

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

**October 6, 2008**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF OCTOBER ON THE 6<sup>th</sup> DAY, IN THE YEAR 2008, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER AND THE PLEDGE OF ALLEGIANCE WAS LED BY HALL.**

**BURTON  
DEITZLER  
HANNA  
HIGGINS  
KNAUFF  
MILLER  
REISHMAN  
SHEETS**

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

**DAVIS  
HALL  
HARRISON  
KIRK  
LANHAM  
REED  
SALISBURY  
TALKINGTON  
WHITE**

**MAYOR JONES**

**TWENTY- SEVEN 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. None

## **CLAIMS**

1. A claim of Andrea Massey, 610 Albert Street, Charleston WV; alleges damage to property.

Refer to City Solicitor

2. A claim of Emmanuel Baptist Church, 1401 West Washington Street, Charleston WV; alleges damage to property.

Refer to City Solicitor

## **COMMUNICATIONS**

Proclamation – Inclusive Community Day

The Clerk read the appointment:

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE: OCTOBER 6, 2008

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I recommend that Otis Laury, 1800 Roundhill Road, Charleston, WV 25314, be reappointed to the Municipal Beautification Commission, with a said term to expire September 19, 2011.

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

Council approved the appointment.

**Resolution No. 458-08**

**Introduced in Council:  
October 6, 2008**

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**Adopted by Council:**

**October 6, 2008**

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**Introduced by:**

**Jack Harrison  
Teresa Reed  
Mary Jean Davis**

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**CITY OF CHARLESTON STRONG NEIGHBORHOODS  
RESOLUTION IN SUPPORT OF NATIONAL COMMUNITY PLANNING MONTH**

**WHEREAS:** Change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS:** Community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

**WHEREAS:** The City of Charleston is committed to initiatives that advance walkability, recreation, and sustainability of our city; and

**WHEREAS:** Community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS:** Realizing the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS:** The month of October is designated as National Community Planning Month throughout the United States of America and its territories; and

**WHEREAS:** The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

**WHEREAS:** The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen volunteers who have contributed their time and expertise to the improvement of the City of Charleston; and

**WHEREAS:** We recognize the many valuable contributions made by professional community and regional planners of the City of Charleston and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of Charleston does hereby declare and proclaim that the Month of October, 2008 be declared as

# **COMMUNITY PLANNING MONTH**

in the City of Charleston, West Virginia, in conjunction with the celebration of National Community Planning Month.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 458-08, adopted.

**Resolution No. 459-08**

**Introduced in Council:**

**Adopted by Council:**

October 6, 2008

October 6, 2008

**Introduced by:**

**Jack Harrison**

**Teresa Reed**

**Mary Jean Davis**

**WHEREAS:** The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate citizens who have invested their resources into the improvement of the City of Charleston; and

**WHEREAS:** The Law Firm of Bailey & Glasser LLP has rehabilitated a 115-year old historic landmark in the heart of the Downtown Village District for use as modern office space, preserving architectural and design elements of the building’s storied past; and

**WHEREAS:** In so doing, the Law Firm of Bailey & Glasser took great care in demolishing the interior of the building in an environmentally friendly way, recycling scrap metal and separating clean debris thereby drastically reducing the amount of solid waste to be deposited in a landfill; and

**WHEREAS:** The Law Firm of Bailey & Glasser LLP worked closely with the State of West Virginia’s Historic Preservation Office to balance the U.S. Secretary of the Interior’s Standards for the Rehabilitation of Historic Structures and the practical needs of a modern law firm, resulting in a historically sensitive adaptive reuse project which received both Federal and State Income Tax credits; and

**WHEREAS:** We recognize these valuable contributions and extend our heartfelt thanks for this continued commitment to historic preservation and sustainable development;

**Now Therefore**, the City Council of Charleston, does hereby recognize that

# The Law Firm of Bailey & Glasser LLP

Is a valuable asset to the community and urge all citizens to commend the firm and its partners for going green, saving a piece of Charleston's history, and investing in the Downtown Historic District of the City of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 459-08, adopted.

**Resolution No. 460-08**

**Introduced in Council:**

**October 6, 2008**

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**Adopted by  
Council:**

**October 6, 2008**

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**Introduced by:**

**Jack Harrison,  
Teresa Reed  
Mary Jean Davis**

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**WHEREAS:** Billy Joe Peyton, Ph.D. devotes much of his time to historic preservation efforts in the City of Charleston; and

**WHEREAS:** Billy Joe Peyton, Ph.D. is: Chairman of the Department of History at WVU; Chairman of the Charleston Historic Landmarks Commission; A member of East End Main Street Advisory Council and Design Committee; a former board member of Preservation Alliance of West Virginia and Kanawha Valley Historic and Preservation Society; and

**WHEREAS:** Since well before the inception of the Charleston Historic Landmarks Commission, Dr. Peyton has worked to inspire in the culture and leadership of the Kanawha Valley an appreciation for the historic built environment by authoring histories of our urban neighborhoods, assembling historic tours, photographing historic buildings, and collecting information about the history of our city, county and region; and

**WHEREAS:** As a Main Street Volunteer Dr. Peyton lead a group of like-minded East Enders in the development of the East End Historic Walking Tour Brochure, a self-guided journey through a diverse and eclectic collection of historic buildings and sites; and

**WHEREAS:** As a history professor at West Virginia State University, Dr. Peyton encourages his students to get practical work experience in the field by working with communities on their historic preservation goals. Specifically, Dr. Peyton has married his roles as professor and CHLC Chairman by setting up multiple internships within the City Planning Department and incorporating CHLC efforts into the curriculum. Dr. Peyton and his students have saved the City of Charleston thousands of dollars by compiling cultural historic resource surveys in significant urban neighborhoods considered by the CHLC to be priorities for future efforts in historic preservation; and

**WHEREAS:** The Mayor and City Council have proclaimed October as Community Planning Month to honor the valuable efforts of our citizen volunteers who have contributed immeasurable time, energy, skill, knowledge and expertise to the improvement of the City of Charleston; and

**WHEREAS:** We recognize these valuable contributions and extend our heartfelt thanks for his continued commitment to public service;

**Now Therefore,** the City Council of Charleston, does hereby recognize that

## **Billy Joe Peyton, Ph.D.**

Is a valuable asset to the community and urge all citizens to commend him for his tireless efforts in promoting historic preservation in the City of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 460-08, adopted.

### ***ORDINANCE AND RULES***

Councilman Jack Harrison Chairman of the Council Committee on Ordinance and Rules, submitted the following reports.

Bill No. 7353: A BILL to enact Chapter 3, Article II, Section 3-11 of the Municipal Code of the City of Charleston for the purpose of establishing a hearing procedure for notice of liens filed with regard to delinquent city service fees.

Now, therefore, be it Ordained by the Council of the City of Charleston, West Virginia:

That under the authority granted to the City of Charleston by the West Virginia Municipal Home Rule Board under W. Va. Code § 8-1-5a, Chapter 3, Article II, Section 3-11 of the Code of the City of Charleston, West Virginia, is hereby created to read as follows:

Sec. 3-11 City Service Fees – Notice of lien; hearing procedure; administrative decision; right of appeal; lien creation

(a) Any municipal fee, interest or penalties currently due and payable or which become due and payable under this City Code shall be a debt due the City. It shall be a personal obligation of the city service customer chargeable therefor and shall be a lien upon the real and personal property of the city service customer until paid. This lien shall have priority over all other liens except those due the state and the United States of America.

(b) If the City Collector desires to file a notice of lien with the Clerk of the Kanawha County Commission regarding one or more delinquencies in payment of any

municipal fee, penalties or interest, the City Collector shall give the delinquent fee payer written notice via certified U.S. Mail return receipt requested to such fee payer's last known address, of intent to file the notice of lien setting forth the amounts due and status of delinquency. Unless the fee payer to whom the notice is given, or his duly authorized agent, shall within thirty (30) days after service thereof, either personally or by certified mail, file with the City Collector a petition for hearing, setting forth with particular items objected to, together with the reasons for objections, the City Collector may at any time thereafter file the notice of lien.

(c) When a petition for hearing as prescribed in Sec. 3-11(b) is filed within the time prescribed, the City Collector shall assign a time and a place for a hearing thereon and shall notify the petitioner of such hearing by written notice at least twenty days in advance thereof. Such hearing shall be held within 90 days from the date of filing the petition, unless continued by agreement of the parties or by the City Collector for sufficient cause. The hearing shall be informal and shall be conducted in an impartial manner by the City Collector or a hearing examiner designated by the City Collector. The burden of proof shall be upon the petitioner to show that the notice of lien is improper, in whole or in part. After such hearing, the City Collector or hearing examiner designated by the City Collector shall, within a reasonable time, give notice in writing of his decision.

(d) If aggrieved by the decision of the hearing examiner or City Collector, the fee payer may appeal the decision of the hearing examiner or City Collector to the Circuit Court of Kanawha County within thirty (30) days after service of the hearing examiner's or City Collector's decision.

(1) The appeal shall be taken by the filing of a petition and notice, which petition and notice shall be served upon or accepted by the City Collector as an original notice. When the petition and notice is so served it shall, with the return or acceptance thereon, be filed in the Office of the Clerk of the Kanawha County Circuit Court and docketed as other cases, with the fee payer as plaintiff and the City Collector as defendant.

(2) The filing of the appeal shall not stay the collection of the fee unless the fee payer shall file with such clerk a bond for the use of the defendant, with sureties approved by the Clerk of the Circuit Court of Kanawha County, the penalty of the bond to be not less than the total amount of the fee, and accumulated penalties and interest to the date of the appeal, and conditioned that the plaintiff shall perform the orders of the Kanawha County Circuit Court; provided, that the judge of the Kanawha County Circuit Court may stay the collection of the fee, and accumulated penalties without the requirement of a bond, upon a proper showing by the plaintiff that the properties of the plaintiff are sufficient to secure performance of the Kanawha County Circuit Court's orders or that the ends of justice will be served thereby.

(3) The Kanawha County Circuit Court shall hear the appeal and determine anew all questions submitted to it on appeal from the decision of the City Collector.

(e) The administrative remedies set forth in this section are exclusive. Failure to timely file a petition in accordance with this section shall preclude any challenge to the filing of the notice of lien. If no appeal is taken pursuant to this section within thirty (30) days after service of the city collector's decision, said decision shall become final and conclusive and not subject to administrative or judicial review.

(f) The lien created by this section shall continue until the fee delinquency is satisfied or becomes unenforceable by reason of lapse of time. The City Collector shall issue a certificate of release of any lien imposed pursuant to this section upon finding that the delinquency has been satisfied or the lien has become legally unenforceable. The lien created by this section shall be subject to the restrictions and conditions which apply to municipal tax liens under W. Va. Code Chapter 38, article 10C

The question being on the passage of the Bill a roll call was taken and there were; yeas-27, absent - 1, as follows:

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

ABSENT: Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7353, as amended, passed.

### ***FINANCE***

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

1. Your Committee on Finance has had under consideration Resolution No 448-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 448-08: "Authorizing the Finance Director to amend the 2008-2009 Parking System 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 2008-2009 Parking System 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 passage of the Resolution a roll call was taken and there were; yeas-27, absent - 1, as follows:

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

ABSENT: Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 448-08 adopted.

2. Your Committee on Finance has had under consideration Resolution No 449-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 449-08: “Authorizing the Mayor to enter into an agreement with Best Home Inspection for Asbestos Inspections and Sample Testing of Materials in Structures Slated for Demolition by the Building Commission. The agreement is for a one year period from the date of execution with the City having the option to renew the agreement under the same terms and conditions, and at the prices listed on the attached tabulation sheet, for two consecutive years.”

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 Best Home Inspection for Asbestos Inspections and Sample Testing of Materials in Structures Slated for Demolition by the Building Commission. The agreement is for a one year period from the date of execution with the City having the option to renew the agreement under the same terms and conditions, and at the prices listed on the attached tabulation sheet, for two consecutive years.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 449-08, adopted.

3. Your Committee on Finance has had under consideration Resolution No 450-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 450-08: “Authorizing the Mayor to enter into an agreement with Thaxton Construction Co., Inc., in the amount of \$163,550, providing for equipment, materials and labor for construction of two retaining walls, one on Savary Drive and one on Lance Drive.”

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 Thaxton Construction Co., Inc., in the amount of One Hundred Sixty-three Thousand,

Five Hundred Fifty Dollars (\$163,550), providing for equipment, materials and labor for construction of two retaining walls, one on Savary Drive and one on Lance Drive.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 450-08, adopted.

4. Your Committee on Finance has had under consideration Resolution No 451-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 451-08: "Authorizing the Finance Director to amend the 2008-2009 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 2008-2009 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 passage of the Resolution a roll call was taken and there were; yeas-27, absent - 1, as follows:

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

ABSENT: Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 451-08 adopted.

5. Your Committee on Finance has had under consideration Resolution No 452-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 452-08: "Authorizing the Mayor to sign Community Participation Grant Program contracts between the City of Charleston and the West Virginia Development Office for nine projects."

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

That the Mayor is hereby authorized and directed to sign Community Participation Grant Program contracts between the City of Charleston and the West Virginia Development Office for the following nine projects:

Charleston Public Safety Council

08LEDA0152

\$ 12,000.00

West Virginia Symphony Orchestra	08CPGP0081	\$ 10,000.00
Tiskelwah Community Center	08LEDA0162	\$ 30,000.00
Charleston Land Trust	08LEDA0151	\$ 20,000.00
Women's Club of Charleston	08LEDA0154	\$ 20,000.00
AIDS Memorial Garden (Charleston)	08LEDA0150	\$ 20,000.00
Charleston Farmers Market	08CPGP0077	\$ 12,000.00
Hope Community Development Corp.	08CPGP0083	\$ 2,000.00
Charleston Main Street	08LEDA0181	\$ 2,500.00

The question being on the passage of the Resolution a roll call was taken and there were; yeas-27, absent - 1, as follows:

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

ABSENT: Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 452-08 adopted.

6. Your Committee on Finance has had under consideration Resolution No 453-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 453-08: "Authorizing the Finance Director to allocate funds in the amount of \$33,000.00 for acquisition of one (1) HOME project in the South Hills area."

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$33,000.00 for acquisition of one (1) HOME project in the South Hills area.

The question being on the passage of the Resolution a roll call was taken and there were; yeas-27, absent - 1, as follows:

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

ABSENT: Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 453-08 adopted.

7. Your Committee on Finance has had under consideration Resolution No 454-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 454-08: "Authorizing the Finance Director to allocate funds in

the amount \$79,735.25 for rehabilitation of five (5) 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 hereby authorized and directed to allocate funds in the amount of \$79,735.25 for rehabilitation of five (5) owner-occupied residences in the City of Charleston.

The question being on the passage of the Resolution a roll call was taken and there were; yeas-27, absent - 1, as follows:

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

ABSENT: Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 454-08 adopted.

8. Your Committee on Finance has had under consideration Resolution No 455-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 455-08: “To repeal the agreement with Lloyd’s Electronics in the amount of \$106,507, approved by Council on July 21, 2008, Resolution No. 421-08, for purchase of a new Radio System for the Charleston Police Department and MDENT.

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

That Council is hereby authorized and directed to repeal the agreement with Lloyd’s Electronics in the amount of \$106,507, approved by Council on July 21, 2008, Resolution No. 421-08, for purchase of a new Radio System for the Charleston Police Department and MDENT. In addition to other equipment for the Radio System, the bid included 14 mobile radios with a handheld control head that specified all controls be incorporated into the control head. Lloyd’s bid proposed mobile radios with controls on the radio unit instead of the control head as specified. The Radio System was rebid and the new agreement for purchase of the System is the next item on tonight’s agenda for Council consideration.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 455-08, adopted.

9. Your Committee on Finance has had under consideration Resolution No 456-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 456-08: “Authorizing the Mayor to enter into an

agreement with Electronic Communications of West Virginia, Inc., in the amount of \$96,406.03, for purchase of a new Radio System for the Charleston Police Department and MDENT.”

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 Electronic Communications of West Virginia, Inc., in the amount of \$96,406.03, for purchase of a new Radio System for the Charleston Police Department and MDENT. The system includes 10 portable radios (\$24,390.00); 14 mobile radios (\$41,146.00); base unit \$4,206.35); and repeater station (\$24,862.68); plus 2-year extended warranty agreement following the one year manufacturer’s warranty covering the repeater station (\$1,800.00). All other components comprising the System were warranted for three years and the price for each was included in the total cost of that component.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 456-08, adopted.

10. Your Committee on Finance has had under consideration Resolution No 457-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 457-08: “Authorizing the Mayor to enter into an agreement with FoamCoat Roofing and Coatings, Inc., in the amount of \$107,900 for a Polyurethane Foam-Applied Roofing System at the Kanawha City Recreation Center.”

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 FoamCoat Roofing and Coatings, Inc., in the amount of One Hundred Seven Thousand Nine Hundred Dollars (\$107,900) for a Polyurethane Foam-Applied Roofing System at the Kanawha City Recreation Center.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 457-08, adopted.

11. Your committee on Finance has had under consideration a bid submitted by Mountaineer Equipment, in the amount of \$43,590, for purchase of a Bark Blower with 1.5 cubic yard hopper to be used by the Public Grounds Department. To be charged to Account No. 001-975-00-567-4-459, Public Grounds—Capital Outlay, Equipment (Part of Lease/Purchase Escrow Account Schedule No. 1000132835 for FY 2008-2009) and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

12. Your committee on Finance has had under consideration amending the purchase price for 22 Digital In-car Cameras from WatchGuard Video for the Charleston Police Department (CPD), approved by Council on September 2, 2008, by increasing the total amount from \$108,196 to \$112,137. The cameras will be purchased through a COPS-07 grant in the amount of \$104,500. The CPD will provide matching funds in the amount of \$7,637 to include the GPS feature to the 22 cameras (\$2,420); special mount of three (3) cameras in Traffic Division vehicles (\$1,650); additional matching funds of \$817 for 19 cameras; plus installation of all cameras by Communication Services (\$2,750). To be charged to the following accounts:

\$104,500 Account No. 095-166-07-976-4-459, Police—COPS-07 Grant

\$ 7,637 Account No. 001-976-00-700-4-459, Police—Capital Outlay, Equipment and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

13. Your committee on Finance has had under consideration a proposal submitted by Dill's Fire and Safety Equipment Company, Inc., in the amount of \$24,472, for four (4) MSA M7 Firehawk 4500 Air Masks (\$5,300 each) and four (4) MSA 30-minute 4500 Carbon Air Cylinders (\$818 each) to be used by the Charleston Fire Department. The new units are part of an ongoing program by the Fire Department to replace breathing apparatus. To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

### ***REPORTS OF OFFICERS***

1. Report of the City of Charleston Payroll Variance Analysis; August 2008; Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; September 2008; Received and Filed.

3. City Treasurer's Report to City Council Month Ending August 2008. Received and Filed.

## NEW BILLS

Introduced by Council Members Mary Jean Davis, Teresa Reed, Ed Talkington, Bob White, Pat Jones, Adam Knauff, William Kirk, Rev. James Ealy, Mose Lanham on October 6, 2008:

Bill No. 7346 - A Bill to amend the Zoning Ordinance for the City of Charleston as follows: §3-010, § 3-050, §3-061, and Articles 21, 22, and 23 of the Zoning Ordinance for the City of Charleston are amended and a new Article establishing Zoning District CVD.

Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council Members Mary Jean Davis, Teresa Reed, Ed Talkington, Bob White, Pat Jones, Adam Knauff, William Kirk, Rev. James Ealy, Mose Lanham on October 6, 2008:

Bill No. 7347 - A Bill 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 repealing the West Side Urban Renewal Plan's overlay district; rezoning all the parcels zoned DVD to UCD (Urban Corridor District); and rezoning all the parcels zoned OP to PMC,; all in accordance with the attached map made part thereof and label "Exhibit 1".

Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council Member Mary Jean Davis on October 6, 2008:

Bill No. 7350 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, and the map made a part thereof, by rezoning from an R-O district to a C-8 district, those certain parcels of land situated at 105 Wyoming Street, 309 Pennsylvania Avenue, and 311 Pennsylvania Avenue, also known as West Charleston Tax Map 26, Parcels 117-118-119.

Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council Member Mary Jean Davis on October 6, 2008:

Bill No. 7351- A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, and the map made a part thereof, by rezoning from an R-O district to a C-10 district, those certain parcels of land situated at the northeast corner of Monongalia and Ohio Streets in Charleston, West Virginia. The subject property includes parcels 380, 381, 382, 383, 383.1, and 383.2 on Kanawha County Tax Map 25, West Charleston District.

Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council Member Mary Jean Davis on October 6, 2008:

Bill No. 7354 – A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended and the map made a part thereof, by rezoning from R-4 Single Family Residential District to PMC Professional Medical Campus District those certain parcels of land situate at 303, 307 and 309 26<sup>th</sup>

Street S.E., Charleston, West Virginia, and more specifically located at Parcels 50, 51, 52 and 53 on Map 20 of the Kanawha City Tax Assessment Map.  
Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council Member Bobby Reishman on October 6, 2008:  
Bill No. 7355 - A Bill authorizing the Mayor to execute the attached Quitclaim Deed between the Charleston Center Village Limited Partnership, and the City of Charleston.  
Refer to Finance Committee.

### **ROLL CALL**

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

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

ABSENT: Ware

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, October 20, 2008, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk