

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

April 6, 2009

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF APRIL ON THE 6th DAY, IN THE YEAR 2009, 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 HANNA.

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

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

**DAVIS
HALL
HARRISON
KIRK

REED
SALISBURY
TALKINGTON
WHITE**

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 Hazel Chapman, 1124 Chestnut St., South Charleston, WV; alleges personal injury.
Refer to City Solicitor

MISCELLANEOUS RESOLUTION

Resolution No. 536-09

Introduced in Council:

Adopted in Council:

April 6, 2009

Introduced by:

Referred to:

Mike Clowser, Cheryle Hall,
William Kirk, Lewis Payne,
Kasey Russell, Robert Sheets,
Cubert Smith, and Edward Talkington

Resolution No. 536-09 – “Concerning a reduction in regular weekday operating hours at the City of Charleston Landfill operated by Landfill Services of Charleston, Inc.”

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

WHEREAS, the current regular weekday operating hours at the City of Charleston Landfill are from 6:30 a.m. to 4:30 p.m.;

WHEREAS, Landfill Services of Charleston, Inc. seeks permission to reduce the regular weekday operating hours of the City of Charleston Landfill to 7:00 a.m. to 4:00 p.m.;

WHEREAS, a four month study conducted by Landfill Services of Charleston revealed that no City of Charleston refuse vehicles arrived at the City of Charleston Landfill during the time period that is the subject of the reduction in operating hours;

WHEREAS, the aforementioned study indicated that in excess of ninety percent

(90%) of the vehicles arriving at the City of Charleston Landfill during the time period that is the subject of the reduction in operating hours were Waste Management, Inc. vehicles;

WHEREAS, Waste Management, Inc. will adjust its operating hours in order to accommodate the reduced operating hours at the City of Charleston Landfill;

WHEREAS, Landfill Services of Charleston, Inc. has agreed to amend the aforementioned operating agreement as stated in Exhibit A, which is attached and made a part hereof;

WHEREAS, a reduction in operating hours of the City of Charleston Landfill will result in cost savings to Landfill Services of Charleston, Inc., thereby delaying any need to seek a rate increase in the near future; and

WHEREAS, upon information and belief, a reduction in the operating hours of the City of Charleston Landfill will have no detrimental impact on the City of Charleston;

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

That Landfill Services of Charleston is hereby authorized to file a petition with the West Virginia Public Service Commission for approval of new regular weekday hours of operation, and upon approval by the West Virginia Public Service Commission, the Mayor is hereby authorized to execute the amendment to the operating agreement contained in Exhibit A, amending regular weekday operating hours of the City of Charleston Landfill from 6:30 a.m. to 4:30 p.m. to 7:00 a.m. to 4:00 p.m.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 536-09, adopted.

Resolution No. 545-09

Introduced in Council :

April 6, 2009

Passed by Council: _____

Introduced by: Tom Lane

RESOLUTION

WHEREAS, the City of Charleston, Kanawha County and other municipalities have benefited from combining their 911 emergency services into one operation, now known as Metro 911. The services and efficiencies of this combined operation exceed those that could have been achieved by individual government entities acting alone; and

WHEREAS, the City of Charleston and Kanawha County have combined their housing authorities and, through the combination, have achieved services and efficiencies that might not have been possible through separate operations; and

WHEREAS, the City of Charleston believes that through similar combinations and cooperation, cities within Kanawha County along with Kanawha County government can achieve cost savings, efficiencies and better services for the citizens of the several cities and the county; and

WHEREAS, the City of Charleston, being the largest city in the State of West Virginia, should take a leadership role in exploring the opportunities and benefits which could be achieved through metro government.

NOW THEREFORE, BE IT RESOLVED as follows:

(1) That a committee of Charleston City Council members be formed to conduct a broad study of the ways in which the various governmental entities within Kanawha County can achieve greater efficiency and provide better service through combinations, cooperation, mergers, sharing of information and services, and other means. This study should include areas of mutual benefit such as shared costs of storm water management; immunity for emergency aid beyond boundaries; creation of overlapping jurisdictions for law enforcement and emergency services; shared use of technology and technological services; zoning and land use controls; cooperation on enforcement of drug laws and enforcement and cooperation of other criminal law; and

(2) To the extent the committee believes a formal merger or the creation of a new entity would best serve the citizens of Charleston and Kanawha County, that the committee investigate and recommend the most desirable structure; and

(3) That the committee makes a report to City Council by September 21, 2009.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 545-09, adopted.

ENVIRONMENT AND RECYCLING

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

1. Your Committee on Environment and Recycling has had under consideration Bill No 7377, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7377 : A Bill to amend and revise Section 118-203(d) of the Code of the City of Charleston West Virginia, increasing the total pollutant mass limitations applicable to industrial users of the sanitary system.

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

That Section 118-203(d) of the Code of the City of Charleston West Virginia is hereby amended as follows:

Sec. 118-203. Prohibitions and limitations on wastewater discharges.

(d) *Maximum allowable limits of industrial pollutants entering the city wastewater treatment system.*

(1) Limitations for pollutants that may cause pass through or inhibition or cause a degradation of sludge quality have been developed by the board. The limits are derived from a mass basis and are allocated on a mass proportion basis to each individual industrial user. Specific limitations for any individual industrial user shall be delineated in the industrial users' pretreatment permit.

(2) The following specific total pollutant mass limitations are available to industrial users. The sanitary board reserves the right to keep in reserve a percentage of the total pollutant mass for future growth or expansion. Individual mass limitations are fractional amounts of the listed totals and are proportionally based on the individual industries contributions. Pollutants not listed may be regulated by the board. Limitations for these will be based on the industries' specific wastewater contribution.

TABLE INSET:

Pollutant	Available for Industrial User Pounds/Day
Arsenic (As).....	1.2
Cadmium (Cd).....	0.7
Chromium (Cr).....	26.5
Copper (Cu).....	13.0
Cyanide (CN).....	1.4
Lead (Pb).....	2.6
Mercury (Hg).....	0.005 <u>0.02</u>
Nickel (Ni).....	7.7
Silver (Ag).....	6.7
Zinc (Zn).....	12.8 <u>10.1</u>
Benzene.....	50μ
Toluene.....	50μ
Ethylbenzene.....	50μ
Xylene.....	50μ

Polynuclear Aromatic Hydrocarbons, each.....	50µ
--	-----

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

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

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7377, passed.

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 7381, and reports the same to Council with the recommendation that the bill do pass, as amended.

Ordinance No. 7381: A Bill to enact Chapter 3, Section 3-26, of the Municipal Code of the City of Charleston for the purpose of providing additional and alternative methods and processes to enforce the provisions regarding exterior sanitation and common nuisance related to property located within the City in a fair, speedy and inexpensive manner, to improve compliance with the provisions of the Code, and thereby protecting, preserving and enhancing the public health safety and general welfare.

WHEREAS, W. Va. Code § 8-12-5(10) authorizes the City of Charleston to adopt ordinances to prohibit the accumulation and require the disposal of garbage, refuse, debris, waste, ashes, trash, and other similar accumulations whether on private or public property; and

WHEREAS, W.Va. Code §§ 8-12-5(13) and (44) authorizes the City of Charleston to adopt ordinances to prevent injury and annoyance to the public or individuals from anything dangerous, offensive or unwholesome, and to protect and promote the public morals, safety, health, welfare and good order; and

WHEREAS, W.Va. Code § 8-12-5(23) authorizes the City of Charleston to adopt ordinances to provide for the elimination of hazards to public health and safety and to abate or cause to be abated anything which in the opinion of a majority of the governing body is a public nuisance; and

WHEREAS, it is the policy of the City of Charleston to protect the health, welfare, safety, and quality of life of its citizens, and to prevent and remedy those conditions which present immediate danger or harm, or create an attractive nuisance; and

WHEREAS, the West Virginia Home Rule Pilot Program has been established to enable municipalities to better carry out their duties and responsibilities in a cost-effective, efficient and timely manner; and

WHEREAS, it is the goal of the City of Charleston through its Home Rule authority to increase the efficiency of the process by which building and zoning violations are prosecuted, as the current process is lengthy and fosters recidivism from violators.

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, Section 3-26 of the Municipal Code of the City of Charleston, West Virginia, is hereby created to read as follows:

Sec. 3-26 Enforcement of external sanitation and common nuisance violations

a.) Purpose and Applicability.

(1) The purpose of this Section is to provide additional and alternative methods and processes to enforce the municipal code provisions regarding exterior sanitation and common nuisances related to property located within the City in a fair, speedy and inexpensive manner, and to improve compliance with such provisions.

(2) This Section shall be in addition to those methods and processes otherwise contained in the Municipal Code of the City of Charleston and shall be applied at the discretion of the enforcement officer enforcing the provisions of this Section.

(3) This Section shall apply to the following exterior sanitation and common nuisance violations contained in the Building Code and Zoning Ordinance, incorporated by reference into Chapters 14 and 91, respectively, of the Municipal Code of the City of Charleston:

- a. Sanitation (IPMC 302.1);
- b. Drainage (IPMC 302.2);
- c. Sidewalks in disrepair (IPMC 302.3);
- d. High weeds/grass (IPMC 302.4) and (City Code Sec 50-124);
- e. Graffiti (IPMC 302.9);
- f. Exterior garbage accumulation (IPMC 307.1) and (City Code Sec 50-124);
- g. Open storage in Residential Districts (3-060-C-5), (3-070-C-1) and (3-070-C-2);
- h. Non-resident recreational vehicles (3-060-C-5).

i.

(4) Any and all planning, zoning, building, and law enforcement officers shall have authority to enforce the provisions of this Section and shall be referred to herein collectively as enforcement officials.

b.) Investigations. Upon receipt of information indicating the likelihood of a violation of any provision of the Municipal Code of the City of Charleston regarding external sanitation or common nuisance, the enforcement official shall investigate the facts and may, to the extent permitted by law, make an inspection of the premises.

c.) Notice of Violation.

(1) If an investigation reveals that a code violation exists, the enforcement official shall provide written notice of such violation to the person having either ownership or control of any land, building, structure, sign, property, licensed or permitted business or operation which is in violation, and shall order that the violation be corrected. Notice of the violation shall be given by personal or substituted service in accordance with the West Virginia Rules of Civil Procedure, by either delivering the notice to the person in violation personally or by delivering the notice to a member of that person's family who is above the age of sixteen (16) years and by advising such person of the purpose of the notice. Proof of personal service shall be made at the time of service by a written declaration executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made. If personal service cannot be effectuated, the enforcement official may send the notice to the person via certified mail, return receipt requested, to the person's last known address. If the return receipt is not returned, a notice shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service.

(2) Any Notice of Violation under this Section shall be in writing and shall contain the following:

- (1) the date the Notice of Violation is given;
- (2) the name and address of the person(s) charged with the violation;
- (3) the section of the ordinance being violated;
- (4) the nature of the violation;
- (5) a statement of the action required to be taken in order to correct the violation;
- (6) the time period allowed for the violation to be corrected. The time period allowed shall take into consideration the threat posed by the violation to the health, safety and welfare of the public and the nature of the work required to correct the violation, provided that no such time period for

- correction shall be less than five (5) days;
- (7) the maximum fines that may be assessed if the violation is not corrected; and
- (8) the name, address and telephone number of the enforcement official.

d.) Issuance of Citations.

(1) If the violation has not been corrected within the period established in the Notice of Violation, the enforcement official may issue a citation to the violator. The citation shall be in writing and shall contain the following:

- (a) the date the citation is issued;
- (b) the name and address of the person(s) charged with the violation;
- (c) the section of the ordinance that has been violated;
- (d) the nature of the violation;
- (e) the place and time the violation occurred;
- (f) the date the Notice of Violation was given;
- (g) the amount of the fine imposed for the violation;
- (h) the name, address, and telephone number of the enforcement official issuing the citation; and
- (i) the name, address and telephone number of the Office of the City Collector, where fines are to be paid, and of the Municipal Court, where citations may be appealed.

(2) A citation may be served by personal or substituted service in accordance with the West Virginia Rules of Civil Procedure, by either delivering the citation to the person in violation personally or by delivering the citation to a member of that person's family who is above the age of sixteen (16) years and by advising such person of the purpose of the citation. Proof of personal service shall be made at the time of service by a written declaration executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made. If personal service cannot be effectuated, the enforcement official may send the citation to the person via certified mail, return receipt requested, to the person's last known address. If the return receipt is not returned, a citation shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service.

e.) Penalties. Any person issued a citation pursuant to 3-26 (d) shall be punished by a fine as follows: within any twelve (12) month period, one hundred dollars (\$100.00) for the first citation, two hundred dollars (\$200.00) for the second citation, three hundred dollars (\$300.00) for the third citation, and five hundred dollars (\$500.00) for each citation thereafter."

f.) Nonpayment of Fines. All fines imposed by citations under this Section shall be

due within ten days of service of the citation. The failure to pay when due any fine imposed under this Section shall result in the issuance of a warrant and notification of the DMV.

g.) Repeat Violations. If a person has been previously served with a Notice of Violation with regard to a specific violation, he shall not be entitled to receive any additional Notice of Violation for the same violation if it is repeated within a six (6) month period and the enforcement official may proceed in accordance with Section 3-26(d) without further notice to the violator.

h.) Appeal.

(1) Issuance of a citation under the provisions of this Section shall be deemed to be prima facie evidence of the violation indicated on the face of the citation. As such, any person who is issued a citation shall pay the fine indicated for the violation, as set forth in Section 3-26(e), in full to the office of the city collector within ten days of service of the citation. Any person alleging he or she was improperly issued such citation may, within ten days of service of such citation, file a petition for appeal of the citation or payment thereof, along with the required bond, with the municipal court clerk in accordance with the following:

(a) In order to properly and timely appeal his or her citation, within ten (10) days of service of the citation, the alleged violator shall pay the required amount of the applicable fine in full to the municipal court clerk, which amount will be held by the municipal court as bond pending evidentiary hearing before and resolution of the case by the municipal court; the municipal court clerk shall issue a receipt to the alleged violator showing the amount of the bond paid. In addition to the bond, the alleged violator shall file with the municipal court clerk a petition for appeal of the citation. If any petition for appeal filed in accordance with this section is not timely filed or is not accompanied with the required bond, the alleged violator shall be deemed to have waived his or her right to appeal the citation, and such petition shall be summarily denied as untimely filed; provided, however, that nothing set forth hereinabove shall prevent the municipal court judge from finding, upon a proper showing, that an alleged violator suffers from financial hardship, and, as a result, waiving the requirement that the bond be posted as a prerequisite to filing a petition for appeal.

(b) Any petition for appeal filed with the municipal court clerk must be in writing, on the form to be provided by the municipal court clerk, and must be signed by the alleged violator affirming that the contents of the petition are true and accurate to the best of the alleged violator's knowledge at that time. Such petition for appeal shall state the facts and reasons in support of the petition. Upon filing any such petition for appeal with the municipal court clerk, the alleged violator shall serve a copy of the petition and receipt showing proof of bond or waiver thereof upon the city attorney.

(2) Upon filing of a petition for appeal with the municipal court clerk, the clerk or his or her designee shall place the case on the municipal court docket, set the case for evidentiary hearing within 30 days from the date of the filing of the petition for appeal, provide a notice of hearing to the alleged violator, and forward a copy of the petition to the enforcement officer. Upon receipt of the petition, the enforcement officer shall cause a copy of the citation at issue to be forwarded to the municipal court clerk who shall file it as the original complaint alleging the violation indicated therein.

(3) The municipal court shall treat the citation itself as the original complaint before the court, and shall treat it as prima facie evidence of the violation alleged therein. At the close of all of the evidence, should the municipal judge find against the alleged violator, the bond posted by the alleged violator shall be applied as payment for the fine imposed for the violation. In the event the municipal court judge finds that a violator suffers from financial hardship, the municipal court judge may permit alternative sentencing pursuant to § 38-126 of the Municipal Code. Should the court find in favor of the alleged violator, the bond shall be refunded to the alleged violator by the municipal court clerk.

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

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

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7381, passed as amended.

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 537-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 537-09: "Authorizing Mayor to enter into an Agreement with West Virginia Gutting, Inc. to supply materials for rehabilitation of owner occupied residences in the City of Charleston. The materials will be purchased on an as needed basis for each project undertaken through the Rehabilitation Program."

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 West Virginia Gutting, Inc. to supply materials for rehabilitation of owner occupied residences in the City of Charleston. The materials will be purchased on an as needed basis for each project undertaken through the Rehabilitation Program and at the prices

listed below:

Seamless 5" Guttering (Class K or equivalent)	\$3.00 per ft.
Downspout (installed)	\$3.00 per ft.
Hangers (installed)	\$1.00 each
Mitered Corner (inside and outside)	\$5.00 each
Fascia Brackets	\$2.00 each
Gutter Guard	\$2.00 per ft.

Additional costs will be added for fascia/wood replacement.

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

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

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 537-09 passed.

2. Your Committee on Finance has had under consideration Resolution No 538-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 538-09: "Authorizing the Mayor to enter into an Agreement with Home Depot to supply materials for rehabilitation of owner occupied residences in the City of Charleston at the prices indicated on the attached list. The materials will be purchased on an as needed basis for each project undertaken through the Rehabilitation program."

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 Home Depot to supply materials for rehabilitation of owner occupied residences in the City of Charleston at the prices indicated on the attached list. The materials will be purchased on an as needed basis for each project undertaken through the Rehabilitation Program.

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

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

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 538-09 passed.

3. Your Committee on Finance has had under consideration Resolution No 539-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 539-09: "Authorizing the Mayor to enter into an Agreement with Waco Formworks to supply scaffolding for rehabilitation of owner occupied residences in the City of Charleston. The materials will be purchased on an as needed basis for each project undertaken through the Rehabilitation Program."

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 Waco Formworks to supply scaffolding for rehabilitation of owner occupied residences in the City of Charleston. The materials will be purchased on an as needed basis for each project undertaken through the Rehabilitation Program and at the prices listed below:

Set of Scaffolding Bucks with Braces	\$10.00/set
Adjustable Jacks with Base Plates	\$ 1.50
Stairway with Hand Rail & Decking	\$16.00
Scaffolding Erection & Dismantling Charges	\$55.00/hour

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

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

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 539-09 passed.

4. Your Committee on Finance has had under consideration Resolution No 540-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 540-09: "Authorizing the Mayor to enter into an Agreement with Pinnacle Environmental Consultants, Inc. for lead testing services for owner occupied residences in the City of Charleston."

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 Pinnacle Environmental Consultants, Inc. for lead testing services for owner occupied residences in the City of Charleston at the following prices:

Lead Inspection / XRF Analyzer	\$400.00/structure
--------------------------------	--------------------

Lead Risk Assessment
Clearance Testing

\$275.00/structure
\$200.00/structure

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

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

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 540-09 passed.

5. Your Committee on Finance has had under consideration Resolution No 541-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 541 -09 :“Authorizing the Mayor to sign and submit FY 2009 Community Participation Program grant information sheets and all related documents for two agencies.”

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 FY 2009 Community Participation Program grant information sheets and all related documents for the following agencies located within the City of Charleston:

Bridge Road Neighborhood	09LEDA0243	\$10,000.00
Kanawha Valley Fellowship Home	09LEDA0260	\$ 1,000.00

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

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

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 541-09 passed.

6. Your Committee on Finance has had under consideration Resolution No 542-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 542-09 : “Authorizing the Finance Director to provide funds in the amount of \$20,011.63 to the Regional Intergovernmental Council (RIC), representing the City’s share of contributions received annually by RIC from local governmental agencies in Boone, Clay, Kanawha and Putnam counties.”

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

That the Finance Director is hereby authorized and directed to provide funds in the amount of \$20,011.63 to the Regional Intergovernmental Council (RIC), representing the City's share of contributions received annually by RIC from local governmental agencies in Boone, Clay, Kanawha and Putnam counties."

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 542-09, adopted.

7. Your Committee on Finance has had under consideration Resolution No 543-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 543-09: "Authorizing the renewal and restructuring of a Lease with the East End Family Resource Center for continued use of space in the Roosevelt Neighborhood Center to conduct educational, recreational, and senior programs."

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

That upon review and approval by legal counsel for the City of the restructured renewal agreement, the Mayor is hereby authorized to execute a renewal Lease with the East End Family Resource Center for continued use of space in the Roosevelt Neighborhood Center to conduct educational, recreational, and senior programs.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 543-09, adopted.

8. Your Committee on Finance has had under consideration Resolution No 544-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 544-09: "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, as follows:

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

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 544-09 passed.

9. Your committee on Finance has had under consideration a bid submitted by M&S Services for purchase of pool chemicals on an as needed basis by the Parks & Recreation Department for use in City swimming pools. The pool chemicals will be purchased at the following prices:

Chlorine Tablets	\$128.00 / 55 lb. containers
Stablizer	\$ 81.22 / 50 lb. containers
Muriatic Acid	\$ 6.00 / gal.
Calcium Chloride	\$ 18.23 / 50 lb. bags
Granular Chlorine	\$ 75.00 / 50 lb. containers
Liquid Chloride	\$ 28.00 / 5 gal. containers
Sodium Bicarbonate	\$ 19.31 / 50 lb. bags
Diatomaceous Earth	\$ 24.88 / 50 lb. bags
Sodium Carbonate	\$ 20.87 / 50 lb. bags

To be charged to Account No. 001-900-00-000-3-341, P&R – 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.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; March 2009. Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; March 2009. Received and Filed.

3. City Treasurer's Report to City Council Month Ending February 2009. Received and Filed.

NEW BILLS

Introduced by Council Member Mary Jean Davis on April 6, 2009:

Bill No. 7385 - A Bill closing, abandoning and discontinuing as a public right of way the undeveloped portion of Sunrise Drive located in Sunrise Subdivision, recorded in Map Book 6, Page 112 and being also known as a part of West Charleston Tax Map 17, parcels 166 and 167 of the City of Charleston, Kanawha County, West Virginia. Refer to Municipal Planning Commission, Planning Committee and Finance Committee.

Introduced by Council Member Mary Jean Davis on April 6, 2009:

Bill No. 7386 : A BILL to amend Chapter 10, Article I, Sections 10-3(a)(1)(l) and 10-5(e) of the Municipal Code of the City of Charleston for the purpose of clarifying the penalties for persons convicted of cruelty to animals, and to amend Chapter 10, Article 1, Section 10-8 regulating the sale of baby fowl.

Refer to Ordinance and Rules Committee.

Introduced by Council Member David Higgins on April 6, 2009:

Bill No.7387: A BILL to amend Chapter 114, Article IV, Division 1, Section 114-240 of the Code of the City of Charleston, West Virginia, to clarify requirements and specifications for installation of traffic control devices.

Refer to Streets and Traffic Committee.

Introduced by Council Member Marc Weintraub on April 6, 2009:

Bill No. 7388: A BILL to amend Chapter 114, Article IV, Division 1, Section 114-236 of the Code of the City of Charleston, West Virginia, to establish No Turn on Red northbound and eastbound at the intersection of Washington and Elizabeth Streets.

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, Jerry Ware on April 6, 2009:

Ordinance No. 7390: A Bill to enact Chapter 3, Section 3-27, of the Municipal Code of the City of Charleston for the purpose of providing a manner in which the City may file a lien on real property, absent obtaining a court judgment, for costs incurred by the City in abating exterior sanitation and common nuisance violations and for repairing, relaying, or constructing sidewalks.

Refer to Ordinance and Rules 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, Miller, Payne, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

At 8:00 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, April 20, 2009, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk