replacement of public housing stock.”

WHEREAS, the Authority was created by virtue of a merger and reorganization of the former Housing Authority of the City of Charleston and the former Kanawha County Housing and Redevelopment Authority pursuant to a Reorganization Agreement and related documents dated December 15, 2005, executed by the respective Commissioners of the aforesaid former authorities and effective as of August 2, 2006; and

WHEREAS, the Authority is a corporate body public organized and existing in accordance with the provisions of West Virginia Code Chapter 16, Article 15, Section 1, et seq., is exempt from the payment of any taxes or fees to the state or any subdivision thereof, and its property is further exempt from all local and municipal taxes, fees and assessments by virtue of the provisions of West Virginia Code Chapter 15, Article 15, Section 14(a); and

WHEREAS, CRHLP#1 is a controlled affiliate of the Authority, as defined in West Virginia Code Chapter 16, Article 15, Section 1(12), by virtue of the Authority holding both a majority of the ownership interests in CRHLP#1 and the Commissioners and employees of the Authority constituting a majority of the governing body thereof; and

WHEREAS, CRHLP#1, utilizing low income housing tax credits pursuant to 26 U.S.C. Section 42, and with the approval of HUD, will own and construct a total of 44 units of Public Housing in conjunction with the planned replacement and redevelopment by the Authority of its public housing developments at Orchard Manor, Washington Manor, and Littlepage Terrace (the “Property”); and

WHEREAS, the West Virginia State Tax Commissioner has by ruling dated December 6, 2006 attached hereto, determined that CRHLP#1 is a controlled affiliate of the Authority and, as such, is eligible for the benefits conferred by West Virginia Code Chapter 16, Article 15, Section 14, thereby exempting the Property owned by CRHLP#1 to be development and revitalized for use as Public Housing, from West Virginia local and municipal taxes, fees and assessments, as such Property must be treated as property of the Authority; and

WHEREAS, although property of the Authority is exempt from West Virginia local and municipal taxes, fees and assessments pursuant to the aforesaid provisions of the West Virginia Code, the Authority and the City of Charleston have heretofore entered

into and, for a number of years prior to the date of these presents, have adhered to a Cooperation Agreement whereby the Authority has made certain payments in lieu of taxes to the City and, inasmuch as the CRHLP#1 Property is treated as property of the Authority according to the aforesaid Tax Commissioner's ruling, it is the mutual desire of the parties hereto to enter into an agreement providing for like payments in lieu of taxes with respect to the Property by CRHLP#1 to the City of Charleston as more full set forth in the Agreement attached hereto;

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

That the Mayor is hereby authorized and directed to execute and enter into a Cooperation Agreement with Charleston Replacement Housing L.P. #1, a West Virginia limited partnership and controlled affiliate of the Charleston Kanawha Housing Authority, in the form and upon terms as more fully set forth in the Agreement attached hereto or as may be revised as required by the Secretary of the United States Department of Housing and Urban Development, for the purpose of completing stage one of the redevelopment and replacement of public housing stock.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 243-07, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 247-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 247-07: "Authorizing the Mayor, for and on behalf of the Mayor's Office of Economic and Community Development ("MOECD"), to execute and enter into an Agreement with the Charleston Kanawha Housing Authority (the "Authority"), for the purpose of serving as the independent entity responsible for certain unit selection, rent setting, inspection functions and any additional oversight requirements of 24 CFR 983 related to certain Authority owned units receiving project-based voucher assistance in Charleston Replacement Housing #2."

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

That, upon review and approval by legal counsel for the City, the Mayor, for an on behalf of the Mayor's Office of Economic and Community Development ("MOECD"), is hereby authorized and directed to execute and enter into an Agreement with the Charleston Kanawha Housing Authority (the "Authority") for the purpose of serving as the independent entity responsible for certain unit selection, rent setting, inspection functions and any additional oversight requirements of 24 CFR 983 related to certain Authority owned units receiving project-based voucher assistance in Charleston Replacement Housing #2.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 247-07, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 248-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 248-07: “Authorizing the Mayor to sign and submit a West Virginia Recycling Grant, in the amount of \$100,000, for the City of Charleston Public Works Department to purchase a recycling truck.”

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

That the Mayor is hereby authorized and directed to sign and submit a West Virginia Recycling Grant, in the amount of \$100,000, for the City of Charleston Public Works Department to purchase a recycling truck.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 248-07, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 249-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 249-07: “Authorizing the Finance Director to amend the 2007-2008 Coal Severance Fund as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to amend the 2007-2008 Coal Severance Fund as indicated on the attached list of accounts; and be it

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

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 249-07, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 250-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 250-07: “Authorizing the Finance Director to amend the 2007-2008 Civic Center budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to amend the 2007-2008 Civic Center budget as indicated on the attached list of accounts; and be it

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

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 250-07, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 251-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 251-07: Authorizing the Finance Director to amend the 2007-2008 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 2007-2008 General Fund budget as indicated on the attached list of accounts; and be it

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

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 251-07, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 252-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 252-07: “Authorizing the Mayor to enter into a renewal of the Letter of Credit from J P Morgan Chase Bank, N.A., for the City’s Unsecured Workers’ Compensation Liability. This renewal provides security in the amount of \$1,361,861, and will be effective for the period October 1, 2007 through September 30, 2008, for a fee of \$6,203.60.”

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 renewal of the Letter of Credit from J P Morgan Chase Bank, N.C., for the City’s Unsecured Workers’ Compensation Liability. This renewal provides security in the amount of \$1,361,861, and will be effective for the period October 1, 2007 through September 30, 2008, for a fee of \$6,203.60.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 252-07, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 253-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 253-07: “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 \$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

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 253-07, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 254-07, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 254-07: Authorizing the Mayor to enter into an Agreement with Amnat International, LLC, in the amount of \$37,985, for installation of a metal roofing system at Fire Station No. 6, located at 5008 MacCorkle Avenue, S.E.”

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 Amnat International, LLC, in the amount of Thirty-seven Thousand Nine Hundred Eighty-five Dollars (\$37,985), for installation of a metal roofing system at Fire Station No. 6, located at 5008 MacCorkle Avenue, S.E.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 254-07, adopted.

10. Your committee on Finance has had under consideration a bid submitted by North American Salt Company for purchase of approximately 7,000 tons of salt, in the amount of \$46.80 per ton, to be used by the Street Department on an as needed basis 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 Bill No. 7272, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7272 - a Bill authorizing the Mayor to enter into an Agreement between the Kanawha County Emergency Ambulance Authority and The City of Charleston for allocation of authorized special levies and other matters incidental thereto for fiscal years beginning July 1, 2007, 2008, 2009, and 2010; now, therefore

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

That the Mayor is hereby authorized and directed to enter into an Agreement between the Kanawha County Emergency Ambulance Authority and The City of Charleston for allocation of authorized special levies and other matters incidental thereto for fiscal years beginning July 1, 2007, 2008, 2009, and 2010.

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

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7272, passed.

12. Your Committee on Finance has had under consideration Bill No. 7267, and reports the same to Council with the recommendation that the bill do pass as amended.

Bill No. 7267, as amended – A BILL to amend §82-124 and §82-125 of the code of the City of Charleston.

WHEREAS, the City of Charleston owns and operates recreational facilities including swimming pools for use by the general public; and

WHEREAS, §82-125 of the code of the City of Charleston sets fees for entrance to swimming pools owned and maintained by the City of Charleston for public use; and

WHEREAS, the City of Charleston no longer owns or maintains Watt Powell Park Stadium; and

WHEREAS, the Council of the City of Charleston desires to update and clarify the Schedule for and administration of rental rates and fees of the public swimming pools and other public facilities;

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

That §82-124 and §82-125 of the code of the City of Charleston, be amended to read as follows:

Sec. 82-124. Waiver of swimming pool fees at certain facilities.

Notwithstanding the rental and fee schedule provided by section 82-125, the mayor, city manager, and the director of the department of parks and recreation may, from time to time, and when weather conditions warrant for any legitimate purpose, and under circumstances which would not substantially affect the revenues of a city swimming pool facility, declare a day or some portion of a day to be a free swim day and waive the collection of the fees, or any portion thereof, prescribed by section 82-125, or impose the \$2.00 (for adult), and \$1.00 (per child) \$1.00 (per senior) fee at other city pools, as necessary, subject to review by the City Council resolution.
(Ord. No. 5000, 8-2-1993)

Sec. 82-125. Schedule.

Rental and fee schedule for the use of recreation facilities [is as follows]:

(1)	North Charleston Community Center:	
	Gymnasium per hour	\$ 25.00
	Meeting room, full space/hour	20.00
	Arts and crafts room, per hour	10.00
	Swimming pool fees, 13 years and up	1.50 <u>2.00</u>
	12 years and under	1.00
	Senior citizens over 65	1.00
	Swimming pool rental, per two hours	50.00
(2)	Cato Park Golf Course:	
	Daily nine holes	6.00
	Unlimited play	8.00
	Daily senior citizens unlimited,	
	per round for replay	3.00
	Schools, practice or matches	4.00
	Club house:	
	full space/per hour	25.00
	half space/per hour	15.00
	Swimming pool fees:	<u>2.00</u>
	13 years and up	1.50 <u>2.00</u>
	12 years and under	1.00 <u>1.00</u>
	Senior citizens over 65	1.00 <u>1.00</u>
	Swimming pool season pass:	
	12 years and under	15.00
	13 years and up	25.00
	Family pass	75.00

	Senior citizen over 65	10.00
	Swimming pool rental, per two hours	60.00
(3)	Neighborhood centers, per hour	5.00
(4)	Vandalia swimming pool fees:	<u>2.00</u>
	13 years and up	1.50
	12 years and under	1.00
	Senior citizens over 65	1.00
	Rental, per hour	20.00
(5)	Tennis courts, per/hour/court	1.00
	Leisure reservations, per/hour/court	1.00
	School reservations, per/hour/court	1.00
	Tournaments, per/hour/court	0.50
	Other organizations, per/hour/court	0.50
	Additional fee per hour per court with lights	1.00
(6)	Watt Powell Stadium:	
	Rental (nonprofit) . . .	50.00
	With lights . . .	100.00
	Rental (profit) . . .	200.00
	Plus 20 percent of gross	
(7) (6)	King Community Center:	
	Gymnasium, per hour	25.00
	Meeting room	20.00
	Full space, per hour	10.00
	Half space, per hour	10.00
	Art and craft room, per hour	10.00
	Youth lounge, per hour	10.00
	Kitchen, per hour	5.00
	Swimming pool fees:	<u>2.00</u>
	13 years and up	1.50
	12 years and under	1.00
	Senior citizens over 65	1.00
(8) (7)	Kanawha City Community Center:	
	Swimming pool fees:	<u>2.00</u>
	13 years and up	1.50
	12 years and under	1.00
	Senior citizens over 65	1.00
(9) (8)	Season Pass, North Charleston, King, Kanawha City and Vandalia Swimming Pools	
	12 years and under	10.00
	13 years and over	20.00
	Senior citizens over 65	10.00
	Family pass	50.00
(10) (9)	All pools pass, all ages	33.00

~~(11)~~(10)*Haddad Riverfront Park:*

Private rental of entire park \$100.00 per hour*
(2 hr. minimum to maximum charge of \$800.00 for entire day. Rental time includes set-up and tear-down if renter requires exclusion of general public during this time)

Damage deposit for private rental \$250.00
(refundable if no damage occurs. However, deposit is forfeited if rental is canceled less than 20 days prior to rental date)

~~(12)~~(11)*Magic Island Park:*

Private rental of entire park \$100.00 per hour*
(2 hr. minimum to maximum charge of \$800.00 for entire day. Rental time includes set-up and tear-down if renter requires exclusion of general public during this time)

Damage deposit for private rental \$250.00
(refundable if no damage occurs. However, deposit is forfeited if rental is canceled less than 20 days prior to rental date)

Reservation of volleyball courts . . . 10.00 per reservation.

*Fee includes normal, daily park maintenance. Should special set-up, clean-up, or other efforts be necessary, the rate will be \$20.00 per hour per employee. These fees will be negotiated as part of the reservation process, and will be fully disclosed to renters prior to completing rental agreement.

**Such arrangement pertains to all rental of each park, except for the purposes of commercial concert entertainment. In such cases, rental agreements shall be negotiated by the parks and recreation/public grounds director, with such contract presented for city council approval prior to confirmation.

For purposes of this section, events sponsored or co-sponsored by the City of Charleston are specifically exempted from payment of rental fees, damage deposits, or other charges listed in this amendment.

(Code 1975, § 19-8.1; Ord. No. 6008, 6-6-1994; Bill No. 6785, § 19.8.1(a)--(j), 4-16-2001; Bill No. 6262, § 19-8.1, 10-6-2003)

All prior inconsistent ordinances, rules and resolutions are hereby repealed. These rates will become effective immediately upon adoption by 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, along with 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 as amended a roll call was taken and there were; yeas-26, absent - 2, as follows:

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7272, as amended, passed.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; June 2007.
Received and Filed

NEW BILLS

Introduced by Councilmember Robert Reishman, on July 16, 2007

Bill No. 7273 – A BILL to repeal §22-43 of the code of the City of Charleston, as amended, and to amend and reenact §22-43 of the code of the City of Charleston.

Refer to Finance Committee

Introduced by Councilmember Jack Harrison, on July 16, 2007

Bill No. 7274- A Bill authorizing the enactment of Section 102-18 to Article I of Chapter 102 of the Code of the City of Charleston, for the purpose of allowing the City Manager, upon consultation with the Chief of Police, the Chief of the Fire Department, or their designee, to adopt appropriate rules and regulations governing the use of City-owned or City-controlled property when used for Outdoor Events in order to protect and preserve safety health, welfare and good order at any Outdoor Event.

Refer to Ordinance and Rules Committee

ROLL CALL

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

YEAS: Burton, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Payne

At 7:45 p.m., on motion of Councilmember Harrison, Council adjourned until Monday, August 6, 2007, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk