

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

August 4, 2008

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF AUGUST ON THE 4th DAY, IN THE YEAR 2008, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRISON AND THE PLEDGE OF ALLEGIANCE WAS LED BY WARE.

DEITZLER	CLOUSER	DAVIS
HANNA	EALY	HALL
HIGGINS	HARRIS	HARRISON
KNAUFF	JONES	KIRK
MILLER	LANE	LANHAM
REISHMAN	PAYNE	REED
SHEETS	SMITH	SALISBURY
WARE	WEINTRAUB	TALKINGTON
MAYOR JONES		

TWENTY- FIVE 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 Mullins – Gun Ordinances
2. Keith Morgan – Firearms Ordinances

PUBLIC HEARING

The Mayor read the Public Hearing

After duly being published as required, the Mayor declared the floor open for a Public Hearing on Resolution No. 431-08– “Granting Doublet Enterprises, LLC an easement along Virginia Street to construct an entry portico that consists of certain architectural features that project over and onto the public sidewalk at the property located at 900 Virginia Street, East.”

The Chair sees no one from the public.

The Chair hears no one from the public.

The Chair declared the Public Hearing on Resolution No. 431-08, Closed.

The Mayor read the Public Hearing

After duly being published as required, the Mayor declared the floor open for a Public Hearing on Resolution No. 432-08 – “Authorizing the Mayor to enter into a lease agreement with Charleston Clean Energy, LLC, to facilitate the exploration, capture, treatment, storage and transport of landfill gas located on property owned by the City and commonly known as the Charleston Landfill

The Chair sees no one from the public.

The Chair hears no one from the public.

The Chair declared Public Hearing on Resolution No. 432-08 Closed.

CLAIMS

1. A claim of Ann Walker, 1308 7th Ave., Charleston, WV; alleges damage to property.
Refer to City Solicitor
2. A claim of Shelia Sowards, P.O. Box 153 Tango Rd., Griffithsville, WV; alleges damage to vehicle.
Refer to City Solicitor
3. A claim of Michele Grinberg, 4111 Staunton Ave., Charleston, WV; alleges damage to property.
Refer to City Solicitor
4. A claim of Richard Lee Withrow, 903 Vine St. Saint Albans, WV; alleges personal

injury.
Refer to City Solicitor

5. A claim of James Ragland, 1546 Kanawha Blvd., Apt 1007, Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor

6. A claim of Howard Bailey, 815 South Park Road, Charleston, WV; alleges damage to property.
Refer to City Solicitor

COMMUNICATIONS

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: RIVERFRONT COMMITTEE

DATE: AUGUST 4, 2008

I recommend the following members of City Council be appointed to the Riverfront Committee.

Mary Jean Davis, Chair
Bobby Reishman
Rev. James Ealy
Ed Talkington
Tom Lane
Jim Harris
Will Hanna
Robert Sheets
Marc Weintraub

Received and Filed

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: HALLOWEEN 2008

DATE: AUGUST 4, 2008

I recommend that October 30, 2008 from the hours of 6:00 until 8:00 be designated as Trick or Treat in the City of Charleston.

Received and Filed.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON BUILDING COMMISSION

DATE: AUGUST 4, 2008

I recommend that Olivia Singleton, 1561 Connell Road, Charleston, WV 25314, be reappointed to the Charleston Building Commission, with a said term to expire July 20, 2013.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON WAYFINDING COMMISSION

DATE: AUGUST 4, 2008

I recommend that Mack Miles, 114 Bradford Street, Charleston, WV 25301, be appointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2008. He is replacing Lynn Payne.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON HUMAN RIGHTS COMMISSION

DATE: AUGUST 4, 2008

I recommend that Marion Delores Johnson, 900 Edwards Street, Charleston, WV 25311, be reappointed to the Charleston Human Rights Commission, with a said term to expire June 30, 2011.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON HUMAN RIGHTS COMMISSION

DATE: AUGUST 4, 2008

I recommend that Jim Harris, 213 McKee Avenue, Charleston, WV 25311, be reappointed to the Charleston Human Rights Commission, with a said term to expire June 30, 2011.

I respectfully request Council's approval of this recommendation.

Council approved the appointment.

TO: JAMES REISHMAN

CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CENTRAL WV REGIONAL AIRPORT AUTHORITY

DATE: AUGUST 4, 2008

I recommend that James Foster, 1628 Berkshire Place, Charleston, WV 25314, be reappointed to the Central WV Regional Airport Authority, with a said term to expire June 30, 2011.

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

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CENTRAL WV REGIONAL AIRPORT AUTHORITY

DATE: AUGUST 4, 2008

I recommend that Norman W. Shumate, III, 1 Scott Road, Charleston, WV 25314, be reappointed to the Central WV Regional Airport Authority, with a said term to expire June 30, 2011.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD

DATE: AUGUST 4, 2008

I recommend that Mark Maurer, General Manager, Embassy Suites, 300 Court Street, Charleston, WV 25301, be appointed to the Charleston Convention and Visitors Bureau Board, with an initial term to expire February 17, 2011.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD

DATE: AUGUST 4, 2008

I recommend that Andrew Jordon, 1 Norwood Road, Charleston, WV 25314, be appointed to the Charleston Convention and Visitors Bureau Board, with a said term to expire February 17, 2009. He is replacing Andrew Payne.

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

Council approved the appointment.

ORDINANCE AND RULES COMMITTEE

Councilperson Jack Harrison, Chairman of the Council Committee on Ordinance and Rules, submitted the following report.

1. Your Committee on Ordinance and Rules has had under consideration Bill No. 7337, and reports the same to Council with the recommendation that the Bill pass.

Bill No.7337: A BILL to enact Chapter 3 – Municipal Home Rule, Article I, Sections 3-1, 3-2 and 3-3 for the purpose of establishing a Chapter in the Municipal Code of the City of Charleston for all new ordinances resulting from the City of Charleston's participation in the West Virginia Municipal Home Rule Pilot Program.

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 under W. Va. Code § 8-1-5a,

Chapter 3, Article I, Sections 3-1, 3-2 and 3-3 of the Code of the City of Charleston, West Virginia, are hereby created to read as follows:

Chapter 3 – Municipal Home Rule

ARTICLE I – GENERAL PROVISIONS

Section 3-1. Purpose

This chapter has been created for all ordinances enacted pursuant to the authority granted to the City of Charleston under W.Va. Code § 8-1-5a, establishing a five year Municipal Home Rule Pilot Program to evaluate the viability of allowing municipalities to have broad-based state home rule to carry out their duties and responsibilities in a more cost-effective, efficient and timely manner, leading to stronger municipalities and improved urban and state development. These ordinances are pursuant to the provisions of the City of Charleston Home Rule Plan approved by the Municipal Home Rule Board on May 21, 2008.

Section 3-2. Definitions

(Reserved)

Section 3-3. Severability; Interpretation; Conflict

(a) The sections, subsection, paragraphs, sentences, clauses and phrases of this Chapter and all provisions adopted by reference in this Chapter are severable so that if any section, subsection, paragraph, sentence, clause and phrase of this Chapter or any provision adopted by reference in this Chapter is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this Chapter or of any provision adopted by reference in this Chapter, it being the intent of council that it would have enacted this Chapter and all provisions adopted by reference in this Chapter without such invalid or unconstitutional provisions.

(b) This chapter shall be construed liberally in order to achieve the purposes and intent enunciated in Section 3.1

(c) In the event that any of the provisions of this Chapter conflict with other provisions of the Code of the City of Charleston, the provisions of this Chapter shall prevail.

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

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

ABSENT: Burton, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7337, passed.

2. Your Committee on Ordinance and Rules has had under consideration Bill No. 7338, and reports the same to Council with the recommendation that the Bill pass as amended.

Bill No. 7338: A BILL to enact Chapter 3, Article II, Section 3-10 of the Municipal Code of the City of Charleston for the purpose of allowing the publication of limited information regarding persons or businesses with delinquent B&O taxes and/or 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 under W. Va. Code § 8-1-5a, Chapter 3, Article II, Section 3-10 of the Code of the City of Charleston, West Virginia, is hereby created to read as follows:

Sec. 3-10 Publication of Delinquent B&O and City Fee Accounts

Whenever in the judgment of the City Manager, after consultation with the City Collector and Finance Director, it shall be fiscally advantageous to the City to do so, the office of the City Collector shall prepare and publish a list of delinquent B&O tax and/or City service fee accounts. The criteria for inclusion in this list shall be at the discretion of the City Manager after consultation with the City Collector and Finance Director.

Any such list may include the following information: type of debt (B&O/city fee) name of person or business, year or years in which delinquencies occurred (either tax year or fiscal year), and total amount owed. Medium or media in which the list is published shall be determined by the City Manager.

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

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

ABSENT: Burton, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7338, passed as amended.

3. Your Committee on Ordinance and Rules has had under consideration Bill No. 7339, and reports the same to Council with the recommendation that the Bill pass.

Bill No. 7339: A BILL to enact Chapter 3, Article II, Section 3-12 allowing the City of Charleston to enter into contractual or other agreements with other jurisdictions via resolution.

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 under W. Va. Code § 8-1-5a, Chapter 3, Article II, Section 3-12 of the Code of the City of Charleston, West Virginia, is hereby created to read as follows:

Section 3-12. Contracts with other jurisdictions via resolution

For any action providing for a contractual or other agreement with another jurisdiction, the City of Charleston may enter into such agreement by passage of a resolution by council.

Comment: Under this section and pursuant to authority granted under W. Va. Code § 8-1-5a, the City is exempt from the requirement imposed by W. Va. Code § 8-11-3(10).

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

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

ABSENT: Burton, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7339, passed.

4. Your Committee on Ordinance and Rules has had under consideration Bill No. 7340, and reports the same to Council with the recommendation that the Bill pass as amended.

Bill No. 7340: A BILL to enact Chapter 3, Article II, Section 3-13 of the Municipal Code of the City of Charleston for the purpose of allowing the conveyance of City property to non-profit organizations without public auction, and for less than fair market value.

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 under W. Va. Code § 8-1-5a, Chapter 3, Article II, Section 3-13 of the Code of the City of Charleston, West Virginia, is hereby created to read as follows:

Sec. 3-13 Disposition of municipal property to non-profit organizations.

(a) The City of Charleston may lease or convey City property to non-profit organizations for less than fair market value, and without public auction, when the non-profit organization is providing services that benefit the public and are services that the City could lawfully provide; provided that City Council has made a factual determination that:

- 1) there is a lack of need for such property by the City.
- 2) there is a demonstrable need for such property by the non-profit organization to be able to perform the services benefiting the public.

(b) In the event the non-profit organization should cease to provide such services to the public, the property shall by operation of law revert to and vest in the City, and such non-profit organization shall thereafter have no right, title, or interest therein or thereto.

(c) Any lease, deed or other instrument of property transfer executed pursuant to this section shall contain the reversion wording in Section 3-13(b).

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

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

ABSENT: Burton, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7340, as amended passed.

5. Your Committee on Ordinance and Rules has had under consideration Bill No. 7341, and reports the same to Council with the recommendation that the Bill pass.

Bill No. 7341: A BILL to enact Chapter 3, Article II, Section 3-14 of the Municipal Code of the City of Charleston for the purpose of allowing the conveyance of City property for fair market value, and without public auction when the primary purpose of such conveyance is to facilitate economic development within the City and/or to provide necessary and convenient resources for the benefit of its citizenry.

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 under W. Va. Code § 8-1-5a, Chapter 3, Article II, Section 3-14 of the Code of the City of Charleston, West Virginia, is hereby created to read as follows:

Sec. 3-14 Conveyance or Lease of City property without auction

(a) The City of Charleston may sell its real or personal property valued in excess of one thousand dollars (\$1,000.00) for fair market value, but without public auction; provided that City Council has made a factual determination that the property is to be used to facilitate specific economic development projects and/or to provide a specific necessary and convenient resource for the benefit of the citizenry.

(b) Any proposed conveyance of City property pursuant to this section shall be published as a Class II legal advertisement in compliance with the provisions of W. Va. Code § 59-3-1 et seq., and the publication area for the publication shall be the City of Charleston.

(c) Prior to the approval by City Council of any conveyance of City property pursuant to this section, City Council shall be provided with documentation evidencing that all

project plans have been approved by all necessary and relevant state and/or municipal committees and departments, all necessary and relevant state and/or municipal permits are in place or are approved subject to purchase of the property, and funding for the project secured.

Comment: Under this section and pursuant to authority granted under W. Va. Code § 8-1-5a, the City is exempt from the auction requirement imposed by W. Va. Code § 8-12-8(b) under the circumstances stated herein.

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

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

ABSENT: Burton, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7341, 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. 427-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 427-08: “Authorizing the Mayor to enter into an Agreement with Garcie R. Marker & Sons, in the amount of \$161,740, for the Concrete Curb and Sidewalk Project.”

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

That the Mayor is hereby authorized and directed to enter into an Agreement with Garcie R. Marker & Sons, in the amount of \$161,740, for the Concrete Curb and Sidewalk Project.

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

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

ABSENT: Burton, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 427-08 adopted

2. Your Committee on Finance has had under consideration Resolution No. 428-08,

and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 428-08: “Authorizing the Finance Director to allocate funds in the total amount of \$55,560 for acquisition of two (2) HOME projects at \$24,900 and \$30,660, located in Kanawha City.”

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 total amount of \$55,560 for acquisition of two (2) HOME projects at \$24,900 and \$30,660, located in Kanawha City.

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

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

ABSENT: Burton, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 428-08 adopted

3. Your Committee on Finance has had under consideration Resolution No. 429-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 429-08: “Authorizing the Mayor to sign and submit a grant application to the West Virginia Development Office for FY 2006 Community Participation Program on behalf of East End Main Street in the amount of \$5,333.”

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 grant application to the West Virginia Development Office for FY 2006 Community Participation Program on behalf of East End Main Street in the amount of Five Thousand Three Hundred Thirty-three Dollars (\$5,333).

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

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

ABSENT: Burton, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 429-08 adopted

4. Your Committee on Finance has had under consideration Resolution No. 430-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 430-08: “Authorizing the Mayor to sign two (2) contracts between the City of Charleston and West Virginia Development Office for FY 2008 Community Participation Grant Project No. 08LEDA0165, on behalf of the Kanawha Trestle Trail / Washington Street Beautification project in the amount of \$20,000; and Project No. 08LEDA0164, on behalf of West Side Main Street in the amount of \$5,000 to implement a facade grant program for businesses in the central business district.”

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

That the Mayor is hereby authorized and directed to sign two (2) contracts between the City of Charleston and West Virginia Development Office for FY 2008 Community Participation Grant Project No. 08LEDA0165, on behalf of the Kanawha Trestle Trail / Washington Street Beautification project in the amount of Twenty Thousand Dollars (\$20,000); and Project No. 08LEDA0164, on behalf of West Side Main Street in the amount of Five Thousand Dollars (\$5,000) to implement a facade grant program for businesses in the central business district.

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

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

ABSENT: Burton, Russell, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 430-08 adopted

5. Your Committee on Finance has had under consideration Resolution No. 431-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 431-08– “Granting Doublet Enterprises, LLC an easement along Virginia Street to construct an entry portico that consists of certain architectural features that project over and onto the public sidewalk at the property located at 900 Virginia Street, East.”

WHEREAS, the building plans include certain decorative architectural features and detail which will project into the city right of way approximately 3 feet from the face of the building, extending approximately 20 feet parallel with the building, and extending approximately 25 feet above the sidewalk, as depicted in exhibit ‘A’; and

WHEREAS, Doublet Enterprises, LLC has requested that the City of Charleston

grant and convey to it an easement to maintain said encroachments so long as the building located upon said land remains in existence and said projection continues to exist as an appurtenance thereto; and

WHEREAS, Charleston Urban Renewal Authority and the Charleston Building Department have approved the plans for construction of said portico; and

WHEREAS, the encroachment on and above the sidewalk will not in any way materially interfere with the City of Charleston or the public generally with respect to the use and occupancy of Virginia Street; and

WHEREAS, the portico will in no way impede the flow of pedestrian traffic along Virginia Street since the sidewalk is of sufficient width to maintain proper ADA access; and

WHEREAS, the portico at the Virginia Street entrance will increase the aesthetics along the Virginia Street corridor and is therefore in the best interest of the public; and

WHEREAS, it is considered by Council that granting the easement for the use of constructing a portico along Virginia Street is reasonable and in the interest of the City and its citizens will be promoted by the granting of the said easement rights.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

(1) That Doublet Enterprises, LLC, and its lessees, successors or assigns, are hereby granted an easement for the purpose of constructing, operating, maintaining, repairing and replacing a portico on the Virginia Street side of the building located at 900 Virginia Street, East, Charleston, West Virginia, generally in conformance with the design drawings which are attached hereto, incorporated herein, and made a part hereof. The easement is further defined to be a maximum of 25 feet above sidewalk along Virginia Street and a maximum size of 3 feet by 20 feet wide;

(2) That Doublet Enterprises, LLC, its lessees, successors or assigns, shall indemnify and save the City harmless from any damages to any person or property by reason of construction, operation, maintenance, repair or replacement of said portico.

(3) That the Mayor of the City of Charleston be and hereby is authorized and directed to execute a Deed granting an easement for the right to construct a portico over and onto the public sidewalk along Virginia Street upon payment of a total of Three Hundred Dollars (\$300) to the City of Charleston, which reflects the fair market value per square foot.

(4) That said easement shall be upon the expressed condition and limitations that, except in the case of replacement repairs, in the event such projection ceases to be an appurtenance to the building for a period of ninety days, per §8-12-5-(1) of the

Code of West Virginia, or if the easement conflicts in any way with the City of Charleston's use or development of its property, the easement shall cease, terminate, and be of no further effect, and Doublet Enterprises, LLC, shall, upon receiving written notice from the City of Charleston, immediately and at their expense, remove the projections and any and all facilities from the City of Charleston's property, as described herein.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 431-08, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 433-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 433-08: "Authorizing the City manager to sign and submit an application to the West Virginia Division of Energy for a Lighting Grant Program in the amount of \$18,653 for City Lighting Projects, totaling approximately \$37,306."

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

That the City Manager is hereby authorized and directed to sign and submit an application to the West Virginia Division of Energy for a Lighting Grant Program in the amount of \$18,653 for City Lighting Projects at the following locations:

City Hall
Roosevelt Center
City Service Center (MPB #1)
Fire Stations 1, 2, 5 and 6

Total cost of the lighting project will be approximately \$37,306.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 433-08, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 434-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 434-08: "Authorizing the City Manager to sign and submit an application for a Certificate of Need with the West Virginia Healthcare Authority as it relates to the HealthSTAT Clinic."

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

That the City Manager is hereby authorized and directed to sign and submit an application for a Certificate of Need with the West Virginia Healthcare Authority as it

relates to the HealthSTAT Clinic.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 434-08, adopted.

8. Your Committee on Finance has had under consideration a bid submitted by Dell Marketing, L.P., in the amount of \$22,814, for purchase of 17 Laptop Computers to be used by the Traffic Division of the Charleston Police Department. To be charged to Account No. 095-175-00-008-3-341, Police Highway Safety Grant—Materials & Supplies , 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.

9. Your Committee on Finance has had under consideration a bid submitted by Quality Communications, in the amount of \$16,590, for 15 Modems and 15 Antennas for 12 Police Cruisers and three Dodge Durango SUVs assigned to the Charleston Police Department. To be charged to Account No. 001-976-00-700-4-459, Police—Capital Outlay, Equip , 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.

10. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center for purchase of a vehicle to be used by the Metro Drug Enforcement Unit (MDENT), in the amount of \$22,900, less trade-in of one vehicle currently in use (estimated value \$5,000 to \$8,000, based on model and mileage). The actual trade-in amount of the used vehicle will be determined upon delivery of new vehicle in approximately 60 days. To be charged to Account No. 900-173-00-976-4-459, MDENT—Capital Outlay, Equip , 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. Weintraub -No

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending June 2008.
Received and Filed.

NEW BILLS

Introduced by Council Member Mary Jean Davis on August 4, 2008:

Bill No.7336: _A Bill to amend § 3-050 § 3-060, of the Zoning Ordinance for the City of Charleston.

Refer to Municipal Planning Commission.

Introduced by Council Member David Higgins on August 4, 2008:

Bill No. 7342 - A Bill to amend and reenact §114-559(a) of said code; to add the

following language:

(19) In the area at the end of a street or alley provided for the turning of vehicles.
Refer to Streets and Traffic Committee.

Introduced by Council Member Greg Burton on August 4, 2008:

Bill No. 7343 - A Bill to prohibit Vehicular Parking for more than one hour on the Westerly Side of 53rd Street from MacCorkle Avenue S.E., to a point 157 feet south of MacCorkle Ave., S.E., and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic Committee.

Introduced by Council Members David Higgins, Bobby Reishman, Mary Jean Davis, Harry Deitzler, Will Hanna, Jack Harrison, Tom Lane, Kasey Russell, and Jerry Ware on August 4, 2008:

Bill No. 7344: A BILL to enact Chapter 3, Article II, Section 3-15 of the Municipal Code of the City of Charleston for the purpose of allowing for the modification of the process for procurement of architectural and engineering services

Refer to Rules and Ordinance Committee.

ROLL CALL

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

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

ABSENT: Burton, Russell, White

At 7:50 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 18, 2008, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk