

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
MARCH 19, 2012**

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MARCH ON THE 19th DAY, IN THE YEAR 2012, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY STAJDUHAR AND THE PLEDGE OF ALLEGIANCE WAS LED BY GWHS SWIM TEAM.

**BURKA
DAVIS
EALY
KIRK
MINARDI
REISHMAN
SALISBURY
SNODGRASS
WARE
MAYOR JONES**

**BURTON

HAAS
LANE
NICHOLS
RICHARDSON
SHEETS
STAJDUHAR
WEINTRAUB**

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

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 Michael Davis, 172 High Street, Elkins, WV; alleges damage to property.
Refer to City Solicitor

2. A claim of Priscilla Combs, 1421 Summit Lane, Charleston, WV; alleges damage to property.
Refer to City Solicitor

PUBLIC HEARING

The Mayor read the following:

After duly being published as required, I now declare the floor open for a Public Hearing on Bill No. 7515—Approving, Creating and Establishing a Tax Increment Financing District in the City of Charleston, West Virginia to be Known as “The City of Charleston Development District No. 1 – Charleston Convention and Civic Center Project” and Providing, Approving, and Adopting Other Matters in Connection with the District and the Project.

The Chair sees no one from the public.
The Chair hears no one from the public.

The Chair declares Public Hearing on Bill No. 7515 Closed.

COMMUNICATIONS

TO: JAMES REISHMAN, CITY CLERK
FROM: DANNY JONES, MAYOR
RE: CHARLESTON CONVENTION & VISITORS BUREAU
DATE: MARCH 19, 2012

I recommend that Becky Ceperley, 900 Lee Street, East, Suite 1600, Charleston, WV 25301, be appointed to the Charleston Convention & Visitors Bureau, with an initial term to expire February 17, 2015. She is replacing Troy Giatras.

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 RESOLUTION

Resolution No. 107-12

Introduced in Council

March 19, 2012

John Miller, Mary Jean Davis, Brent Burton, Tom Lane, Jack Harrison, Sam Minardi, Courtney Persinger, Bobby Reishman

WHEREAS: With 12 of 15 team members qualifying for the WVSSAC State Swimming Championships, George Washington High School's 2012 boys swimming team was poised to build on the school's 2011 State Championship; and

WHEREAS: Again this year, the GW Patriot team dominated the State Championship meet with a total of 185 points, well ahead of second place Bridgeport's score of 130, to win the school's third State Championship in the past four years; and

WHEREAS: Led by Head Coach Melissa Case and Coach Jay Williams, who was a GWHS swim team member just six years ago, all 12 of the GW swimmers scored points in their events to contribute to a real team-centered victory and championship; and

WHEREAS: The team's four graduating seniors – Collin Meadows, Jackson Lilly, Bryce Johnson and Michael Case – leave the program as the winningest class in the history of GW's swim team, with a second place finish in the 2010 State meet and three State Championships in 2009, 2011 and 2012; and

WHEREAS: Because eight more underclassmen also scored points in contributing to the team's victory, the GWHS Boys Swim Team remains poised to continue the school's success in competitive swimming and motivated to build on this winning tradition.

Therefore be it resolved by The Council and Mayor of The City of Charleston, West Virginia:

That we, the elected leaders of Charleston, congratulate the players and coaches of George Washington High School's Boys Swim team for winning the West Virginia Swimming Championship in 2012 and commend them for all of their accomplishments as outstanding student athletes and leaders.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 107-12, adopted.

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 098-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 098-12 : “Authorizing the Mayor to sign Change Order No. 3 with Thaxton Construction Company, Inc., in the amount of \$2,560.00, for the Retaining Walls in Three Locations contract, providing an additional 32 LF of HP12x53 Soldier Pile along the Stonewall Drive portion of the project. The change order increases the contract price from \$320,790.00 to \$323,350.00.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 3 with Thaxton Construction Company, Inc., in the amount of \$2,560.00, for the Retaining Walls in Three Locations contract, providing an additional 32 LF of HP12x53 Soldier Pile along the Stonewall Drive portion of the project. The change order increases the contract price from \$320,790.00 to \$323,350.00.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 098-12, adopted.

2. Your Committee on Finance has had under consideration Resolution No 099-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 099-12 : “Authorizing the Mayor and/or City Manager to submit a grant application in the amount of \$50,000.00 to the West Virginia State Historic Preservation Office to provide funds for the repair of retaining walls within the Spring Hill Cemetery. The City will provide matching funds through in-house services.”

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 a grant application in the amount of \$50,000.00 to the West Virginia State Historic Preservation Office to provide funds for the repair of retaining walls within the Spring Hill Cemetery. The City will provide matching funds through in-house services.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 099-12, adopted.

3. Your Committee on Finance has had under consideration Resolution No 100-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 100-12 : “Authorizing the Mayor to sign an application to the West Virginia Division of Justice and Community Services for grant funds in the amount of \$112,000 to reimburse backfill salaries for members of the Metro Drug Enforcement Network Team(MDENT) from the Charleston, South Charleston, Nitro, and St. Albans police departments at \$28,000 per officer.”

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

That the Mayor is hereby authorized and directed to sign an application to the West Virginia

Division of Justice and Community Services for grant funds in the amount of \$112,000 to reimburse backfill salaries for members of the Metro Drug Enforcement Network Team(MDENT) from the Charleston, South Charleston, Nitro, and St. Albans police departments at \$28,000 per officer.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 100-12, adopted.

4. Your Committee on Finance has had under consideration Resolution No 101-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 101-12: “Authorizing the Mayor to sign an application to the West Virginia Division of Justice and Community Services for a Purdue Pharma Grant in the amount of \$150,000 for use by the Metro Drug Enforcement Network Team(MDENT) to fund its prescription pill investigation/intervention operations.”

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

That the Mayor is hereby authorized and directed to sign an application to the West Virginia Division of Justice and Community Services for a Purdue Pharma Grant in the amount of \$150,000 for use by the Metro Drug Enforcement Network Team (MDENT) to fund its prescription pill investigation/intervention operations.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 101-12, adopted.

5. Your Committee on Finance has had under consideration Resolution No 102-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 102-12: “Authorizing the Finance Director to allocate funds in the amount of \$114,250.00 for acquisition of two (2) HOME projects located in the City of Charleston.”

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 \$114,250.00 for acquisition of two (2) HOME projects located in the following areas of Charleston:

North Charleston Area	\$53,250.00
West Charleston Area	\$61,000.00

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –25, absent - 2, as follows:

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

ABSENT: Clowser, Deneault

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 102-12 adopted.

6. Your Committee on Finance has had under consideration Resolution No 103-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 103-12 : “Authorizing the Mayor to enter into an agreement with Astar Abatement for asbestos abatement of substandard structures slated for demolition by the Building Commission, at the rate of \$2.29 per square foot, for a one year period from date of execution of the agreement. The City shall have the exclusive irrevocable option to renew the agreement under the same terms and conditions, and at the price quoted in this bid specification, for two consecutive years.”

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 Astar Abatement for asbestos abatement of substandard structures slated for demolition by the Building Commission, at the rate of \$2.29 per square foot, for a one year period from date of execution of the agreement. The City shall have the exclusive irrevocable option to renew the agreement under the same terms and conditions, and at the price quoted in this bid specification, for two consecutive years.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –25, absent - 2, as follows:

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

ABSENT: Clowser, Deneault

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 103-12 adopted.

7. Your Committee on Finance has had under consideration Resolution No 104-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 104-12 : “Authorizing the Mayor to enter into an agreement with West Virginia Demolition, Inc., for demolition of substandard structures located throughout the City, at the rate of \$2.69 per square foot, for a one year period from date of execution of the agreement. The City shall have the exclusive, irrevocable option to renew the agreement under the same terms and conditions, and at the price quoted in the bid specification, for two consecutive years.”

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 Demolition, Inc., for demolition of substandard structures located throughout the City, at the rate of \$2.69 per square foot, for a one year period from date of execution of the agreement. The City shall have the exclusive, irrevocable option to renew the agreement under the same terms and conditions, and at the price quoted in the bid specification, for two consecutive years

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –25, absent - 2, as follows:

YEAS: Burka, Burton, Davis, Dodrill, Ealy, Haas, Harrison, Kirk, Lane, Minardi, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar,

Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Clowser, Deneault

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 104-12 adopted.

8. Your Committee on Finance has had under consideration Resolution No 105-12, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 105-12: “Authorizing the Mayor to enter into renewed contracts with and through Commercial Insurance Services and Arthur J. Gallagher Risk Management Services, Inc., and Alternative Service Concepts, LLC, at a price of \$1,024,742.44, for the City’s Risk Management and Property and Casualty Insurance coverage for the period March 31, 2012 through March 31, 2013, in accordance with the costs attached, and specifically by rejecting all underinsured motorists coverage and accepting uninsured motorists coverage with statutory minimum limits of \$20,000/\$40,000/\$10,000 only; and further authorizing the Mayor to sign the appropriate forms rejecting the underinsured motorists coverage and accepting the uninsured motorists coverage.”

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

That the Mayor is hereby authorized and directed to enter into renewed contracts with and through Commercial Insurance Services and Arthur J. Gallagher Risk Management Services, Inc., and Alternative Service Concepts, LLC, at a price of \$1,024,742.44, for the City’s Risk Management and Property and Casualty Insurance coverage for the period March 31, 2012 through March 31, 2013, in accordance with the costs attached, and specifically by rejecting all underinsured motorists coverage and accepting uninsured motorists coverage with statutory minimum limits of \$20,000/\$40,000/\$10,000 only; and further authorizing the Mayor to sign the appropriate forms rejecting the underinsured motorists coverage and accepting the uninsured motorists coverage.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the resolution 105-12, adopted. Burton - Abstain

9. Your Committee on Finance has had under consideration Resolution No 106-12, and reports the same to Council with the recommendation that the resolution be adopted.

A RESOLUTION OF THE COUNCIL OF THE CITY OF CHARLESTON APPROVING THE 2011 UPDATE TO THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AND AUTHORIZING THE FILING OF THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Resolution No. 106-12: “Authorizing the Mayor to sign and submit to the U. S. Department of Housing and Urban Development the Analysis of Impediment to Fair Housing Choice.”

WHEREAS, a condition of the City’s receipt of U.S. Department of Housing and Urban Development (HUD) funds and pursuant to 24 CFR § 91.225, the City of Charleston, as a participating jurisdiction, annual certifies that it will affirmatively further fair housing; and

WHEREAS, such certification serves as the City's acknowledgment that it accepts the obligation to promote fair housing within its jurisdiction; and

WHEREAS, the City carries out its certification by implementing a process to address the following three (3) components of the certification: (1.) Conducting an analysis to identify impediments to fair housing choice within the jurisdiction, (2.) Taking appropriate action to overcome the effects of any impediments identified through that analysis, and (3.) Maintaining records reflecting the analysis and actions in this regard, and

WHEREAS, the City's consultants, Urban Design Ventures, LLC in conjunction with the City of Charleston's Mayor's Department of Economic and Community Development have prepared the 2011 Update to the Analysis of Impediments to Fair Housing Choice; and

WHEREAS, drafts of the Analysis of Impediments to Fair Housing Choice (A.I.) were on public display from February 8, 2012 through February 21, 2012 after the City held a series of public meetings on the said A.I. and the comments of various agencies, groups, and citizens were taken into consideration in the preparation of the final document.

WHEREAS, the City desires to confirm its continuing commitment to affirmatively furthering fair housing choice in the City of Charleston, which includes a commitment to and the requirement to equally enforce all zoning and other laws regarding accessibility of housing in its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON,
KANAWHA COUNTY, WEST VIRGINIA, AS FOLLOWS:

That the City Council approves the adopts the 2011 Update to the Analysis of Impediments to Fair Housing Choice for the City of Charleston, West Virginia and confirms the City's continued commitment to affirmatively further fair housing through the following activities:

SECTION 1. The City of Charleston has conducted an Analysis of Impediment to Fair Housing Choice within the jurisdiction; and

SECTION 2. The City of Charleston will take appropriate actions to overcome the effects of any impediments identified through the Analysis; and

SECTION 3. That the Mayor, on behalf of the City of Charleston, West Virginia, is Authorized to file the 2011 Update to the Analysis of Impediments to Fair Housing Choice with the U.S. Department of Housing and Urban Development.

ADOPTED INTO A RESOLUTION THIS 19th DAY OF MARCH, 2012 BY THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA.

ATTEST:

CITY OF CHARLESTON, WV

James M. Reishman, City Clerk

Danny Jones, Mayor

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas -25, absent - 2, as follows:

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

ABSENT: Clowser, Deneault

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 106-12 adopted.

10. Your Committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the total amount of \$64,388, for purchase of four (4) Ford Fusion vehicles at \$16,097 each, to be used by administrative personnel in the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment (Mears Motor Leasing, Lease Purchase Escrow Account No. 131029538, Schedule A2) , 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.

11. Your Committee on Finance has had under consideration Bill No. 7515, and reports the same to Council with the recommendation that the bill do pass.

AN ORDINANCE APPROVING, CREATING AND ESTABLISHING A TAX INCREMENT FINANCING DISTRICT IN THE CITY OF CHARLESTON, WEST VIRGINIA TO BE KNOWN AS “THE CITY OF CHARLESTON DEVELOPMENT DISTRICT NO. 1 – CHARLESTON CONVENTION AND CIVIC CENTER PROJECT” AND APPROVING A TAX INCREMENT FINANCING PROJECT TO BE KNOWN AS “THE CITY OF CHARLESTON DEVELOPMENT DISTRICT NO. 1 – CHARLESTON CONVENTION AND CIVIC CENTER PROJECT NO. 1”; ESTABLISHING A TAX INCREMENT FINANCING FUND AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH; AND ADOPTING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City of Charleston, West Virginia (the “City”) is authorized by the West Virginia Tax Increment Financing Act, Chapter 7, Article 11B of the West Virginia Code of 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 the City, all as more fully set forth in the Act;

WHEREAS, the City has found and determined that the creation and approval of “The City of Charleston Development District No. 1 – Charleston Convention and Civic Center Project” and “The City of Charleston Development District No. 1 – Charleston Convention and Civic Center Project No. 1” (the “District” and the “Project,” respectively), as set forth in the application (the “Application”) for approval thereof, will benefit the City and its residents by facilitating the orderly development and economic stability of the City, and that development therein will encourage investing in job-producing, private development and expand the public tax base of the City, that future improvements will result in the increase in the value of property located in the District and will encourage increased employment and business activity within such area and will serve a public purpose of the City; and

WHEREAS, following a public hearing held at 7:00 p.m. on Monday, December 19, 2011, in the Charleston Council Chambers at City Hall, relating to the creation of the District and approval of the Project, the City approved the Application for approval of the

District and the Project and submitted the Application to the Director of the West Virginia Development Office (“West Virginia Development Office”) for his review and approval, all in accordance with the applicable provisions of the Act;

WHEREAS, the Director of the West Virginia Development Office has notified the City, by letter dated January 9, 2012, that the West Virginia Development Office has reviewed the City’s Application, and that said Application has been approved, and the City may now enact, pursuant to the requirements of the Act, an ordinance creating and establishing the District, creating and establishing the tax increment financing fund (the “TIF Fund”) and approving the Project and providing for certain other matters relating thereto;

WHEREAS, the City desires to create the District located primarily within the City limits, approve the Project and establish a tax increment financing fund (the “TIF Fund”) to permit the financing of the Project within the meaning of, and pursuant to, the Act;

WHEREAS, the City has received the approval and support of the County Commission of Kanawha County (the “County Commission”) to create the District at the public hearing held on December 19, 2011;

WHEREAS, the boundaries of the District are described in “EXHIBIT A – TIF DISTRICT BOUNDARIES,” attached hereto and incorporated by reference herein, and as set forth on a map attached hereto and incorporated by reference herein as “EXHIBIT B – MAP OF TIF DISTRICT” and the Project description is set forth and incorporated by reference herein as “EXHIBIT C – PROJECT DESCRIPTION”;

Now Therefore, Be it Ordained by the Council of The City of Charleston, West Virginia, as follows:

1. Approval and Creation of the District. The District, to be known as “The City of Charleston Development District No. 1 – Charleston Convention and Civic Center Project” and the Project to be known as “The City of Charleston Development District No. 1 – Charleston Convention and Civic Center Project No. 1” are hereby approved, created and established as of the date of enactment of this Ordinance, and shall remain in existence for a term of thirty (30) years from said date of enactment of this Ordinance. The District shall have the boundaries described in EXHIBIT A – TIF DISTRICT BOUNDARIES, and as set forth on EXHIBIT B – MAP OF TIF DISTRICT and the Project shall be described in EXHIBIT C – PROJECT DESCRIPTION.

2. Benefit to District and Municipality. It is hereby found and determined that the creation and establishment of the District and approval of the Project will benefit both the real property within the District and the City and its residents by facilitating the orderly development and economic stability of the District and the City, the completion of the Project and that development in the District will encourage investing in job-producing, private development and expand the public tax base of the City, that completion of the Project and future improvements will result in the increase in the value of property located in the District and will encourage increased employment and business activity within the District and serves a public purpose of the City. It is hereby further found and determined, based on current financial and market conditions and lack of alternative financing sources, that the Project will not reasonably be expected to occur without the use of tax increment financing (“TIF”).

3. Establishment of TIF Fund. There is hereby established "The City of Charleston Development District No. 1 Tax Increment Financing Fund (the "TIF Fund")" as a separate fund into which all tax increment revenues and other revenues designated by the City for the benefit of the District shall be deposited, and from which "project costs," as defined in the Act, may be paid, and which may be assigned to and held by a trustee for the benefit of bondholders if tax increment financing obligations are issued by the City for Project costs, as defined in the Act, related to the development in the District (the "TIF Obligations").

4. Allocation of Property Taxes. All ad valorem property taxes on real and tangible personal property having a tax situs in the District shall be assessed, collected and allocated pursuant to the Act, as set forth below, commencing on the date of enactment of this Ordinance and continuing for a term of thirty (30) years from said date of enactment of this Ordinance or until any tax increment financing obligations payable from the TIF Fund are no longer outstanding and unpaid:

(a) For each tax year, the Kanawha County Assessor shall record in the land and personal property books both the Base-Assessed Value and the Current Assessed Value of the real and tangible personal property having a tax situs in the District, as such terms are defined in the Act. The Base-Assessed Value shall be the value of all real and tangible personal property, excluding personal motor vehicles, located within the District as of July 1, 2011 as certified by the Kanawha County Assessor to be \$186,850,563.

(b) Ad valorem taxes collected from regular levies upon real and tangible personal property having a tax situs in the District that are attributable to the lower of the Base-Assessed Value or the Current Assessed Value of real and tangible personal property located in the District shall be allocated to the levying bodies situate in Kanawha County in the same manner as applicable to the tax year commencing July 1, 2012.

I The positive tax increment, if any, with respect to real and tangible personal property in the District shall be allocated and paid into the TIF Fund and shall be used solely to pay, as permitted under the Act, costs of future approved development or redevelopment projects in the District. Any levying body having a development or redevelopment district within its taxing jurisdiction shall not receive any portion of the annual tax increment except as otherwise provided in the Act and Section 5 of this Ordinance.

(d) In no event shall the tax increment include any taxes collected from excess levies, levies for general obligation bonded indebtedness or any levies other than the regular levies provided for in Article 8, Chapter 11 of the Code of West Virginia, 1931 (as amended).

I Upon enactment of this Ordinance, the City Clerk shall provide certified copies of this Ordinance to both the Kanawha County Assessor and Kanawha County Sheriff, so as to initiate the proper assessment, collection and allocation of ad valorem property taxes on real and tangible personal property having a tax situs in the District.

5. Allocation of Revenues in the TIF Fund. Any principal and interest on TIF Obligations issued by the City shall be payable from the TIF Fund established for the District. Any revenues in the TIF Fund that are not: (i) used for the scheduled payment of principal and interest on tax increment financing obligations, (ii) used for the payment of accrued but unpaid debt service due to insufficient TIF funds to make prior debt service payments, (iii) held in

reserve funds established by the issuance of the tax increment financing obligations, (iv) used for annual expenses for servicing the tax increment financing obligations, or (v) used for approved "project costs," as defined in the Act, to benefit the District, including, but not limited to, capital, financing, real property assembly, professional services, relocation, and/or organizational costs, shall be deemed "excess funds" at the end of each fiscal year. "Excess funds" may be used for (i) "pay as you go" until all improvements are complete, (ii) the scheduled payment of the principal of and interest on subsequent TIF Obligations, (iii) payment of accrued but unpaid debt service due to insufficient TIF funds to make prior debt service payments on subsequent TIF Obligations, (iv) funding reserve funds established by the issuance of subsequent TIF Obligations, (v) payment of annual expenses for servicing subsequent TIF Obligations, (vi) funding for "pay as you go" projects in the TIF District approved in a Project Plan or Project Plans pursuant to the Act, (vii) distribution into current funds of the appropriate levying bodies, (viii) retention in the TIF Fund for approved future project costs and/or debt service relating to the issuance of additional tax increment revenue bonds, and/or (ix) all other purposes for which TIF Fund monies may be expended pursuant to the Act. To the extent that excess funds are not used for any of the purposes set forth in this paragraph, such excess funds shall be used for early repayment of outstanding TIF Obligations in accordance with the financing terms therefor.

6. Severability of Invalid Provisions. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, such invalidity shall not affect any of the remaining provisions of this Ordinance.

7. Headings. The headings of the articles, sections and subsections hereof are for convenience only and shall neither control nor affect in any way the meaning or construction of any of the provisions hereof.

8. Conflicting Provisions Repealed. All ordinances, orders, resolutions or parts thereof in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed with respect to the subject matter of this Ordinance.

9. Covenant of Due Procedure, Etc. The City covenants that all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in the adoption of this Ordinance do exist, have happened, have been performed and have been taken in regular and due time, form and manner as required by and in full compliance with the laws and Constitution of the State of West Virginia applicable thereto; and that the Mayor, City Clerk and members of the Council were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

10. Statutory Notice and Public Hearing. Upon introduction hereof, an abstract of this Ordinance in the form set forth in EXHIBIT D attached hereto and incorporated herein by reference, shall be published as a Class I-0 legal advertisement in the Charleston Gazette and the Charleston Daily Mail, two qualified newspapers published and of general circulation in The City of Charleston (there being only one qualified newspaper published and of general circulation in the area), together with a notice stating that this Ordinance has been introduced and that the City contemplates the final enactment thereof and that any person interested may appear before the Council upon a date certain, not less than 5 days subsequent to the date of the publication of such abstract of this Ordinance and notice, and present protests, and that a certified copy of this Ordinance is on file with the City for review by interested persons during office hours of the City Clerk. The Council hereby determines that the abstract contains

sufficient information as to give notice of the contents hereof. At such hearing, all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper.

11. Appointment of Bond Counsel and Underwriters. The City appoints Jackson Kelly PLLC to serve as bond counsel for the TIF Obligations. The City appoints Raymond James & Associates, Inc. to serve as underwriter for the TIF Obligations.

12. Effective Date. This Ordinance shall take effect immediately following the public hearing and final reading hereon upon approval of 3/5 of the members elected to council.

EXHIBIT A – TIF DISTRICT BOUNDARIES

The proposed Development District includes real and certain personal properties centered along the proposed locations between the Kanawha River and Washington Street, from the Elk River to Court Street, and the properties between the Kanawha River and Virginia Street, from Court Street to Capitol Street. The proposed boundaries of the Development District will include the following tax parcels:

	<u>Map/Parcel No.</u>	
11-1-30	11-1-13	11-2-1
11-3-30	11-1-14	11-2-8
11-3-33	11-1-15	11-3-8
11-3-34	11-1-16	11-2-11
11-2-35	11-1-17	11-3-11
11-3-35	11-1-18	11-3-12
11-2-36	11-1-19	11-3-21
11-3-36	11-1-20	11-2-21
11-2-37	11-1-21	11-2-22
11-3-38	11-1-22	11-3-22
11-2-39	11-1-23	11-2-23
11-2-40	11-1-24	11-3-23
11-2-41	11-1-25	11-2-24
11-2-45	11-1-26	11-3-24
11-7-57	11-1-27	11-2-25
11-7-58	11-3-27	11-3-26
11-7-59	11-1-28	11-2-27
11-7-85	11-1-29	11-2-28
11-1-1	11-1-4.1	11-1-25.1
11-4-4	11-2-28.1	11-2-27.1
11-1-5	11-2-41.1	11-2-35.1
11-1-6	11-3-25.1	11-3-25.1
11-3-6	11-4-4.1	11-4-4.6
11-3-7	11-4-4.2	11-4-4.7
11-1-9	11-4-4.3	11-4-4.8
11-2-9	11-4-4.4	11-4-4.9
11-1-10	11-4-4.5	11-7-57.1
11-2-10	11-3-37	11-7-57.2
11-1-11	11-3-43	
11-1-12	11-7-56	

EXHIBIT B – MAP OF TIF DISTRICT

EXHIBIT C – PROJECT DESCRIPTION

The City of Charleston proposes a project consisting of (i) expansion of the City's Convention and Civic Center (the "Center") consisting of the construction of a second-floor level, above the Center, a 1,200 to 1,500 person capacity ballroom, up to three new meeting rooms and concourse/breakout space, kitchen, bathroom and overall site improvements; (ii) relocation and replacement of the Center's central heating/cooling plant; (iii) construction of a pedestrian bridge between the Center and the Charleston Town Center; (iv) update to the existing building shell; (v) construction of a walking trail connected to the Center running along the Elk River from the Kanawha Boulevard to Spring Street; and (vi) paying engineering, administrative and other professional costs related to the aforementioned, and to be designated as the "Charleston Convention and Civic Center Project No. 1," which will be within the Development District (or contiguous to the Development District and providing infrastructure serving the Development District).

EXHIBIT D

THE CITY OF CHARLESTON, WEST VIRGINIA

NOTICE OF PUBLIC HEARING and ABSTRACT OF ORDINANCE

Notice is hereby given to any person interest that on March 19, 2012, the Council of the City of Charleston, West Virginia (the "City") introduced an ordinance, the title of which states:

AN ORDINANCE APPROVING, CREATING AND ESTABLISHING A TAX INCREMENT FINANCING DISTRICT IN THE CITY OF CHARLESTON, WEST VIRGINIA TO BE KNOWN AS "THE CITY OF CHARLESTON DEVELOPMENT DISTRICT NO. 1 – CHARLESTON CONVENTION AND CIVIC CENTER PROJECT" AND APPROVING A TAX INCREMENT FINANCING PROJECT TO BE KNOWN AS "THE CITY OF CHARLESTON DEVELOPMENT DISTRICT NO. 1 – CHARLESTON CONVENTION AND CIVIC CENTER PROJECT NO. 1"; ESTABLISHING A TAX INCREMENT FINANCING FUND AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH; AND ADOPTING OTHER PROVISIONS RELATED THERETO.

And which more specifically:

1. Approves, creates and establishes The City of Charleston Development District No. 1 – Charleston Convention and Civic Center Project (the "District") and approves the "City of Charleston Development District No. 1 – Charleston Civic Center Project No. 1" (the "Project");
2. Approves, establishes and describes the boundaries of the District and approved the Project;
3. Creates and establishes a tax increment financing fund (the "TIF Fund") into which all tax increment revenues and other revenues designated by the City for the benefit of the District shall be deposited;
4. Provides for the allocation of property taxes within the District;
5. Provides for the allocation of revenues in the TIF Fund; and
6. Provides for other terms and conditions with respect thereto.

The City contemplates the enactment of the above described ordinance, and any person interested may appear before the Council upon at a regular meeting thereof at 7:00 p.m., prevailing time, on March 19, 2012, in the Council Chambers at City Hall, located at 501 Virginia Street, East, Charleston,

West Virginia 25301, and present objections and be heard as to whether the above described Ordinance shall be put into effect.

A certified copy of the ordinance as introduced by the Council of the City on March 5, 2012, is on file at the office of the City Clerk of The City of Charleston, West Virginia, for review by interested persons during regular business hours.

By: _____

The question being on the passage of the Bill. A roll call was taken and there were; yeas –25, absent - 2, as follows:

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

ABSENT: Clowser, Deneault

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7515, passed

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; February 2012.
Received and Filed.

2. City Treasurer's Report to City Council Month Ending February 2012.
Received and Filed.

3. Report of the City of Charleston Financial Statements for the Eight-Month period ended February 29, 2012.
Received and Filed.

NEW BILLS

Introduced by Council member Robert Reishman on March 19, 2012:

Bill No. 7518 : A Bill to create Chapter 2, Article IV, Division 6, Section 2-243, of the Municipal Code of the City of Charleston, relating to settlement authority of the city solicitor.
Refer to Finance Committee

Introduced by Council member Robert Reishman on March 19, 2012:

Bill No. 7519 - A Bill to amend and re-enact Chapter 2, Article VI, Division 4, Sections 2-461 and 2-471 of the City Code of the City of Charleston, as amended; relating to contracts and purchasing.
Refer to Finance Committee

ROLL CALL

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

ABSENT: Clowser, Deneault

At 7:50 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, April 2, 2012, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk