

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

April 18, 2011

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF APRIL ON THE 18th DAY, IN THE YEAR 2011, 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 WHITE.

**BURKA
DEITZLER
HALL
HARRISON
KIRK
MILLER
REISHMAN
SHEETS
WARE
MAYOR JONES**

**CLOUSER
DENEALT

HIGGINS
KNAUFF

RUSSELL
SMITH
WEINTRAUB**

**DAVIS
EALY
HARRIS
JONES

REED
SALISBURY
TALKINGTON
WHITE**

WITH 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

Brian King - MOECD

CLAIMS

1. A claim of Eppa D. Penwell, 213 Twilight Drive, Charleston, WV alleges damage to property.
Refer to City Solicitor
2. A claim of Frances M. Samuels, 812 Loretta Ln., South Charleston, WV alleges damage to property.
Refer to City Solicitor
3. A claim of Ina Kristine Yost, 1413 Pleasant Ave., Wellsburg, WV alleges personal injury.
Refer to City Solicitor

The Mayor read the following Public Hearing:

After duly being published as required, I now declare the floor open for a Public Hearing on Bill No 7458: a bill to amend Chapter 82, Article I, Section 82-4 of the Municipal Code of the City of Charleston increasing the rates for facility rental for the Charleston Civic Center and the Charleston Municipal Auditorium.

The Chair sees no one from the public.

The Chair hears no one from the public.

Declare the Public Hearing on Bill No. 7458, Closed.

COMMUNICATION

The Clerk read the following Communication:



City of Charleston
Planning & Zoning Department
915 Quarrier Street - Suite 1
Charleston, WV 25301

April 7, 2011

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

Dear Mayor Jones and Councilmember's:

On April 6, 2011, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case was heard:

Bill #7457

Petition of the Central West Virginia Regional Airport Authority requesting the closing, abandoning, and discontinuing as a public right-of-way certain streets and alleys located in the Coal Branch Heights area, situate north of Denton Street and adjacent to Ballard Street/Twilight Drive, in the City of Charleston, WV, including improved streets A Street and Ox Street, and unimproved rights-of-way for Street Block 2/3, Alley, Block 4, Alley Block 5, B Street, Camp Street, and Frank Street.

This case should be referred to the Council Committee on Planning.

*Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant*

The Mayor referred the cases to the Planning Committee of council.

ORDINANCE AND RULES

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

1. Your Committee on Rules and Ordinance has had under consideration Bill 6465, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6465: "A BILL to amend Chapter 86, Article II, Division 6, Section 86-161 of the Municipal Code of the City of Charleston, as amended, for the purpose of making city code consistent with West Virginia State Code governing paid holidays.

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

That Chapter 86, Article II, Division 6, Section 86-161 of the Municipal Code of the City of Charleston, as amended, is hereby further amended as follows for the purpose of making city code consistent with West Virginia State Code governing paid holidays:

Sec. 86-161. - Paid holidays.

- (a) The following days shall be regarded, treated and observed as legal holidays:
- (1) January 1, New Year's Day;
 - (2) The third Monday of January, Martin Luther King's Birthday;
 - (3) The third Monday of February, Presidents' Day;
 - (4) The last Monday in May, Memorial Day;
 - (5) June 20, West Virginia Day;
 - (6) July 4, Independence Day;
 - (7) The first Monday of September, Labor Day;
 - (8) The second Monday of October, Columbus Day;
 - (9) November 11, Veterans Day;
 - (10) The fourth Thursday and Friday of November, Thanksgiving Day Holidays;
 - (11) December 25, Christmas Day;
 - (12) Any day on which a national, state or other governmental election day throughout the district or municipality wherein the election is conducted within the City of Charleston held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, the City of Charleston may choose not to recognize the day of the election as a holiday if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday; and
 - (13) ~~All~~ Any days which may be appointed or recommended proclaimed or ordered by the mayor, the governor or the President of the United States as a days of special observance or ~~†~~Thanksgiving, or for the general cessation of business.

(b) If a holiday as identified in subsection (a) of this section When any of such days or dates falls on Saturday or Sunday, either the preceding Friday or the succeeding Monday shall be regarded, treated and observed as such legal holiday; provided that this subsection (b) shall not apply to subdivisions (12) or (13) of subsection (a) of this section.

(bc) Regular part-time employees shall receive half the number of vacation days afforded to regular full-time employees. An employee absent without authorized leave on the last working day preceding or the first working day following a holiday shall not receive regular compensation for the holiday. If a Holidays as identified in subsection (a), but excluding subsections (12) and (13) of subsection (a) of this section when occurring on a Saturday or Sunday, is observed on which occur during a full-time or regular part-time employee's regularly scheduled day off, the employee shall be compensated for by straight time pay or an additional shift day off in lieu thereof. The determination of whether compensation will consist of pay or an additional day off shall be at the discretion of the City Manager. If compensated by pay, Such pay shall be for a normal working day at the straight hourly equivalent rate for his position classification.

(d) Employees who are required to work on a holiday as identified in subsection (a), but excluding subsections (12) and (13) of subsection (a) of this section when occurring on a Saturday or Sunday, shall be compensated in accordance with city policy. Upon request to his/her supervisor, a full-time or regular part-time employee who is required to work on an election day, as identified in subsection (a)(12) of this section, shall be provided with reasonable time and opportunity during his/her work day to vote, without any reduction in pay or leave, if applicable departmental rules and regulations.

In accordance with the provisions of Section 41 of the Charter of the City of Charleston, this ordinance shall be effective upon passage if affirmed by a vote of three-fifths of the Charleston City Council.

The Bill in question will be voted under the Finance section of the meeting.

2. Your Committee on Rules and Ordinance has had under consideration Bill 7466, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7466: ““A BILL to amend Chapter 114, Article VII, Division 2, Section 114-602 of the Municipal Code of the City of Charleston, as amended, allowing for the rental of additional spaces located in the Summers Street alley.

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

That Chapter 114, Article VII, Division 2, Section 114-602 of the Municipal Code of the City of Charleston, as amended, is hereby amended as follows for the purpose of allowing for the rental of additional spaces located in the Summers Street alley:

Sec. 114-602. - Management of and regulations governing city-owned lots and buildings.

(a) All parking lots and buildings owned or operated by the city shall be operated under the control and management of the parking facilities committee, who are hereby authorized to promulgate rules and regulations governing such usage not inconsistent herewith. It shall be unlawful for any person to park any motor vehicle or other conveyance so as to occupy or use space in such parking lots of buildings without making payment of the appropriate fees or charges therefor as hereinafter provided. Motor vehicles shall be parked, placed, handled and driven into, from, in and on such parking lots in accordance with the applicable laws and ordinances of the city relative to traffic upon the streets in the city, and in accordance with the rules and regulations respecting usage of such parking lots which are adopted and promulgated by the parking facilities committee, and in accordance with the directions, instructions and order of the official city attendants of each of such lots stationed thereon. It shall be unlawful for any person or vehicle to block any driveway or passageway in or upon such parking lots or buildings, or for persons to leave or park cars therein contrary to the applicable ordinances, rules and regulations and instructions of attendants, as aforesaid, or without paying the required rental fees.

(b) The rental fees for each separate usage of any single parking space on any parking lot not specifically set forth below shall be at the rate of \$3.00 per day.

(c) The rental fees for each separate usage for any single parking space in the civic center parking building north and south and on the surface parking lots adjacent to the Charleston Civic Center shall be as follows:

- (1) 6:00 a.m. through 5:00 p.m.
Less than one hour \$ 1.00
One to two hours 2.00
Two to three hours 3.00
Daytime maximum 3.00
- (2) 5:00 p.m. through 6:00 a.m. ~~...1.00~~
Less than one hour 2.00
One to two hours 3.00
Two to three hours 3.00
Daytime maximum 3.00
- (3) Events (pre-charge) 3.00
- (4) Civic Center North, per month (exclusive of event parking) 25.00

(d) The rental fee for each separate usage of any single metered parking space in

parking lot owned by the city behind city hall shall be \$0.25 for 36 minutes. The rental fee for each separate usage of any single metered parking space in the lot behind the municipal auditorium shall be \$0.50 per hour and the rental fee for each unmetered parking space in the lot behind the municipal auditorium shall be \$30.00 per calendar month, provided that the fee for each unmetered parking space leased on a monthly basis after July 1, 2000 shall be \$40.00 per calendar month. The rental fee for each separate usage single metered parking space in a city-owned off-street parking lot, not otherwise expressly set forth in this bill, shall be at rate of \$0.25 per hour. The rental for each separate usage of any fee boxed parking space in a city-owned off-street parking lot, not otherwise expressly set forth in this section, shall be at a rate of \$1.00 per calendar day, excluding Sunday and legal holidays. The rental fee for each separate usage of any ~~of five~~ spaces in the Summers Street alley shall be \$75.00 per month plus a \$10.00 activation fee.

(e) Reserved parking at the West Side lot "C", located off Indiana Avenue as shown on the map attached to Bill No. 7215, which is incorporated herein by reference, shall be at a rate of \$35.00 per month plus a \$10.00 activation fee. The reserved rate shall apply to any space properly signed that is not otherwise made available for metered parking on the West Side lot "C." All other spaces on lots "A" and "B" shall be metered spaces only providing for hourly parking for customers patronizing local businesses.

(f) Event parking at the Morris Street and Smith Street lots shall be at a rate of \$3.00 per event. The rental for each separate usage of any space that is not otherwise made available for metered parking in the Morris Street lot shall be \$40.00 per month plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate. The rental for each separate usage of any space that is not otherwise made available for metered parking in the Smith Street lot shall be \$30.00 per month plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate.

(g) Parking shall be provided for city employees on the top floor of Building No. 5. The city shall pay the parking system \$60.00 per month per employee. The city manager shall report quarterly to the parking facilities committee the number of employees and the allocation of parking spaces; council parking, 27 permits at \$2.00 per day, an average of one day per week for 48 weeks. The parking system director shall make available to members of council, parking spaces in the Shanklin parking facility on or about 6:00 p.m. for attending meetings of council or its committee under the same terms and conditions as the director makes available to city employees.

(h) Civic center event parking in lots A, B, C, D, and E, as shown on the map attached to Bill No. 7215 and incorporated herein by reference, shall be at a rate of \$3.00 per event. Any or all of lots A, B, C, D, and E may be leased to merchants or

business associations for mutually agreed upon covenants; provided, that such groups do not impose parking fees upon the general public for parking privileges. Any such leases shall be subject to the approval of the city council's parking facilities committee.

(i) Parking shall be provided for state employees on the top two floors of Building No. 2 for \$35.00 per month per employee.

(j) The rental fee for each separate usage of any space on the uncovered rooftop floor of Building No. 1 shall be at the rate of \$45.00 per month plus a \$10.00 activation fee.

(k) Except as set forth in subsections (g) (i) and (j), above, the rental fees for each separate usage of any single parking space in any parking building constructed or operated by the city, other than fees for parking buildings otherwise expressly set forth in this section shall be as follows:

- (1) 6:00 a.m. to 10:00 p.m.
Hourly parking rate, per hour \$ 1.00
Maximum, per day 5.00

Building No. 6 (Summers Street Parking Garage):

5:00 p.m. to 4:00 a.m.
Monday through Saturday 2.00

- (2) Monthly non-reserve space parking, per month 60.00
- (3) Reserve space parking, per month 70.00
Plus one time activation cost 10.00
- (4) Service fee, monthly service fee charged to all accounts if paid after the tenth of the month 15.00
- (5) Deposit for each monthly card 10.00
Additional charge for each lost or destroyed card 10.00
- (6) Events per-charge:

For pre-approved events or activities scheduled for more than four hours and/or beginning before 5:00 p.m. 4.00

For pre-approved events or activities scheduled for less than four hours and beginning after 5:00 p.m. 3.00

- (7) The movie parking rates for Building No. 2 are controlled by the lease

agreement with Greater Huntington cinemas on file with the city manager's office.

(l) Removal of any vehicle from any parking lot shall terminate the right of the user for that vehicle created by prior payment of rental fees. No vehicle shall be reparked on any city parking lot on the same day except upon payment of rental fees hereinabove provided.

(m) If on or before November 15, 2001, and November 15, of each succeeding year thereafter, the city council, upon recommendation of the parking facilities committee, adopts a resolution calling for the same, the city shall provide for two-hour non-ticket parking at the on-street metered parking spaces for each Saturday in the following December; provided that each vehicle parked at a meter in excess of two hours will be ticketed and the penalty shall be \$25.00.

(n) The parking facilities committee may by resolution adopt short term parking promotions when it determines that such promotions will enhance the use of the parking system and will not have an adverse effect on the revenue of the parking system.

(o) No parking space shall be sold or occupied, except by the payment of the appropriate additional rental fees, for a longer period of time than those stated in this section.

The Ordinance in question will be voted under the Streets and Traffic section of the meeting.

STREETS AND TRAFFIC

Councillperson Dave Higgins, Chairperson of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill 7463, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7463 - A Bill to establish 30 Degree Angle Parking on the Easterly side of 57th Street South East from MacCorkle Avenue, Southeast. to Kanawha Avenue 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. 30 Degree Angle Parking on the Easterly side of 57th Street South East from MacCorkle Avenue, Southeast to Kanawha 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 – 25, absent-3, as follows:

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

ABSENT: Hanna, Lane, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7463, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill 7464, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7464 - A Bill to establish a No Parking Anytime Tow Away zone on the Northerly Side of Lee Street, East from Morris Street to a point of 175 feet East of Morris Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A No Parking Anytime Tow Away zone on Northerly Side of Lee Street, East from Morris Street to a point of 175 feet East of Morris Street is hereby established.

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

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

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

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

ABSENT:Hanna, Lane, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7464, passed.

3. Your Committee on Streets and Traffic has had under consideration Bill 7466, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7466: ““A BILL to amend Chapter 114, Article VII, Division 2, Section 114-602 of the Municipal Code of the City of Charleston, as amended, allowing for the rental of additional spaces located in the Summers Street alley.

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

That Chapter 114, Article VII, Division 2, Section 114-602 of the Municipal Code of the City of Charleston, as amended, is hereby amended as follows for the purpose of allowing for the rental of additional spaces located in the Summers Street alley:

Sec. 114-602. - Management of and regulations governing city-owned lots and buildings.

(a) All parking lots and buildings owned or operated by the city shall be operated under the control and management of the parking facilities committee, who are hereby authorized to promulgate rules and regulations governing such usage not inconsistent herewith. It shall be unlawful for any person to park any motor vehicle or other conveyance so as to occupy or use space in such parking lots of buildings without making payment of the appropriate fees or charges therefor as hereinafter provided. Motor vehicles shall be parked, placed, handled and driven into, from, in and on such parking lots in accordance with the applicable laws and ordinances of the city relative to traffic upon the streets in the city, and in accordance with the rules and regulations respecting usage of such parking lots which are adopted and promulgated by the parking facilities committee, and in accordance with the directions, instructions and order of the official city attendants of each of such lots stationed thereon. It shall be unlawful for any person or vehicle to block any driveway or passageway in or upon such parking lots or buildings, or for persons to leave or park cars therein contrary to the applicable ordinances, rules and regulations and instructions of attendants, as aforesaid, or without paying the required rental fees.

(b) The rental fees for each separate usage of any single parking space on any parking lot not specifically set forth below shall be at the rate of \$3.00 per day.

(c) The rental fees for each separate usage for any single parking space in the civic center parking building north and south and on the surface parking lots adjacent to the Charleston Civic Center shall be as follows:

- (1) 6:00 a.m. through 5:00 p.m.
Less than one hour \$ 1.00
One to two hours 2.00
Two to three hours 3.00
Daytime maximum 3.00
- (2) 5:00 p.m. through 6:00 a.m. ~~...1.00~~
Less than one hour 2.00
One to two hours 3.00
Two to three hours 3.00
Daytime maximum 3.00
- (3) Events (pre-charge) 3.00
- (4) Civic Center North, per month (exclusive of event parking) 25.00

(d) The rental fee for each separate usage of any single metered parking space in parking lot owned by the city behind city hall shall be \$0.25 for 36 minutes. The rental fee for each separate usage of any single metered parking space in the lot behind the municipal auditorium shall be \$0.50 per hour and the rental fee for each unmetered parking space in the lot behind the municipal auditorium shall be \$30.00 per calendar month, provided that the fee for each unmetered parking space leased on a monthly basis after July 1, 2000 shall be \$40.00 per calendar month. The rental fee for each separate usage single metered parking space in a city-owned off-street parking lot, not otherwise expressly set forth in this bill, shall be at rate of \$0.25 per hour. The rental for each separate usage of any fee boxed parking space in a city-owned off-street parking lot, not otherwise expressly set forth in this section, shall be at a rate of \$1.00 per calendar day, excluding Sunday and legal holidays. The rental fee for each separate usage of any of five spaces in the Summers Street alley shall be \$75.00 per month plus a \$10.00 activation fee.

(e) Reserved parking at the West Side lot "C", located off Indiana Avenue as shown on the map attached to Bill No. 7215, which is incorporated herein by reference, shall be at a rate of \$35.00 per month plus a \$10.00 activation fee. The reserved rate shall apply to any space properly signed that is not otherwise made available for metered parking on the West Side lot "C." All other spaces on lots "A" and "B" shall be metered spaces only providing for hourly parking for customers patronizing local businesses.

(f) Event parking at the Morris Street and Smith Street lots shall be at a rate of \$3.00 per event. The rental for each separate usage of any space that is not otherwise made available for metered parking in the Morris Street lot shall be \$40.00 per month plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate. The rental for each

separate usage of any space that is not otherwise made available for metered parking in the Smith Street lot shall be \$30.00 per month plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate.

(g) Parking shall be provided for city employees on the top floor of Building No. 5. The city shall pay the parking system \$60.00 per month per employee. The city manager shall report quarterly to the parking facilities committee the number of employees and the allocation of parking spaces; council parking, 27 permits at \$2.00 per day, an average of one day per week for 48 weeks. The parking system director shall make available to members of council, parking spaces in the Shanklin parking facility on or about 6:00 p.m. for attending meetings of council or its committee under the same terms and conditions as the director makes available to city employees.

(h) Civic center event parking in lots A, B, C, D, and E, as shown on the map attached to Bill No. 7215 and incorporated herein by reference, shall be at a rate of \$3.00 per event. Any or all of lots A, B, C, D, and E may be leased to merchants or business associations for mutually agreed upon covenants; provided, that such groups do not impose parking fees upon the general public for parking privileges. Any such leases shall be subject to the approval of the city council's parking facilities committee.

(i) Parking shall be provided for state employees on the top two floors of Building No. 2 for \$35.00 per month per employee.

(j) The rental fee for each separate usage of any space on the uncovered rooftop floor of Building No. 1 shall be at the rate of \$45.00 per month plus a \$10.00 activation fee.

(k) Except as set forth in subsections (g) (i) and (j), above, the rental fees for each separate usage of any single parking space in any parking building constructed or operated by the city, other than fees for parking buildings otherwise expressly set forth in this section shall be as follows:

- (1) 6:00 a.m. to 10:00 p.m.
Hourly parking rate, per hour \$ 1.00
Maximum, per day 5.00

Building No. 6 (Summers Street Parking Garage):
5:00 p.m. to 4:00 a.m.
Monday through Saturday 2.00

- (2) Monthly non-reserve space parking, per month 60.00
- (3) Reserve space parking, per month 70.00

Plus one time activation cost 10.00

(4) Service fee, monthly service fee charged to all accounts if paid after the tenth of the month 15.00

(5) Deposit for each monthly card 10.00
Additional charge for each lost or destroyed card 10.00

(6) Events per-charge:

For pre-approved events or activities scheduled for more than four hours and/or beginning before 5:00 p.m. 4.00

For pre-approved events or activities scheduled for less than four hours and beginning after 5:00 p.m. 3.00

(7) The movie parking rates for Building No. 2 are controlled by the lease agreement with Greater Huntington cinemas on file with the city manager's office.

(l) Removal of any vehicle from any parking lot shall terminate the right of the user for that vehicle created by prior payment of rental fees. No vehicle shall be reparked on any city parking lot on the same day except upon payment of rental fees hereinabove provided.

(m) If on or before November 15, 2001, and November 15, of each succeeding year thereafter, the city council, upon recommendation of the parking facilities committee, adopts a resolution calling for the same, the city shall provide for two-hour non-ticket parking at the on-street metered parking spaces for each Saturday in the following December; provided that each vehicle parked at a meter in excess of two hours will be ticketed and the penalty shall be \$25.00.

(n) The parking facilities committee may by resolution adopt short term parking promotions when it determines that such promotions will enhance the use of the parking system and will not have an adverse effect on the revenue of the parking system.

(o) No parking space shall be sold or occupied, except by the payment of the appropriate additional rental fees, for a longer period of time than those stated in this section.

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

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

ABSENT:Hanna, Lane, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Ordinance No. 7466, passed.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No 936-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No 936-11. _____: “Authorizing the Finance Director to amend the 2010-2011 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 2010-2011 General Fund Budget as indicated on the attached list of accounts.

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

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

ABSENT:Hanna, Lane, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 936-11, adopted.

2. Your Committee on Finance has had under consideration Resolution No 937-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 937-11 _____: “Authorizing the Mayor to enter into an Agreement with RCA Corporation, in the amount of \$96,766.00, for Repair of Damaged Brick Paved Streets in the Edgewood Neighborhood of the West Side Hill Area 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 RCA Corporation, in the amount of \$96,766.00, for Repair of Damaged Brick Paved Streets in the Edgewood Neighborhood of the West Side Hill Area of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 937-11, adopted.

3. Your Committee on Finance has had under consideration Resolution No 938-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 938-11: “Authorizing the Mayor to enter into an Agreement with West Virginia Paving, Inc., in the amount of \$975,967.00, for the City’s 2011 Street Paving 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 West Virginia Paving, Inc., in the amount of \$975,967.00, for the City’s 2011 Street Paving project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 938-11, adopted.

4. Your Committee on Finance has had under consideration Resolution No 939-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 939-11: “Authorizing the Mayor to sign and submit Community Participation Program grant information sheets and all related documents for five projects.”

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 Community Participation Program grant information sheets and all related documents for the following five projects:

Literacy Volunteers	11LEDA0030	\$ 500
Charleston Area Alliance	11LEDA0139	\$20,000
Charleston Area Alliance	11LEDA0141	\$40,000
Charleston Area Alliance	11LEDA0513	\$ 4,000
Good News Mountaineer Garage	11LEDA0518	\$ 2,375

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

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

ABSENT: Hanna, Lane, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 939-11, adopted.

5. Your Committee on Finance has had under consideration Resolution No 940-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 940-11 : “Authorizing the Mayor or his designee to apply for
a
National Endowment of the Arts grant to support “*Our Town Program.*” The City will provide matching funds for this grant in the amount of \$25,000.”

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

That the Mayor or his designee is hereby authorized and directed to apply for a National Endowment of the Arts grant to support “*Our Town Program.*” The City will provide matching funds for this grant in the amount of \$25,000.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 940-11, adopted.

6. Your Committee on Finance has had under consideration Resolution No 941-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 941-11 : “Authorizing the Mayor to sign an expanded scope of the Agreement with Michael Baker, Jr., Inc. for the Long Term Storm Water Comprehensive Plan project, approved by Council on February 7, 2011 in the amount of \$149,025, by adding a LiDAR scan of the entire roadway network of Charleston in place of conventional surveying methods and increasing the cost of the agreement up to an amount not to exceed \$265,000. The cost will be shared by the Street Department for services related to mapping street sign inventories.”

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

That the Mayor is hereby authorized and directed to sign an expanded scope of the Agreement with Michael Baker, Jr., Inc. for the Long Term Storm Water Comprehensive Plan project, approved by Council on February 7, 2011 in the amount of \$149,025, by adding a LiDAR scan of the entire roadway network of Charleston in place of conventional surveying methods and increasing the cost of the agreement up to an amount not to exceed \$265,000. The cost will be shared by the Street Department for services related to mapping street sign inventories.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 941-11, adopted.

7. Your Committee on Finance has had under consideration Resolution No 942-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 942-11 : “Authorizing an increase in cost from \$22,500.00 to \$23,077.94, or \$577.94, to Change Order No. 1 with Garcie R. Marker & Sons, approved

November 1, 2010, for additional materials required for installation of approximately 18 accessible curb cuts on the East End in connection with the Curb and Sidewalk project, increasing the overall price of the Curb and Sidewalk contract from \$208,192.00 to \$208,769.94.”

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

That an increase in cost from \$22,500.00 to \$23,077.94, or \$577.94, to Change Order No. 1 with Garcie R. Marker & Sons, approved November 1, 2010, for additional materials

required for installation of approximately 18 accessible curb cuts on the East End in connection with the Curb and Sidewalk project, increasing the overall price of the Curb and Sidewalk contract from \$208,192.00 to \$208,769.94, is hereby approved.

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

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

ABSENT: Hanna, Lane, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 942-11, adopted.

8. Your Committee on Finance has had under consideration Resolution No 943-11, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 943-11 : “Authorizing the Finance Director to establish a new

fund to be known as Fund 089, to receive and administer grant funds for the *Rail-Trail* project.”

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

That the Finance Director is hereby authorized and directed to establish a new fund to be known as Fund 089, to receive and administer grant funds for the *Rail-Trail* 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: Burka, Clowser Davis, Deitzler, Deneault, Ealy, Hall, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Hanna, Lane, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 943-11, adopted.

9. Your Committee on Finance has had under consideration the reimbursement to the Alzheimer's Association of \$10,000 for payment of a portion of the invoice from Dell in the amount of \$13,207.88 for various computers and related equipment purchased by the Alzheimer's Association through Community Participation Grant No. 10LEDA0160, with the remaining costs of \$3,207.88 to be paid by the Association, 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. Higgins – Abstained

10. Your Committee on Finance has had under consideration Bill No 6465, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 6465: "A BILL to amend Chapter 86, Article II, Division 6, Section 86-161 of the Municipal Code of the City of Charleston, as amended, for the purpose of making city code consistent with West Virginia State Code governing paid holidays.

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

That Chapter 86, Article II, Division 6, Section 86-161 of the Municipal Code of the City of Charleston, as amended, is hereby further amended as follows for the purpose of making city code consistent with West Virginia State Code governing paid holidays:

Sec. 86-161. - Paid holidays.

- (a) The following days shall be regarded, treated and observed as legal holidays:
- (1) January 1, New Year's Day;
 - (2) The third Monday of January, Martin Luther King's Birthday;
 - (3) The third Monday of February, Presidents' Day;
 - (4) The last Monday in May, Memorial Day;
 - (5) June 20, West Virginia Day;
 - (6) July 4, Independence Day;
 - (7) The first Monday of September, Labor Day;
 - (8) The second Monday of October, Columbus Day;
 - (9) November 11, Veterans Day;

(10) The fourth Thursday and Friday of November, Thanksgiving Day Holidays;

(11) December 25, Christmas Day;

(12) ~~Any day on which a national, state or other governmental election day throughout the district or municipality wherein the election is conducted within the City of Charleston held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, the City of Charleston may choose not to recognize the day of the election as a holiday if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday; and~~

(13) ~~All~~Any days which may be appointed or recommended proclaimed or ordered by the mayor, the governor or the President of the United States as a days of special observance or ~~Thanksgiving,~~ or for the general cessation of business.

(b) If a holiday as identified in subsection (a) of this section ~~When any of such days or dates falls on Saturday or Sunday, either the preceding Friday of or the succeeding Monday shall be regarded, treated and observed as such legal holiday; provided that this subsection (b) shall not apply to subdivisions (12) or (13) of subsection (a) of this section.~~

(bc) Regular part-time employees shall receive half the number of vacation days afforded to regular full-time employees. An employee absent without authorized leave on the last working day preceding or the first working day following a holiday shall not receive regular compensation for the holiday. If a H~~olidays as identified in subsection (a), but excluding subsections (12) and (13) of subsection (a) of this section when occurring on a Saturday or Sunday, is observed on which occur during a full-time or regular part-time employee's regularly scheduled day off, the employee shall be compensated for by straight time pay or an additional shift day off in lieu thereof. The determination of whether compensation will consist of pay or an additional day off shall be at the discretion of the City Manager. If compensated by pay, S~~such pay shall be for a normal working day at the straight hourly equivalent rate for his position classification.

(d) Employees who are required to work on a holiday as identified in subsection (a), but excluding subsections (12) and (13) of subsection (a) of this section when occurring on a Saturday or Sunday, shall be compensated in accordance with city policy. Upon request to his/her supervisor, a full-time or regular part-time employee who is required to work on an election day, as identified in subsection (a)(12) of this section, shall be provided with reasonable time and opportunity during his/her work day to vote, without any reduction in pay or leave, if applicable~~departmental rules and regulations.~~

In accordance with the provisions of Section 41 of the Charter of the City of Charleston, this ordinance shall be effective upon passage if affirmed by a vote of three-fifths of the Charleston City Council.

The question being on the passage of the Bill. A roll call was taken and there were;

yeas – 25, absent-3, as follows:

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

ABSENT: Hanna, Lane, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 6465, passed.

11. Your Committee on Finance has had under consideration Bill No 7458, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7458: “A BILL to amend Chapter 82, Article I, Section 82-4 of the Municipal Code of the City of Charleston increasing the rates for facility rental for the Charleston Civic Center and the Charleston Municipal Auditorium.

WHEREAS, the Civic Center/Auditorium Board voted on March 2, 2011, to increase the rental rates at the Charleston Civic Center and the Municipal Auditorium; and

WHEREAS, under the provisions of Chapter Eight, Article Sixteen, Section Eighteen of the Code of the State of West Virginia, this Council is required to enact an ordinance setting forth a schedule of fees for facilities in the Municipal Auditorium and the Charleston Civic Center;

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

That effective May 1, 2011, Chapter 82, Article I, Section 82-4 of the Municipal Code of the City of Charleston is hereby amended to increase the rates for facility rental for the Charleston Civic Center and the Charleston Municipal Auditorium to read as follows:

Sec. 82-4. Schedule of rates and rentals.

(a) The following schedule of rates and rentals for the use of the services and facilities of the municipal auditorium and the civic center, owned and operated by the city, including any additions, extensions or improvements is established:

- (1) Municipal auditorium (3,483 permanent seats):
 - a. Regular rate, per day or evening or 10 percent of gross admissions, after taxes, whichever is greater . . . ~~\$800~~1,250.00
 - b. Regular rehearsal . . . ~~400~~650.00
 - c. Cultural rate . . . ~~700~~1,000.00
 - d. Cultural rehearsal . . . ~~400~~550.00
 - e. Preceding rates include only space, air conditioning and janitorial services.

- f. Qualified technicians, approved by the center, are required for handling all lightings, sound and stage at the lessees cost.
- g. In addition to the charges set forth above a capital improvement fee will be imposed upon the event ticket price as follows:
 - \$0.00-\$9.99 . . . \$0.00
 - \$10.00--\$19.99 . . . ~~0.50~~ 1.00
 - \$20.00--\$39.99 . . . ~~1.00~~ 1.50
 - \$40.00 and up . . . ~~1.50~~ 2.00
 A fee of \$50.00 will be imposed for all full day rentals not qualifying under ticket fees.
- h. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the municipal auditorium. Such special fund to be established by the city.

(2) Coliseum (seats up to 13,500 concerts, 12,500 basketball):

- a. Regular rental rate (all usage except those qualifying under b., c., d., e., f., g., or h.), per day or evening. . . ~~\$2,500~~ 4,500.00
~~Or evening~~ or 12 percent of gross admissions, after taxes, whichever is greater.
- b. Local charitable and cultural events as approved by the civic center-auditorium board, per day or evening . . . ~~1,250~~ 2,500.00
- c. Local high school basketball games . . . ~~275~~ 650.00
 Or 50 percent of the first ~~\$700~~ 1,500.00, whichever is greater plus ten percent of gross receipts after taxes over ~~\$1,200~~ 1,700.00
- d. High school doubleheaders (team not of same school) . . . ~~450~~ 750.00
 Or 50 percent of the first ~~\$1,000~~ 1,700.00, whichever is greater, plus ten percent of gross receipts after taxes over ~~\$1,500~~ 1,700.00
- e. Junior varsity high school as a preliminary game . . . ~~75~~ 100.00
- f. Local college basketball games . . . ~~800~~ 1,250.00
 Or ten percent of gross receipts, after taxes, whichever is greater
- g. College preliminary games of same school . . . ~~400~~ 250.00
- h. Exhibit shows (using floor space) . . . ~~2,000~~ 3,500.00
 All rates are for space rentals and include heat, air conditioning, lights and janitorial services.
- i. In addition to the charges set forth above a capital improvement fee will be imposed upon the event ticket price as follows:
 - \$0.00--\$9.99 0.00
 - \$10.00--\$19.99 . . . ~~0.50~~ 1.00
 - \$20.00--\$39.99 . . . ~~1.00~~ 1.50
 - \$40.00 and up ~~1.50~~ 2.00
- j. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center. Such special fund to be established by the city.

(3) a. Meeting rooms coliseum:

- Parlor A (1,469 sq. ft.) . . . ~~\$425~~275.00
- Parlor B (1,320 sq. ft.) . . . ~~425~~275.00
- Parlor C (1,320 sq. ft.) . . . ~~425~~275.00
- Parlor D (2,700 sq. ft.) . . . ~~275~~300.00
- ~~VIP Lounge-Parlor E~~ (870 sq. ft.) . . . 150.00

Preceding rates on meeting rooms include heat, air conditioning, lights and janitorial services.

- b. In addition to the charges set forth above, a capital improvement fee of \$5.00 will be imposed upon the rental rate. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center.

(4) Exhibition Hall:

- a. Grand Hall (50,086 sq. ft.), daily rate . . . ~~\$2,750~~3,600.00
Or 12 percent of gross ticket sales after taxes
- b. North or South Hall (19,285 sq ft.) . . . ~~950~~1,375.00
Or 12 percent of gross ticket sales after taxes
- c. West Hall I or II (5,767 sq. ft.) . . . ~~425~~450.00
Or 12 percent of gross ticket sales after taxes
- d. WV Rooms:
 - Room 103 (1,012 sq. ft.) . . . ~~70~~100.00
 - Room 104 (2,534 sq ft.) . . . ~~130~~165.00
 - Room 105 (3,120 sq. ft.) . . . ~~275~~400.00
 - Room 103--105(6,666 sq. ft) . . . ~~440~~650.00
- e. Conference rooms:
 - Room 202 (971 sq. ft.) . . . ~~125~~300.00
 - Room 203 (971 sq. ft.) . . . ~~125~~300.00
 - Room 204 (971 sq. ft.) . . . ~~125~~300.00
 - Room 205 (971 sq. ft.) . . . ~~125~~300.00
 - Room 202--205 (3,884 sq. ft.) . . . ~~500~~1,000.00
 - Room 206 (1,271 sq. ft.) . . . ~~400~~225.00
 - Room 207 (502 sq. ft.) . . . ~~55~~100.00
 - Room 208 (502 sq. ft.) . . . ~~55~~100.00
 - Room 209 (502 sq. ft.) . . . ~~55~~100.00
 - Room 207--209 (1,506 sq. ft.) . . . ~~125~~250.00

All rates are for space rentals and include heat, air conditioning, lights and janitorial services.

- f. In addition to the charges set forth above a capital improvement fee in accordance with the following schedule will be imposed upon the rental rate:
- Coliseum . . . 50.00 (for rental not qualifying under ticket fees)
 - Grand Hall . . . 50.00
 - North or South Hall . . . 25.00

West Virginia rooms, each . . . 5.00
Conference rooms, each . . . 5.00
West Halls I or II, each . . . 25.00

- g. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center.

(5) Civic theater (~~750~~38 permanent seats):

- a. Regular rate, per day or evening or ten percent gross admissions, after taxes, whichever is greater . . . ~~400~~675.00
- b. Regular rehearsal . . . ~~200~~350.00
- c. Cultural rate . . . ~~200~~400.00
- d. Cultural rehearsal . . . ~~100~~150.00
- e. Meeting rate, (less than four consecutive hours, no access to stage.) . . . ~~200~~450.00
- f. Above rates include only space, heating, air conditioning and janitorial services.
- g. Qualified technicians, approved by the center, are required for handling all lighting, sound and staging at the lessees cost.
- h. In addition to the charges set forth above, a capital improvement fee of \$25.00 will be imposed upon the rental rate for the full rental or cultural performances only. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center.

(b) The fees used to establish the capital improvement funds for the Charleston Civil Center (CCC) and the municipal auditorium (MA) are to be used to fund CCC and MA building improvements and renovations, repairs and replacements of equipment or mechanical systems that are not normally provided in regular operation budgets. Items costing less than \$15,000.00 will be funded from ordinary operating budget unless they are unexpected. The funds are not to be used ~~to~~ to fund ordinary maintenance and repairs. The funds are not considered to be in lieu of ordinary maintenance and capital improvements items traditionally included in the CCC and MA budgets.

(~~b~~c) Special arrangements and exceptional conditions, which call for a different fee being charged than what is specified in this ordinance, can be negotiated by the manager subject to board approval.

(~~e~~d) All other rates, fees, rentals and other charges incidental to the operation of said facilities shall be set and approved by the civic center-auditorium board, pursuant to the provisions of Chapter Two, Article Seven, Section 553 of the Code of the City of Charleston.

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

YEAS: Burka, Clowser Davis, Deitzler, Deneault, Ealy, Hall, Harris, Harrison, Higgins,

Jones, Kirk, Knauff, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Hanna, Lane, Payne

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Ordinance No. 7458, passed.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; March 2011.
Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis;
March 2011
Received and Filed.

3. Report of the City of Charleston Financial Statements for the
Nine-Month period ended March 31, 2011.
Received and Filed.

4. City Treasurer's Report to City Council Month Ending March 2011.
Received and Filed.

ROLL CALL

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

ABSENT: Lane, Payne, Hanna

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, May 2, 2011, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk