

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

**December 1, 2008**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF DECEMBER ON THE 1<sup>ST</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 KNAUFF.**

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

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

**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

1. James Straughter

## CLAIMS

1. A claim of Eugene Long, 1647 Clay Avenue, Charleston WV; alleges damage to property. Refer to City Solicitor
2. A claim of Shelley Sharp, 800 Temple Street, Charleston WV; alleges damage to property. Refer to City Solicitor
3. A claim of River Rose Church, 2090 Greenbrier Street, Charleston WV; alleges damage to property. Refer to City Solicitor

## ORDINANCE AND RULES

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

1. Your Committee on Ordinance and Rules has had under consideration Bill No 7359, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No.7359: A Bill to repeal Section 98-4 of the Code of the City of Charleston; and to re-enact Section 98-4 of the Code of City of Charleston, updating and amending the littering ordinance.

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

That the Council for the City of Charleston hereby repeals Section 98-4 of the Code of the City of Charleston; and re-enacts Section 98-4 of the Code of the City of Charleston to read as follows:

Sec. 98-4. Prohibited littering of streets, sidewalks and public places; duty of persons in violation of section.

(a) No person shall deposit or permit to fall on any street, sidewalk, square or other public place any grass, scrap iron, nail, tack, wire, cigarette, cigarette remains, cigarette butt, can, paper, trash, other litter or any offensive matter, or anything likely to injure the feet of individuals or animals or the tires of vehicles. To the extent that any such deposit of trash or litter is accidental, or incidental to property cleanup or mowing (such as leaves or grass deposited onto the street during property cleanup, or an incident wherein trash blows out of a vehicle), there will not be a violation if the individual who is responsible for such deposit (the person mowing grass, blowing leaves, or operating the vehicle) immediately, or as soon thereafter as reasonably possible, removes the litter, trash, or debris as described in section (b) below. Otherwise, the person shall be guilty of a violation subject to the punishment prescribed in section (c) below. Deposit of a cigarette, cigarette remains, or cigarette butt on any property without the immediate retrieval thereof by the person who last held or smoked the cigarette (the "smoker") shall be

prima facie evidence that the smoker has violated this section and has intentionally failed to comply with section (b) below. The driver of any vehicle from which a cigarette (or any part thereof) or any other type of litter, trash, offensive matter, or anything likely to injure the feet of individuals or animals or the tires of vehicles is thrown, dropped, or otherwise deposited shall be equally liable for violation of this section, and shall share the personal responsibility and criminal liability in the event of failure to comply with the requirement described in section (b) below.

(b) Any person who deposits or permits to fall upon any street, sidewalk, square or other public place any litter mentioned in subsection (a) of this section shall immediately remove the litter or cause it to be removed. The failure to remove the litter or cause it to be removed shall be a violation subject to the punishment prescribed in section (c) below.

(c) Whoever violates any provision of this section shall be fined not less than fifty dollars (\$50.00) and no more than five hundred dollars (\$500.00). Each individual deposit and each day such violation is committed or permitted to continue shall constitute a separate offense.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, absent - 3, as follows:

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

ABSENT: Hanna, Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7359, passed

## **PLANNING**

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

1. Your Committee on Planning has had under consideration Bill No 7356, and reports the same to Council with the recommendation that the committee report be adopted. Bill No. 7356 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 C-8 to I-2 those certain parcels known as WC Tax Map 21, Parcels 26, 26.1, 27, and 28 in order to correct inaccurate designations of certain parcels within the West Side Community Renewal Plan, Proposed Zoning Map, adopted June 16, 2008.

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

2. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1<sup>st</sup> day of January, 2006, as amended, is hereby amended by rezoning from C-8 to I-2 the whole of the following parcels of land:

Parcels 26, 26.1, 27, and 28 as shown on West Charleston Tax Assessment Map Number 21, City of Charleston, Kanawha County, West Virginia. Said tax map is of record in the Planning Office.

3. The zoning Map, attached to and made a part of said ordinance, is hereby amended in accordance with Article 27 of this ordinance.

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, absent - 3, as follows:

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

ABSENT: Hanna, Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7356, passed

2. Your Committee on Planning has had under consideration Bill No 7357, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7357 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 a R-4 district to a R-6 district, that certain parcel of land situate at 430, 432, 434, 436 Porter Road, Charleston, West Virginia.

Be it Ordained by the City 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 a R-4 district to a R-6 district the whole of the following described parcel of land:

Parcels No. 54 and 55 as shown on 15th Ward Tax Map No. 03. Subject parcels commonly known as 430, 432, 434, and 436 Porter Road, 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 a roll call was taken and there were; yeas-26, absent -2, as follows:

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

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7357, passed

3. Your Committee on Planning has had under consideration Bill No 7358, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill providing for an annexation without an election for a portion of real property, being that

certain tract of real property containing approximately 2.50 acres of land, together with all buildings, fixtures and structures thereon, all improvements thereto, and any and all mineral rights, rights-of-way, easements, privileges, tenements and appurtenances upon, belonging, or in any way appertaining to such land situate on the waters of Elk Two Mile Creek in Elk Tax District, Kanawha County, West Virginia and commonly known as the Cornerstone Building with a street address of 1409 Greenbrier Street pursuant to the provisions of Chapter 8, Article 6, Section 4 of the West Virginia Code, 2001, as amended, and directing the City Clerk to forward a certificate to the County Court of Kanawha County to the effect that a petition for annexation has been filed, in the manner required by law, to increase the city of Charleston corporate limits.

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

1. That pursuant to Chapter 8, Article 6, Section 4 of the West Virginia Code, 2001, as amended, a governing body of a municipality, by ordinance, provide for annexation of additional territory without ordering a vote on the matter if:

- a) A majority of the qualified voters of the additional territory file with the governing body a petition to be annexed; and
- b) A majority of all freeholders of the additional territory, whether they reside or have a place of business therein or not, file with the governing body a petition to be annexed.

2. The entire additional territory to be annexed is owned by State of West Virginia, by and through the Department of Administration, Real Estate Division and contains approximately 2.50 acres of land, together with all buildings, fixtures and structures thereon, all improvements thereto, and any and all mineral rights, rights-of-way, easements, privileges, tenements and appurtenances upon, belonging, or in any way appertaining to such land situate on the waters of Elk Two Mile Creek in Elk Tax District, Kanawha County, West Virginia and commonly known as the Cornerstone Building with a street address of 1409 Greenbrier Street and more particularly bounded and described as follows:

Beginning at an iron pin in the northerly right-of-way line of West Virginia State Route 114 which pin is located N. 41° 00' E. 27 feet from an iron pin in the center of Elk Two Mile Creek; thence with the right-of-way line of said State Route 114 S. 41° 00' W. 27 feet to said pin in the center of Elk Two Mile Creek; thence down said Elk Two Mile Creek N. 85° 00' W. 50 feet to an iron pin; thence S. 85° 00' W. 50 feet to an iron pin; thence S. 80° 00' W. 115 feet to an iron pin; thence S. 53° 00' W. 32.2 feet to an iron pin; thence leaving said creek N. 42° 00' W. 15 feet to a bolt in a cliff; thence N. 10° 05' E. 115 feet to an iron pin; thence N. 16° 45' E. 45 feet to an iron pin; thence N. 39° 30' E. 47.00 feet to an iron pin; thence N. 45° 40' W. 143.5 feet to an iron pin; thence N. 68° 20' E. 293 feet to an iron pin; thence S. 47° 45' E. 259.2 feet to an iron pin in the northerly right-of-way line of said State Route 114; thence with said right-of-way line CH S. 52° 35' W. 142.3 feet to an iron pin; thence CH S. 45° 00' W. 137.3 feet to an iron pin; thence N. 45° 40' W. 10 feet to the place of beginning and containing 2.50 acres, more or less;

and being the same tract or parcel of land conveyed by CRW Real Estate, LLC, a West Virginia limited liability company unto the State of West Virginia, by and through the Department of Administration, Real Estate Division, by deed dated September 30, 2008, and of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 2729, at page 985.

3. The City of Charleston has received a petition for annexation from the State of West Virginia, by and through the Department of Administration, Real Estate Division ("Petitioner") that is duly signed by the Executive Director of the Department of Administration, Real Estate Division, a copy of which is attached hereto, incorporated herein, and made a part hereof by this reference.

4. The City of Charleston has verified the total number of eligible petitioners from the additional territory, which is shown on the survey of said additional territory entitled PLAT SHOWING SURVEY FOR C.R.W. REAL ESTATE, LLC, LOCATED ON THE WATERS OF ELK TWO MILE CREEK IN ELK DISTRICT and dated January 27, 2000, a copy of which is attached hereto, incorporated herein, and made a part hereof by this reference, and determined that said Petitioner represents one hundred percent (100%) of both, the: (i) qualified voters of said additional territory; and (ii) all freeholders of said additional territory, and that said petition for annexation exceeds the minimum requirements for approving an annexation pursuant to Section 1 above.

5. The City of Charleston has received a metes and bounds legal description for the additional territory, a copy of which is attached hereto, incorporated herein, and made a part hereof by this reference.

6. That upon passage of this ordinance, the City Clerk is hereby directed to forward a certificate to the County Court of Kanawha County to the effect that a petition for annexation has been filed, in the manner required by law, to increase the city of Charleston corporate limits.

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, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White , Mayor Jones.

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7358, passed

### ***STREETS AND TRAFFIC***

Councilman David Higgins, 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 7363, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7363 - A Bill to establish two metered vehicular parking spaces for the exclusive use, twenty- four hours a day, of the physically disabled on the easterly side of Goshorn Street from a point 33 feet south of Quarrier Street to a point 73 feet south of Quarrier Street and to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 6, 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, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. Two metered vehicular parking spaces for the exclusive use, twenty- four hours a day, of the physically disabled on the easterly side of Goshorn Street from a point 33 feet south of Quarrier Street to a point 73 feet south of Quarrier Street is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, and Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided fro in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. 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, Chapter one hundred fourteen, Article five, shall be and hereby are, amended to conform to this ordinance.

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, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White , Mayor Jones.

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7363, passed

2. Your Committee on Streets and Traffic has had under consideration Bill No 7364, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7364 - A Bill to repeal Ordinance No. 1035, Section 1, passed by Council on January 6, 1969, relating to a vehicular parking prohibited on Hendrix Avenue from Washington Street to a point one hundred twenty-five (125) feet north of said 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, Chapter one fourteen, Article five, to conform therewith.

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

Section 1. Ordinance No. 1035, Section 1, passed by Council on January 6, 1969, relating to a vehicular parking prohibited on Hendrix Avenue from Washington Street to a point one hundred twenty-five (125) feet north of said street is hereby repealed.

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 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 a roll call was taken and there were; yeas-26, absent -2, as follows:

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

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7364, passed

3. Your Committee on Streets and Traffic has had under consideration Bill No 7365, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7365 - A Bill to establish a No Parking Anytime Tow-Away zone on the easterly side of Hendrix Avenue from Washington Street West to the westerly leg of Frame Street, and on the Westerly side of Hendrix Avenue from Washington Street West to a point 61 feet North of Washington Street West, 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 Hendrix Avenue from Washington Street West to the westerly leg of Frame Street, and on the westerly side of Hendrix Avenue from Washington Street West to a point 61 feet North of Washington Street West 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, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White , Mayor Jones.

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7365, passed

4. Your Committee on Streets and Traffic has had under consideration Bill No 7366, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7366 - A Bill to establish a No Parking Anytime Tow-Away zone on the westerly side of 26<sup>th</sup> Street, West from the Norfolk Southern Railroad Tracks to a point 120 feet north of the Railroad Tracks, 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 westerly side of 26<sup>th</sup> Street, West from the Norfolk Southern Railroad Tracks to a point 120 feet north of the Railroad Tracks 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, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White , Mayor Jones.

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7366, passed

5. Your Committee on Streets and Traffic has had under consideration Bill No 7367, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7367 - A Bill to establish Perpendicular Parking on the westerly side of 48<sup>th</sup> SE, Street from MacCorkle Avenue to a point 112 feet south 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. Perpendicular Parking on the westerly side of 48<sup>th</sup> Se, Street from MacCorkle Avenue to a point 112 feet south 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, 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, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White , Mayor Jones.

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7367, passed

6. Your Committee on Streets and Traffic has had under consideration Bill No 7368, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7368 - A Bill to establish vehicular parking zone for exclusive use of the physically disabled on the westerly Side of 48<sup>th</sup> Street SE from a point 60 Feet South of MacCorkle Ave., to a point 80 feet south of MacCorkle Ave., to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled on the westerly Side of 48<sup>th</sup> Street SE from a point 60 Feet South of MacCorkle Ave., to a point 80 feet south of MacCorkle Ave. is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. 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.

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, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White , Mayor Jones.

ABSENT: Reishman, Weintraub

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

declared Bill No. 7368, passed

7. Your Committee on Streets and Traffic has had under consideration Bill No 7369, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7369 - A Bill to establish Perpendicular Parking on the Easterly side of 54<sup>th</sup> Street, SE, from MacCorkle Avenue to a point 156 feet north of MacCorkle Avenue and to establish a 30 degree angle parking on the Westerly Side of 54<sup>th</sup> Street SE, from Noyes Avenue to a point 141 feet south of Noyes 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. Perpendicular Parking on the Easterly side of 54<sup>th</sup> Street, SE, from MacCorkle Avenue to a point 156 feet north of MacCorkle Avenue and to establish a 30 degree angle parking on the Westerly Side of 54<sup>th</sup> Street SE, from Noyes Avenue to a point 141 feet south of Noyes 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, 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, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Russell, Salisbury, Sheets, Smith, Talkington, Ware, White , Mayor Jones.

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7369, passed

### ***FINANCE***

Councilman Jack Harrison, of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 489-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 489-08 : "Authorizing the Mayor to enter into a renewal agreement with The Board of Publication of the Methodist Church, Inc. (Cokesbury Bookstore) for leasing of space in Municipal Parking Building No. 2 (Cinema) for a three year period, starting January 1, 2009 through December 31, 2011."

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 agreement with The Board of Publication of the Methodist Church, Inc. (Cokesbury Bookstore) for leasing of space in Municipal Parking Building No. 2 (Cinema) for a three year period, starting January 1, 2009 through December 31, 2011, at the following rates:

2009	\$30,830.00
2010	\$32,272.50
2011	\$33,715.00

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 489-08, adopted.

2. Your Committee on Finance has had under consideration Resolution No 490-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 490-08 : “Authorizing the Finance Director to allocate funds in the amount of \$94,668.00 for rehabilitation of six (6) owner-occupied residences in the City of Charleston, five on the West Side and one in South Ruffner 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 \$94,668.00 for rehabilitation of six (6) owner-occupied residences in the City of Charleston, five on the West Side and one in South Ruffner Area.

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

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

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 490-09, adopted.

3. Your committee on Finance has had under consideration a bid submitted by Dell Marketing, L.P., in the total amount of \$24,575.66, for purchase of one laptop (\$1,337.00); two desktop computers (\$2,239.30); two servers (\$14,682.00); and various Sharepoint software programs (\$6,317.36). One server, the laptop and two desktop computers will be purchased for the Civic Center (\$13,206.30), and one server and all software programs for the Police Department (\$11,369.36).

To be charged to the following accounts:

\$13,206.30	402-910-01-000-4-459, Civic Center—Capital Outlay, Equipment
\$11,369.36	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.

4. Your committee on Finance has had under consideration a proposal submitted by Visual

Statement, in the amount of \$12,500, for purchase of software for Report Beam Server for the Police Department. The software is mandated by the West Virginia State Police for traffic crash reporting standardization procedures and Visual Statement is a sole source vendor for the software. To be charged to Account No. 095-175-00-009-3-341, Police—2009 Safe Community Grant F09HS-08, 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.

5. Your committee on Finance has had under consideration a bid submitted by Graybar Electric, in the amount of \$25,596.69, for purchase of lighting equipment to be used on an as needed basis in various City facilities. Unit prices for the equipment are to remain in effect for one year. To be charged to Fund 222—Facilities Maintenance, 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.

### **UNFINISHED BUSINESS**

Councilman Deitzler made a motion to remove Resolution No. 487-08 from the table, Jack Harrison second the Motion. Council voted in favor of removing the Resolution from the table. Councilman Harrison then made a motion to vote on the Resolution Councilman Lane second the motion.

Council voted on Resolution No. 487-08 : “Authorizing the Mayor to enter into a Service Agreement with WebQA for a Customer Relationship Manager (CRM) system. The system provides on-line customer service requests, knowledgebase, reporting capabilities, events calendar, document download, Google mapping, and message center. The cost for the system is \$695 per month, renewed annually, with a one-time implementation cost of \$2,750.”

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 Service Agreement with WebQA for a Customer Relationship Manager (CRM) system. The system provides on-line customer service requests, knowledgebase, reporting capabilities, events calendar, document download, Google mapping, and message center. The cost for the system is \$695 per month, renewed annually, with a one-time implementation cost of \$2,750.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 487-08, adopted.

### **NEW BILLS**

Introduced by Council Member Bob White on December 1, 2008:

Bill No. 7371 - A Bill to establish a Two Hour Parking Zone on the northerly side of Bigley Avenue from a Point 43 feet west of Cora Street to a point 165 feet west of Cora 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.

Refer to Streets and Traffic Committee.

**ROLL CALL**

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

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

ABSENT: Reishman, Weintraub

At 7:35p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, December 15, 2008, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk