

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

November 21, 2011

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF NOVEMBER ON THE 7th DAY, IN THE YEAR 2011, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY RICHARDSON AND THE PLEDGE OF ALLEGIANCE WAS LED BY MILLER.

**BURKA
DAVIS
EALY
KIRK
MINARDI**

**BURTON
DENEALT
HAAS
LANE
NICHOLS
RICHARDSON
SHEETS
STAJDUHAR**

**CLOWSER
DODRILL
HARRISON
MILLER
PERSINGER
RUSSELL
SMITH
TALKINGTON
WHITE**

**SALISBURY
SNODGRASS
WARE
MAYOR JONES**

WITH TWENTY- SIX MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

PUBLIC SPEAKERS

None

CLAIMS

1. A claim of John Scott, 1604 3rd Avenue, Charleston, WV; alleges personal injury.
Refer to City Solicitor

PUBLIC HEARINGS

The Mayor read the following;

After duly being published as required, I now declare the floor open for a Public Hearing on Bill No. 7501 approving the renewal of a cable television franchise now held by Cebridge Acquisition, LLC doing business as Suddenlink Communications (“Cebridge”).

The Chair sees no one from the public.

The Chair hears no one from the public.

Declare the Public Hearing on Bill No. 7501, Closed.

After duly being published as required, I now declare the floor open for a Public Hearing on Bill

No. 7502 amending and reenacting City Code with Respect to Adoption of Rules and Regulations and Increasing Existing Rates and Charges for Sanitary Sewer Service.

The Chair sees no one from the public.

The Chair hears no one from the public.

Declare the Public Hearing on Bill No. 7502, Closed.

APPOINTMENTS

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE: NOVEMBER 21, 2011

I recommend that John Porter, WVU Kanawha County Extension Agent, 4700 MacCorkle Avenue SE., Suite 101 Room 103, Charleston, WV 25314, be appointed to the Municipal Beautification Commission, with an initial term to expire September 19,

2014. He is replacing Clara Thomas.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON WAYFINDING COMMISSION

DATE: NOVEMBER 21, 2011

I recommend that Mike Nichols, 316 Grove Avenue, Charleston, WV 25302, be appointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2013. He represents Charleston City Council.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON WAYFINDING COMMISSION

DATE: NOVEMBER 21, 2011

I recommend that Jessica Lane, 4007 Staunton Avenue, Charleston, WV 25304, be reappointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2013.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON WAYFINDING COMMISSION

DATE: NOVEMBER 21, 2011

I recommend that Mack Miles, 114 Bradford Street, Charleston, WV 25301, be reappointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2014.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON WAYFINDING COMMISSION

DATE: NOVEMBER 21, 2011

I recommend that Georgette George, Ramada Plaza, 400 2nd Avenue, South Charleston, WV 25303, be reappointed to the Charleston Wayfinding Commission, with a term to expire September 1, 2014. She represents the City of South Charleston.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: NOVEMBER 21, 2011

I recommend that Mark Cherry, 300 Court Street, Charleston, WV 25301, be appointed to the Charleston Convention & Visitors Bureau, with an initial term to expire February 17, 2014. He is replacing Chris Torsleff.

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

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

MISCELLANEOUS RESOLUTIONS

Resolution No. 055-11

Introduced in Council

Passed by Council

November 21, 2011

November 21, 2011

Introduced by

Mary Jean Davis

WHEREAS, the City of Charleston recognizes the need to adopt a regional hazard mitigation plan to qualify for future grant funding for mitigation projects, and;

WHEREAS, Proper risk assessment and mitigation project identification will reduce the potential damage natural hazards may cause to people and property

WHEREAS, the Regional Intergovernmental Council developed the regional hazard mitigation plan based upon the assessment, goals, and objectives found within the Boone, Clay, Kanawha and Putnam County Hazard Mitigation Plans

THEREFORE BE IT RESOLVED, THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA, hereby adopts the B-C-K-P Regional Intergovernmental Council All-Hazards Plan as an official plan, and;

BE IT FURTHER RESOLVED, The Regional Intergovernmental Council will submit on behalf of the municipalities and counties the adopted B-C-K-P Regional Intergovernmental Council All-Hazards Mitigation Plan to the Federal Emergency Management Agency for final review and approval.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 055-11, adopted.

SELECT COMMITTEE ON CABLE TELEVISION

Councillperson Jack Harrison, Chairperson of the Select Committee on Cable Television, submitted the following reports.

1. Your Committee on Cable Television has had under consideration Bill No. 7501, Committee Substitute, and reports the same to Council with the recommendation that Bill be adopted after final approval by the Finance Committee.

Mayor: Received and filed.

FINANCE

Councillperson Jack Harrison, Chair Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 048-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 048-11 _____: “Establishing a contract with Isobunkers, LLC, for purchase of E10 Gasoline at \$2.9044 per gallon and ULS Diesel Fuel at \$3.3900 per gallon to serve fueling requirements for City vehicles at these firm fixed prices on a one year basis from November 18, 2011 to November 18, 2012. The contract was entered into through a bid received by Kanawha Valley Regional Transportation Authority (KVRTA) on November 16, 2011, and through Resolutions No. 044-11 and No. 045-11, approved by City Council on November 7, 2011, authorizing the Mayor or City Manager to accept the contract within a 24 hour period following the bid opening to secure the bid prices submitted by the vendor.”

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

That the contract with Isobunkers, LLC, for purchase of E10 Gasoline at \$2.9044 per gallon and ULS Diesel Fuel at \$3.3900 per gallon to serve fueling requirements for City vehicles at these firm fixed prices on a one year basis from November 18, 2011 to November 18, 2012, is hereby authorized and approved. The contract was entered into through a bid received by Kanawha Valley Regional Transportation Authority (KVRTA) on November 16, 2011, and through Resolutions No. 044-11 and No. 045-11, approved by City Council on November 7, 2011, authorizing the Mayor or City Manager to accept the contract within a 24-hour period following the bid opening to secure the bid prices submitted by the vendor.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 048-11, adopted.

2. Your Committee on Finance has had under consideration Resolution No 049-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 049-11 _____: “Authorizing the Mayor to enter into an agreement with Foster Construction, in the amount of \$131,600, for Stabilizing Foundation and Remediating Structural Damage at the Martin Luther King Jr. Community Center, located at 314 Donnally Street.”

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 Foster Construction, in the amount of \$131,600, for Stabilizing Foundation and Remediating Structural Damage at the Martin Luther King Jr. Community Center, located at 314 Donnally Street.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 049-11, adopted.

3. Your Committee on Finance has had under consideration Resolution No 050-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 050-11: “Authorizing the Finance Director to allocate funds in the amount of \$40,950.00 for acquisition of one (1) HOME project located on the City’s West Side.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$40,950.00 for acquisition of one (1) HOME project located on the City’s West Side.

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

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, , White, Mayor Jones.

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 050-11 adopted.

4. Your Committee on Finance has had under consideration Resolution No 051-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 051-11: “Authorizing the Mayor and/or City Manager to submit an Intent-to-Apply application to the Safe Routes to School Grant Program for Piedmont Elementary School.”

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

That the Mayor and/or City Manager is hereby authorized and directed to submit an Intent-to-Apply application to the Safe Routes to School Grant Program for Piedmont Elementary School.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 051-11, adopted.

5. Your Committee on Finance has had under consideration Resolution No 052-11, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution Recognizing The Reasonable Expectation Of The Reimbursement For Capital Expenditures In Connection With Planning, Design, Acquisition, Construction And Equipping Of

Certain Capital Improvements Made Prior To The Issuance Of Tax-Exempt Bonds Or Bond Anticipation Notes

WHEREAS, the City has undertaken the planning, design, acquisition, construction and equipping of certain development expenditures, including but not limited to renovating, equipping and expanding the Charleston Civic Center, including creating a walking trail connected to the Charleston Civic Center, running from the Kanawha Boulevard to Spring Street along the Elk River (the "Project");

WHEREAS, the City has explored its options to fund the Project and has determined to use a variety of methods to fund the Project;

WHEREAS, pursuant to Section 7(d) and (g) of the West Virginia Tax Increment Financing Act, Chapter 7, Article 11B of the Code of West Virginia, 1931, as amended (the "TIF Act"), the City of Charleston (the "City") intends to create a Tax Increment Financing District (the "TIF District") to provide for the financing of certain development expenditures within the TIF District;

WHEREAS, pursuant to Chapter 13, Article 24 of the Code of West Virginia, 1931, as amended (the "Lottery Revenue Bond Act") the City intends to issue approximately \$4,000,000 Lottery Revenue Bonds (the "Lottery Revenue Bonds") payable from the City's annual lottery receipts to pay for a portion of the Project;

WHEREAS, pursuant to Chapter 7, Article 14 of the Code of West Virginia, 1931, as amended (the "Hotel-Occupancy Tax Act") the City intends to issue approximately \$4,000,000 in Bonds payable from the City's Hotel-Occupancy Tax (the "Hotel-Occupancy Bonds") to pay for a portion of the Project;

WHEREAS, the City is requesting the West Virginia Development Office for its approval to issue \$20,000,000 in aggregate principal amount of one or more series of tax increment revenue bonds or bond anticipation notes, or both, which are expected to be issued as obligations the interest on which is excludable from gross income for federal income tax purposes (the "TIF Bonds" and together with the Hotel-Occupancy Bonds and the Lottery Revenue Bonds, the "Tax-Exempt Obligations") for the purpose, among others, of financing a portion of the Project, which purpose the City has determined will promote the economic vitality of the TIF District and the general welfare of the City and is in the best interests of the City;

WHEREAS, prior to obtaining financing through the issuance of Tax-Exempt Obligations, the City anticipates that funds will be expended for the planning, design, acquisition, construction and equipping of the Project, all of which capital expenditures may initially be paid from the General Fund of the City; and

WHEREAS, the City reasonably expects to reimburse its General Fund for such pre-issuance capital expenditures, which are estimated not to exceed \$10,000,000, from the proceeds of sale of the Tax-Exempt Obligations.

NOW, THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY OF CHARLESTON AS FOLLOWS:

Section 1. The City reasonably expects to reimburse the [General Fund] for capital expenditures made not more than 60 days prior to the date of adoption of this Resolution, in connection with the Project, prior to the execution and delivery of the Tax-Exempt Obligations, from the proceeds of the Tax-Exempt Obligations, which are reasonably expected to be executed and delivered within 18 months from the later of (i) the expenditure for payment of said costs or (ii) the placing of the Project in service.

Section 2. This Resolution is intended to constitute a “declaration of official intent” pursuant to Section 1.150-2 of the Treasury Regulations promulgated under the Internal Revenue Code of 1986, as amended.

Section 3. The source of payment for such capital expenditures is expected to be the City’s General Fund, and, upon issuance of the Tax-Exempt Obligations, proceeds thereof not to exceed the amount of such capital expenditures will be applied to reimbursement of such capital expenditures.

Section 4. The maximum amount of such reimbursement is \$10,000,000, and the maximum principal amount of Tax-Exempt Obligations to be issued for the Project (including costs of issuance of the Bonds and related costs) is \$28,000,000.

Section 5. This Resolution shall become effective on the date of its adoption.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 052-11, adopted.

6. Your Committee on Finance has had under consideration Resolution No 053-11, and reports the same to Council with the recommendation that the resolution be adopted.

WHEREAS, The City Council of the City of Charleston, West Virginia (the “City Council”), is authorized by the West Virginia Tax Increment Financing Act, Chapter 7, Article 11B of the Code of West Virginia, 1931, as amended (the “Act”), to create a development or redevelopment district, cause project plans to be prepared, issue tax increment financing obligations and take other actions to facilitate the orderly development and economic stability of Charleston, West Virginia (the “City”), all as more fully set forth in the Act;

WHEREAS, there has been prepared on behalf of the City Council a Notice of Public Hearing regarding a proposed Application for Creation of a Development District and Approval of Project Plan (the “Application”) prepared on behalf of the City Council, proposing the creation of a development district in the City, to be known and designated as the “The City of Charleston Development District No. 1 – Charleston Civic and Convention Center Project” (the “District”) and which will include a project plan including (i) renovating, equipping and expanding the

Charleston Civic Center, including creating a walking trail connected to the Charleston Civic Center, running from the Kanawha Boulevard to Spring Street along the Elk River; and (ii) paying engineering, administrative and other professional costs related to the aforementioned (the "Project"), and which proposed Notice of Public Hearing is attached hereto as **EXHIBIT A – NOTICE OF PUBLIC HEARING** and incorporated by reference herein;

WHEREAS, the City Council hereby finds and determines that approval of the Application and issuance of the bonds therein proposed will benefit the City and its residents by facilitating the orderly development and economic stability of the City, and that development therein will encourage the rehabilitation of other buildings and structures in the area, will encourage investing in job-producing, private development and expand the public tax base of the City, that future capital improvements will result in the increase in the value of property located in the District and will encourage increased employment, tourism and business activity within such area and will serve a public purpose of the City; and

WHEREAS, the City Council desires to adopt this Resolution to evidence its willingness to proceed with approval of the Application following satisfaction of all requirements of the Act and to set a public hearing in connection with the Application.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLESTON, AS FOLLOWS:

1. It is hereby found and determined, subject to a public hearing and other actions, that the City will consider for approval the Application and, if approved, submit the Application to the West Virginia Development Office and obtain other necessary approvals.

2. It is hereby found and determined that the real property within the District will be benefited by discouraging the loss of commerce, industry or employment and increasing employment, tourism and business activity therein.

3. The City Council hereby designates the City Manager of Charleston to make decisions and handle the affairs of the development district which may be created by the City Council, in accordance with Section 4 Subdivision (17) of the Act.

4. The City Council hereby sets a public hearing regarding the Application for Monday, December 19, 2011, at 7:00 p.m., prevailing time.

5. The Mayor, City Clerk, City Manager and other administrative officials of the City are hereby authorized and directed to take such actions as they deem appropriate in assisting and supporting the Application, including the notification of The Board of Education of Kanawha County and the West Virginia Development Office of such proposed action.

6. This Resolution shall become effective immediately upon adoption.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 053-11, adopted.

EXHIBIT A

**NOTICE OF PUBLIC HEARING
APPLICATION REGARDING CREATION OF
THE CITY OF CHARLESTON
DEVELOPMENT DISTRICT NO. 1 – CHARLESTON CIVIC AND CONVENTION
CENTER PROJECT AND APPROVAL OF CHARLESTON CIVIC AND CONVENTION
CENTER PROJECT AND ISSUANCE OF TAX-INCREMENT FINANCING OBLIGATIONS**

A public hearing will be held at a meeting of the City Council of the City of Charleston (the "City Council"), on Monday, December 19, 2011, at 7:00 p.m., prevailing time, in the Council Chambers at City Hall, located at 501 Virginia Street, East, Charleston, West Virginia 25301, and at such hearing any person interested may appear before the City Council and present comments, protests and suggestions. All comments, protests and suggestions shall be heard by the City Council and it shall then take such actions as it shall deem proper in the premises regarding the approval, pursuant to Chapter 7, Article 11B of the Code of West Virginia, 1931, as amended (the "Tax Increment Financing Act"), of an application regarding the creation of a development district to be designated as "The City of Charleston Development District No. 1 – Charleston Civic and Convention Center Project" (the "District") in Kanawha County, West Virginia, and a project plan pertaining to (i) renovating, equipping and expanding the Charleston Civic Center, including creating a walking trail connected to the Charleston Civic Center, running from the Kanawha Boulevard to Spring Street along the Elk River; and (ii) paying engineering, administrative and other professional costs related to the aforementioned, and to be designated as the "Charleston Civic and Convention Center Project" (the "Project"). Following is a brief summary of such matters.

Creation of Development District

The proposed Development District includes real and certain personal properties along the Kanawha Boulevard, Virginia Street, Quarrier Street, Washington Street, Lee Street, Capital Street, Court Street and Clendenin Street. The proposed boundaries of the Development District are shown on the map set forth below:

**See Attachment A
Approval of Project Plan**

The City of Charleston, proposes a project consisting of (i) renovating, equipping and expanding the Charleston Civic Center, including creating a walking trail connected to the Charleston Civic Center, running from the Kanawha Boulevard to Spring Street along the Elk River; and (ii) paying engineering, administrative and other professional costs related to the aforementioned, and to be designated as the "Charleston Civic and Convention Center Project," which will be within the District.

Tax Increment Financing Obligations

To finance the Project, the City Council proposes to issue tax increment revenue bonds or other obligations (the "Tax Increment Financing Obligations") in an amount not to exceed \$20 million with maturities not to exceed 30 years from the date of the creation of the District. Such obligations may be issued from time to time in one or more series. Proceeds of the Tax Increment Financing Obligations are generally planned to be used to (i) finance a portion of the costs of the Project, (ii) fund reserves for the obligations, (iii) fund capitalized interest on the obligations, and (iv) to pay costs of issuance of the obligations and related costs. To the extent that surplus tax increment funds are available, portions of the Project may be financed directly with such surplus.

Further information regarding the proposed Development District, the Project, the Project Plan and the Tax Increment Financing Obligations are on file and available for inspection at the office of the City Clerk of The City of Charleston during regular business hours, located at City Hall, 501 Virginia Street, East, Charleston, West Virginia 25301.

Dated: November 21, 2011

By: /s/ _____
City Clerk

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 053-11, adopted.

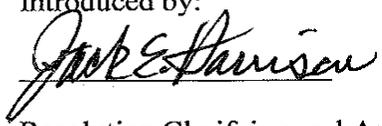
7. Your Committee on Finance has had under consideration Resolution No 054-11, and reports the same to Council with the recommendation that the resolution be adopted.

1 Resolution No. 054-11:

2
3 Introduced in Council:

4
5 November 21, 2011

6
7 Introduced by:

8 
9

Referred to:

Finance Committee

Passed by Council:

10
11 Resolution Clarifying and Amending Resolution No. 043-11.

12
13 WHEREAS, pursuant to W. Va. Code § 8-12-8, a retired employee and his/her dependents may,
14 if the retired employee so elects, remain members of the group health plan, if any, offered by the
15 City to its regular employees by paying the entire premium for the coverage involved;

16
17 WHEREAS, the City maintains a group health plan, the City of Charleston Medical and Vision
18 Care Plan (“the City Plan”) for the benefit of its regular employees, retirees who elect to
19 participate in that plan, and their eligible dependents, and shares the premium costs for coverage
20 under that plan with the plan’s participants;

21
22 WHEREAS, beginning on January 1, 2012, the City wishes to add a new benefit structure to the
23 City Plan in the form of coverage under a Medicare Advantage PPO program insured by Aetna
24 Life Insurance Company (the “Aetna Program”) for Medicare eligible retirees and their Medicare
25 eligible dependents;

26
27 WHEREAS, on November 7, 2011 the City Council of the City of Charleston adopted
28 Resolution No. 043-11 which also authorized adoption of an insured Medicare Advantage
29 program;

30
31 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
32 CHARLESTON, WEST VIRGINIA, AS FOLLOWS:

33
34 Section 1. Upon final review and approval by legal counsel for the City of the general terms
35 and conditions of any agreement proposed by Aetna, the Mayor and/or City Manager, or their
36 designee, are hereby authorized to enter into an agreement with Aetna Life Insurance Company
37 to provide a Medicare Advantage PPO to Medicare eligible retirees and their Medicare eligible
38 dependents.

39
40 Section 2. Effective January 1, 2012, current retirees who are Medicare eligible and
41 participating in the City Plan, and their Medicare eligible dependents, will be automatically
42 enrolled in the Aetna Program under the City Plan, unless they decline such coverage and
43 thereby choose to cease participation in the City Plan.

44
45 Section 3. The City shall provide no further subsidies for retirees, but shall pass all premium
46 charges to the retirees and their dependents as authorized by W. Va. Code § 8-12-8, except to the

1 extent that, going forward, such premiums exceed rates applicable to regular employees under
2 the City Plan, taking into account retirees' premiums for Medicare Part B.

3
4 Section 4. Rates under the Aetna Program beginning January 1, 2012 are those reflected in
5 Exhibit A hereto.

6
7 Section 5. The Mayor and/or City Manager, or their designee, are hereby authorized to take
8 such actions as they deem necessary and appropriate to carry out this Resolution.

9
10

AETNA - CITY PLAN (INCLUDES RX)

RETIRES HIRED BEFORE 7/1/84

NON-UNIFORM RETIRES AND WIDOWS

Retiree/Single over 65 (Medicare)
 Retiree & Spouse 65 and over (Medicare)
 Retiree/Single under 65
 Retiree under 65-Spouse 65 (Medicare)
 Retiree 65-Spouse under 65 (Medicare)
 Retiree & Spouse under 65
 Retiree & Family under 65

Discount Rate	Standard Rate
88.62	97.09
92.70	120.28
188.52	207.83
192.60	220.18
192.60	220.18
292.50	320.08
393.90	454.48

UNIFORM RETIRES AND WIDOWS

Retiree/Single over 65 (Medicare)
 Retiree & Spouse 65 and over (Medicare)
 Retiree/Single under 65
 Retiree under 65-Spouse 65 (Medicare)
 Retiree 65-Spouse under 65 (Medicare)
 Retiree & Spouse under 65
 Retiree & Family under 65

88.62	97.09
92.70	120.28
161.87	186.15
127.53	146.66
171.95	197.75
239.48	275.40
243.65	280.20

UNIFORM AND NON-UNIFORM RETIRES HIRED AFTER JULY 1, 1984

July 1, 1984 - June 30, 1989

Retiree/Single over 65 (Medicare)
 Retiree & Spouse 65 and over (Medicare)
 Retiree/Single under 65
 Retiree under 65-Spouse 65 (Medicare)
 Retiree 65-Spouse under 65 (Medicare)
 Retiree & Spouse under 65
 Retiree & Family under 65

88.62	97.09
92.70	120.28
188.52	207.83
192.60	220.18
192.60	220.18
292.50	320.08
411.67	454.48

July 1, 1989 - June 30, 1994

Retiree/Single over 65 (Medicare)
 Retiree & Spouse 65 and over (Medicare)
 Retiree/Single under 65
 Retiree under 65-Spouse 65 (Medicare)
 Retiree 65-Spouse under 65 (Medicare)
 Retiree & Spouse under 65
 Retiree & Family under 65

88.62	97.09
92.70	120.28
188.52	207.83
192.60	220.18
192.60	220.18
292.50	320.08
411.67	454.48

July 1, 1994 - and Later

Retiree/Single over 65 (Medicare)
 Retiree & Spouse 65 and over (Medicare)
 Retiree/Single under 65
 Retiree under 65-Spouse 65 (Medicare)
 Retiree 65-Spouse under 65 (Medicare)
 Retiree & Spouse under 65
 Retiree & Family under 65

88.62	97.09
92.70	120.28
188.52	207.83
192.60	220.18
192.60	220.18
292.50	320.08
411.67	454.48

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 054-11, adopted. Burton - Abstain

8. Your Committee on Finance has had under consideration Bill No. 7501, committee substitute and reports the same to council with the recommendation that the Bill do pass.

Bill No. 7501 - A Bill approving the renewal of a cable television franchise now held by Cebridge Acquisition, LLC doing business as Suddenlink Communications ("Cebridge").

WHEREAS, Cebridge is the present holder of a non exclusive cable television franchise that was originally granted by the City of Charleston, WV ("City"), as set forth in Bill No. 4370, Committee Substitute dated November 7, 1988, and renewed by Bill No. 6610, as Amended and adopted by Council on October 4, 1999 (the "Franchise") and transferred to Cebridge by Bill No. 7214 as Amended and adopted by Council on July 3, 2006 (the "Transfer") and renewed by Bill No. 7229, Committee Substitute and adopted by Council on October 2, 2006; and

WHEREAS, the Franchise is presently scheduled to expire on December 3, 2011; and

WHEREAS, Cebridge has submitted its application for renewal of the Franchise in the form required by West Virginia Code §24D-1-1 et seq. (the "Application"); and

WHEREAS, the City has reviewed the Application and held public hearings on the proposed renewal of the Franchise ("Renewal"); and

WHEREAS, the City has followed all required procedures to consider and act upon the Renewal, and has considered the comments of all interested parties at a hearing held on November 16, 2011, as well as a hearing on this Ordinance on November 21, 2011 (collectively, the "Public Hearings"); and

WHEREAS, the Public Hearings did not produce substantial public opposition to the Renewal; and

WHEREAS, the City believes it is in the interest of the community to approve the Renewal of the Franchise, and to approve the terms of a new Franchise Agreement between the City and Cebridge;

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

That with respect to and in accordance with the provisions of West Virginia Code §24D-1-1 et seq., and Bill No. 4370, Committee Substitute dated November 7, 1988, and Bill No. 6610, as Amended, adopted by Council on October 4, 1999, and Bill No. 7214 as Amended, adopted by Council on July 3, 2006, and Bill No. 7229, Committee Substitute, adopted by Council on October 2, 2006, City hereby approves the renewal of the Franchise with Cebridge for a period of five (5) years, with said Franchise now set to expire on December 3, 2016, upon the terms of the Agreement attached hereto and incorporated herein by reference.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2011.

The question being on the passage of the Bill. A roll call was taken and there were; yeas –26, absent - 2, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, , White, Mayor Jones.

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7501 committee substitute, adopted.

8. Your Committee on Finance has had under consideration Bill No. 7502, and reports the same to council with the recommendation that the Bill do pass.

AN ORDINANCE AMENDING AND REENACTING SECTION 118-141 OF DIVISION 4 OF ARTICLE III OF CHAPTER 118 OF THE CODE OF THE CITY OF CHARLESTON, WEST VIRGINIA, WITH RESPECT TO ADOPTION OF RULES AND REGULATIONS AND INCREASING EXISTING RATES AND CHARGES FOR SANITARY SEWER SERVICE.

WHEREAS, in order to protect the public health, safety and welfare, the Council of the City of Charleston ("City Council") has determined that it is necessary for the Sanitary Board of the City of Charleston (the "Sanitary Board") to complete a project of betterments and improvements to the existing public sewerage system of the City of Charleston (the "System"), consisting of replacements, rehabilitation, and improvements to the wastewater collection system (the "Project"); and

WHEREAS, in order for the Sanitary Board to collect annual revenues necessary to pay the personnel expenses, operation and maintenance expenses, and the debt service, including the Project additions, of the System, the existing rates and charges for sanitary sewer service to the customers of the Sanitary Board must be increased; now, therefore

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

SECTION 1. That Bill No. 7320 of the City of Charleston, West Virginia, enacted the 19th day of February 2008, and codified in the City Code of the City of Charleston as Section 118-141 "Adoption of Certain Rules and Regulations and Establishment of a Schedule of Just and Equitable Rates or Charges; Use of Water Meters" of Division 4 of Article III of Chapter 118 be further amended and reenacted by establishing a schedule of rates and charges for the use of services rendered by the System, all of said Section is hereby amended to provide as follows:

Sec. 118-141. Adoption of certain rules and regulations and establishment of a schedule of just and equitable rates or charges; use of water meters.

For the operation of the system and for the payment of proper and reasonable expense of operations, repair, replacements, improvements, additions, betterments, extensions, and maintenance of the sewer system and for the payment of the sums required to pay the principal and interest of all sewer revenue bonds as the same become due, there is hereby established rules and regulations and a schedule of just and equitable rates or

charges for the use of the sanitary board, which rules and regulations and schedule of rates or charges, based upon the metered amount of water supplied the premises, shall be as follows:

(1) *Rules and regulations.*

a. Rules and regulations for the government of sewerage utilities adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto, and modifications thereof hereafter made by said commission.

b. On all premises having a private water supply and connected ~~to with~~ the sewer system and works, and on all premises otherwise connected to the sewer system and works, the minimum charge will be billed each month until such time as a metering method of the discharge from said premises is established~~there shall be installed a meter for measuring the amount of water supplied said premises.~~

c. If for any reason there be no record of the amount of water supplied any month, then the minimum charge shall be billed~~based upon the last available monthly meter reading.~~

d. Users, the nature and character of whose use is such that the amount of water discharged into the said system is deemed by the sanitary board to be substantially less than the amount of metered water supplied the premises, shall be charged for sewer service substantially on the basis of the amount of water discharged into the sewer system, as may be determined according to formulae approved by the sanitary board.

e. In apartment buildings, mobile home courts, shopping centers and other places where more than one occupancy unit is served with water through one water meter, the customer shall be required to pay not less than the minimum monthly charge provided in the tariff for each occupancy.

(2) Rates.

a. For sewage that does not contain industrial waste:

In excess of 2,000 gallons used per month, per thousand gallons

... ~~\$8.97~~11.97

b. For sewage that contains industrial waste:

1. Where the character of sewage from any manufacturing or industrial plant, building or premises is such that it imposes a burden upon the sewer system in addition to the burden imposed by the average sewage entering the sewer system, the sanitary board may, if it deems advisable to do so, compel the owner, tenant or occupant of such manufacturing or industrial plant, building or premises to treat such sewage in such manner as shall be specified by the sanitary board before discharging into the sewer system. In the absence of such treatment sufficient to remove such additional burden, the charges for treatment of such sewage shall be as follows:

Monthly service charge . . . ~~\$7,455.739~~952.65

Volumetric treatment charge, per thousand gallons

... ~~\$4.075~~.43

Biochemical oxygen demand (BOD) charge, per pound .

.. ~~\$0.420~~.56

Total Suspended Solids (TSS) charge, per pound

... ~~\$0.330~~.44

2. When an industrial user is to be served, a preliminary study of its waste, and the cost of transport and treatment thereof, will be made. Waste containing materials which, in the judgment of the sanitary board, should not be introduced into the sewer system, need not be handled by it. The results of this preliminary study will be used to determine the

feasibility of the proposed sewer service.

(3) *Minimum charge.* ~~A charge of~~ No bill will be rendered for less than \$16.3821.87 shall be the minimum for each month or fraction thereof, for usage of 2,000 gallons or less. If, for any reason, there be no record of the amount of water supplied in any month, then the charge shall be based upon the last available monthly meter reading.

(4) *Recovery of bank charges.* If a bank or other financial institution returns a customer's check to the sanitary board and charges a fee to the sanitary board for such service, the fee charged will be added to the account of the customer whose check is returned.

(5) *Pretreatment charge.* In addition to all other charges contained herein, all customers who operate under a pretreatment permit will pay an annual charge of \$2500.00, payable on July 1 of each year.

(6) *Disconnect, lien, and reconnect fees.* If the sanitary board gives notice to a provider of water service to disconnect water service to a customer of the sanitary board, the following charges will be added to the account of such customer:

a. A charge equal to that imposed upon the sanitary board by the water service provider, plus any legally required certified mail charge, will be added to such customer's account at the time notice to disconnect is given to the water provider.

b. A charge equal to the filing fee to cover the cost of placing a lien on the property served will be added to the account of such customer at the time such lien is filed in the office of the clerk of the county commission of the county where the property served is located.

c. A reconnect charge equal to that imposed upon the sanitary board by the water service provider will be made at the time the customer pays the amounts due on such customer's account and

requests the reconnection of water and sewer service.

(7) *New service fee.* A new service fee equal to the greater of \$250.00 or the sanitary board's actual cost of making the connection shall be paid before sewer service can be obtained at any location not previously connected to the collection system of a sewer utility.

(8) *Delayed Payment Penalty.* On all current usage billings not paid in full by the latest pay date, which shall be no sooner than the 20th day following the date the sanitary board mails the bill, ten percent will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

(9) *Grease trap charge.* In addition to all other charges contained herein, all customers who are required by the sanitary board to install a grease trap shall pay an annual charge of ~~\$320.00~~420.00, payable on July 1 of each year.

~~(10) — Surcharges. Customers served from the facilities acquired from the Mt. Tyler Public Service District shall pay, in addition to the foregoing, a monthly surcharge of \$2.14 per month until the retirement of bonds issued by said district, as approved by the Public Service Commission of West Virginia in Case No. 98-0215-PSD-S-C.~~

~~Customers served from the facilities acquired from the Guthrie Public Service District shall pay, in addition to the foregoing, a monthly surcharge of \$1.75 per thousand gallons until the retirement of bonds issued by said district, as approved by the Public Service Commission of West Virginia in Case No. 00-0152-PSD-PC.~~

SECTION 2. That, in accordance with the requirements of Chapter 16, Article 13, Section 16 of the Code of West Virginia, 1931, as amended, the City shall cause notice of the proposed adoption of this Ordinance to be published as a Class II-0 legal advertisement, with the first publication being made at least ten days before the City Council meeting at which this Ordinance is to be finally adopted, and with said notice meeting the other requirements set forth in Code §16-13-16; and this hearing is also with

regard to an ordinance raising revenues in compliance with Chapter 8, Article 11, Section 4 of the Code of West Virginia, 1931, as amended;

and

SECTION 3. That in accordance with the provisions of Chapter 24, Article 2, Section 4(b) of the Code of West Virginia, 1931, as amended, the rules and regulations and the rates and charges provided for herein shall be effective not sooner than 45 days from the date of adoption;

and

SECTION 4. That, in accordance with the Public Service Commission's *Rules for the Construction and Filing of Tariffs*, 150 CSR 2, notice of this Ordinance shall be provided by (a) causing to be published the Commission's Tariff Form No. 12 as a Class II legal advertisement, with the first publication occurring within five days after the adoption of this Ordinance, in a qualified newspaper of general circulation in the area of Charleston, and (b) causing to be published a press release that contains the substance of Tariff Form No. 12, in a qualified newspaper of general circulation in the area of Charleston, (c) posting a notice that conforms with Tariff Form No. 12 in a conspicuous place at the Sanitary Board's business premises beginning the day after the City Council meeting at which this Ordinance is adopted and continuing for 30 days, and (d) filing with the Public Service Commission, within 5 days after adoption of this Ordinance, a copy of this Ordinance along with other information as required by Section 22.1.f of the *Tariff Rules*.

SECTION 5. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall be effective immediately upon adoption.

Passed on First Reading: _____

Adopted on Second Reading: _____

The question being on the passage of the Bill. A roll call was taken and there were; yeas –26, absent - 2, as follows:

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, , White, Mayor Jones.

ABSENT: Reishman, Weintraub

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7502, adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; October 2011
Received and Filed.
2. City Treasurer's Report to City Council Month Ending October 2011.
Received and Filed.
3. Report of the City of Charleston Financial Statements for the Four-Month period ended October 31, 2011.
Received and Filed.

NEW BILLS

Introduced by Council member Marc Weintraub on November 21, 2011:

Bill No. 7504 – A Bill to amend and reenact Ordinance # 4577 passed by Council June 18, 1990 relating to a No Parking Anytime Tow Away zone on the North side of Kanawha Boulevard, East from a point 400 feet east of Ruffner Avenue to a point 454 feet east of Ruffner Avenue, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.
Refer to Streets and Traffic Committee.

Introduced by Council member Tom Lane on November 21, 2011:

Bill No. 7505 - A Bill to amend and reenact Bill number 7314 passed by Council January 22, 2008 relating to a STOP intersection on Graff Lane at Quarry Ridge South requiring vehicles on Graff Lane to STOP at Quarry Ridge South, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Refer to Streets and Traffic Committee.

Introduced by Council member Tom Lane, Bobby Reishman and Jack Harrison on November 21, 2011:

Bill No. 7506: A BILL amending the title of Chapter 54, Article II, Division 3 of the Municipal Code of the City of Charleston to include "Duty Hours and Calculation of Overtime Pay"; to amend Chapter 54, Article II, Division 3, Sections 54-101, 54-102, 54-103, 54-104, and 54-105, of the Municipal Code of the City of Charleston as amended; and to create Section 54-106 of Chapter 54, Article II, Division 3, of the Code of the City of Charleston titled "Daily and weekly duty hours; pay periods; calculation of overtime pay; trading assigned shifts".

Refer to Finance Committee.

UNFINISHED BUSINESS

Councilman Tom lane made a motion to withdraw Bill No. 7403, the motion was second by Jack Harrison.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7403, officially withdrawn.

ROLL CALL

YEAS: Burka, Burton, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, , White, Mayor Jones.

ABSENT: Reishman, Weintraub

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, December 5, 2011, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk