

**JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA
MARCH 4, 2013**

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF MARCH ON THE 4th DAY, IN THE YEAR 2013, 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 GWHS BOYS AND GIRLS SWIM TEAM.

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

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

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

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

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

PUBLIC SPEAKERS

1. Charlie Hageboeck – GWHS SWIM TEAM

CLAIMS

1. A claim of Richard Pettigrew, 819 Central Ave., Charleston, WV; alleges damage to vehicle.

Refer to City Solicitor.

2. A claim of Ida and Judith Smith, 5207 Staunton Ave., Charleston, WV; alleges damage to property.

Refer to City Solicitor.

3. A claim of Gary Boggess, 906 Hanna Dr., Charleston, WV; alleges damage to property.

Refer to City Solicitor.

4. A claim of Ashley Clay, 1120 Spruce Rd., Charleston, WV; alleges damage to property.

Refer to City Solicitor.

PUBLIC HEARING

After duly being published as required, I now declare the floor open for a Public Hearing on Bill No. 7560— The Sewerage System Bond Supplemental Ordinance.

The Chair sees no one from the public.

The Chair hears no one from the public.

The Mayor declared the Public Hearing on Bill No. 7560 Closed.

MISCELLANEOUS RESOLUTIONS

Resolution No. 272-13

Introduced in Council

March 4, 2013

John Miller, Mary Jean Davis, Brent Burton, Tom Lane, Jack Harrison, Sam Minardi, Courtney Persinger, Bobby Reishman, Susie Salisbury and Andy Richardson

WHEREAS: After George Washington High School’s girls swimming team had finished as the runner-up at the WVSSAC State Swimming Championships for six of the past eight years, the 2013 team worked hard all season toward

bringing the State Championship back to GW for the first time since 2004;
and

WHEREAS: With 12 of the team's 22 members qualifying for the state meet, nine GW Patriot swimmers scored in all 11 events to amass a total of 216 points, which was 40 more than second place Morgantown High School; and

WHEREAS: The school's 200-medley relay team of Jordyn O'Dell, Haley Hemsworth, Katie Hageboeck and co-captain Anna Davis set a new state record in winning that event while Emily Hageboeck joined Katie, Jordyn and Anna in setting a new state record in the final event of the meet – the 400 freestyle relay; and

WHEREAS: In addition to those five girls, Morgan Blankenship, Perry McGhee, Allison Moore and Ally Ugland also scored top-six finishes in individual and/or relay events to help GW win the 2013 State Championship; and

WHEREAS: Led by Head Coach Melissa Case and Coach Jay Williams, this year's team also included co-captain Carli Sears, Yasmin Anderson, Claire Blackwood, Sarah Brumley, Gea Carena, Carrie Digman, Abbi Helmick, Catherine Kincaid, Caroline Moore, Gretchen Ray, Morgan Ray, Jacqueline Teed and Sarah White; and

WHEREAS: With several team members set to return next year, including 2013 All-State designee Emily Hageboeck who is only a freshman, GW High School promises to have a solid foundation for future swimming success.

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 Girls Swim team for winning the West Virginia Swimming Championship in 2013 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 Resolution No. 272-13 adopted.

Resolution No. 273-13

Introduced in Council

March 4, 2013

John Miller, Mary Jean Davis, Brent Burton, Tom Lane, Jack Harrison, Sam Minardi, Courtney Persinger, Bobby Reishman, Susie Salisbury and Andy Richardson

WHEREAS: With 10 of 14 team members qualifying for the WVSSAC State Swimming Championships, George Washington High School's 2013 boys swimming team was poised to build on the school's 2011 and 2012 State Championships; and

WHEREAS: For the third year in the row, the GW Patriot team won the State Championship meet, this time with a total of 192 points ahead of second place Bridgeport High School's score of 156 and well ahead of 24 other participating schools; and

WHEREAS: The school's relay team of Chris Kay, Nick Peyatte, co-captain Jacob Nason and Josh Barnette won first place in the 200 yard medley relay, and those four joined teammates Zach Kidd, David Nason, Matt Nelson, and Jake Thomas in scoring top-six finishes in other individual and relay races to secure the championship; and

WHEREAS: Led by Head Coach Melissa Case and Coach Jay Williams, this year's team also included co-captain Charlie Hageboeck, Mike Baek, Connor Digman, Jacob Fleck, Casey Mosrie and Joseph Wirts

WHEREAS: The 2013 West Virginia Championship marked the fourth time in five years that the GWHS Boys Swim Team has won the State competition, continuing the school's success in competitive swimming and proud 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 2013 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 Resolution No. 273-13 adopted.

FINANCE

Councilperson Bobby Reishman, Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 261-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 261-13: "Authorizing the Finance Director to allocate funds in the amount of \$36,000 for acquisition of one (1) HOME project in the North Charleston area of the City."

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$36,000 for acquisition of one (1) HOME project in the North Charleston area of the City.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –27, absent -1, as follows:

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

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 261-13, adopted.

2. Your Committee on Finance has had under consideration Resolution No 262-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 262-13: “Authorizing the Mayor or City Manager to enter into an Agreement with Southern Building Systems, Inc., in the amount of \$60,927.00, for installation of a roofing system at the Giltinan Men’s Homeless Shelter.”

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

That the Mayor or City Manager is hereby authorized and directed to enter into an Agreement with Southern Building Systems, Inc., in the amount of \$60,927.00, for installation of a roofing system at the Giltinan Men’s Homeless Shelter.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –27, absent -1, as follows:

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

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 262-13, adopted.

3. Your Committee on Finance has had under consideration Resolution No 263-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 263-13 : “Authorizing the Mayor or City Manager to enter into an Agreement with Fields Excavating, Inc., in the amount of \$472,500, to provide all labor and equipment necessary for the Court Street Pump Station Improvements project.”

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

That the Mayor or City Manager is hereby authorized and directed to enter into an Agreement with Fields Excavating, Inc., in the amount of \$472,500, to provide all labor and equipment necessary for the Court Street Pump Station Improvements project, to include the following:

- Demolition of existing electrical building
- Grit removal
- Replacement of existing vertical turbine pumps
- Site improvements
- Installation of new motor control center
- Installation of a new natural gas powered bypass pump
- Various building improvements
- Electrical improvements
- All other work to make a complete and functioning system

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –27, absent -1, as follows:

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

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 263-13, adopted.

4. Your Committee on Finance has had under consideration Resolution No 264-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 264-13 : “Authorizing the Mayor or his designee to accept grant funds in the amount of \$5,000 from the West Virginia Department of Education and the Arts for the *Peer to Pier* project honoring the 150th State Anniversary.”

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 accept grant funds in the amount of \$5,000 from the West Virginia Department of Education and the Arts for the *Peer to Pier* project honoring the 150th State Anniversary.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 264-13 adopted.

5. Your Committee on Finance has had under consideration Resolution No 265-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 265-13 : “Authorizing the Mayor or his designee to accept grant funds in the amount of \$9,400 from the West Virginia Division of Energy to purchase marketing materials for energy efficiency education activities to be conducted on Charleston’s East End. The City will provide in-kind services in the amount of \$39,700.”

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 accept grant funds in the amount of \$9,400 from the West Virginia Division of Energy to purchase marketing materials for energy efficiency education activities to be conducted on Charleston’s East End. The City will provide in-kind services in the amount of \$39,700.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 265-13 adopted.

6. Your Committee on Finance has had under consideration Resolution No 266-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 266-13 : “Authorizing the Mayor or his designee to sign an application to the West Virginia Division of Justice and Community Services (DJCS) for a Justice Assistance Grant (JAG) requesting funds in the amount of \$280,000 to provide for MDENT officer salaries. A 25% match for this grant is comprised of supplemental salary and benefit costs incurred by each participating agency.”

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 sign an application to the West Virginia Division of Justice and Community Services (DJCS) for a Justice Assistance Grant (JAG) requesting funds in the amount of \$280,000 to provide for MDENT officer salaries. A 25% match for this grant is comprised of supplemental salary and benefit costs incurred by each participating agency.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 266-13 adopted.

7. Your Committee on Finance has had under consideration Resolution No 267-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 267-13 : “Authorizing the Mayor or his designee to accept grant funds from the West Virginia Department of Health and Human Resources for a Community Participation Grant in the amount of \$1,750 to provide funds for the Charleston Fire Department in furthering Fire Prevention Education.”

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 accept grant funds

from the West Virginia Department of Health and Human Resources for a Community Participation Grant in the amount of \$1,750 to provide funds for the Charleston Fire Department in furthering Fire Prevention Education.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 267-13 adopted.

8. Your Committee on Finance has had under consideration Resolution No 268-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 268-13 : “Authorizing the Finance Director to amend the 2012-2013 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 2012-2013 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 –27, absent -1, as follows:

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

ABSENT: White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 268-13, adopted.

9. Your Committee on Finance has had under consideration Resolution No 269-13, and reports the same to Council with the recommendation that the resolution be adopted.

A resolution supplementing Ordinance No. 7560, passed by the Council of The City of Charleston, West Virginia, on February 19, 2013, which supplemented Ordinance No. 4423 passed by the Council on March 6, 1989, as supplemented by Ordinance No. 4506 passed by the Council on November 6, 1989, by Ordinance No. 4954 passed by the Council on May 3, 1993, by Ordinance No. 6276 passed by the Council on September 3, 1996, by Ordinance No. 6349 passed by the Council on June 2, 1997, by Ordinance No. 6532 passed by the Council on November 16, 1998, by Ordinance No. 6544 passed by the Council on February 1, 1999, by Ordinance No. 6670 passed by the Council on February 5, 2001, by Ordinance No. 6777 passed by the Council on March 19, 2001, by Ordinance No. 6948 passed by the Council on November 4, 2002; by Ordinance No. 6977 passed by the Council on May 19, 2003, by Ordinance No. 7132, passed by the Council on March 7, 2005, and by Ordinance No. 7490 passed by the Council on September 6, 2011; authorizing the issuance of \$11,613,300 in aggregate principal amount of Sewerage System Revenue Bonds, Series 2013 A, of The City of Charleston, the proceeds of which, shall be used, along with other funds and moneys of, or available to, The City of Charleston which may be lawfully expended for such

purposes, to permanently finance the cost of design, acquisition and construction of certain extensions, additions, betterments and improvements to the existing sewerage system of The City of Charleston, to fund a reserve account for such bonds and to pay other costs in connection therewith; providing for the rights and remedies of and security for the registered owners of such bonds; and adopting other provisions related thereto.

WHEREAS, the Council (the "Council") of The City of Charleston, West Virginia (the "City"), on February 19, 2013, adopted Ordinance No. 7560, which WILL become effective following a public hearing on March 4, 2013 (the "Ordinance"), authorizing the issuance of The City of Charleston Sewerage System Revenue Bonds, in an aggregate principal amount not to exceed \$11,613,300, in one or more series, to permanently finance the cost of design, acquisition and construction of certain extensions, additions, betterments and improvements to the sewerage system of the City (the "Project");

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meanings set forth in the Ordinance when used herein;

WHEREAS, pursuant to the Ordinance, the Council desires to issue its Sewerage System Revenue Bonds, Series 2013 A (the "Bonds") in an aggregate principal amount of \$11,613,300, to permanently finance the costs of the Project to fund a reserve account, and to pay the costs of issuance of the Bonds;

WHEREAS, the Ordinance provides for the issuance of the Bonds, all in accordance with Chapter 16, Article 13 of the Code of West Virginia, 1931, as amended (the "Act"), and further provides that the exact principal amount, series designation, date, maturity date, redemption provision, interest rate, interest and principal payment dates, sale price and other terms of and matters relating to, the Bonds should be established by a supplemental resolution;

WHEREAS, the Bonds are proposed to be purchased by the West Virginia Water Development Authority (the "Authority"), on behalf of the West Virginia Department of Environmental Protection (the "DEP") pursuant to the West Virginia Clean Water SRF Program pursuant to the terms and conditions set forth under a Loan Agreement by and among the City, the Authority and the DEP (collectively, the "Loan Agreement"); and

WHEREAS, the Council deems it essential and desirable that this resolution (the "Supplemental Resolution") be adopted, that the Ordinance shall be placed into effect, that the Loan Agreement be entered into by the City, that parameters be established for the exact principal amount, series designation, date, maturity date, redemption provision, interest rate, interest and principal payment dates, sale price and other terms of the Bonds in the manner stated herein, and that other matters relating to the Bonds be herein provided for.

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

Section 1. It is hereby found and determined that:

(A) The Notice of Public Hearing and Abstract of Bond Ordinance (the "Notice") was duly published in *The Charleston Gazette* and *The Charleston Daily Mail*, two qualified newspapers published and of general circulation in the Issuer, with the first publication thereof being not less than 10 days before the day set by the Bond Ordinance and the Notice for the public hearing at which interested persons may appear before the Council and present protests and suggestions and with the last publication thereof being prior to said date set by the Bond Ordinance and the Notice for the public hearing, and a copy of the Affidavit of Publication reflecting such publications is incorporated herein by reference;

(B) In accordance with the Bond Ordinance and the Notice, the Clerk has maintained in his office a certified copy of the Bond Ordinance for review by interested persons during the regular office hours of such office;

(C) In Council chambers, City Hall, Charleston, West Virginia, on March 4, 2013, at 7:00 p.m., prevailing time, in accordance with the Bond Ordinance and the Notice, the Council met for the purpose of hearing protests and suggestions regarding whether the Bond Ordinance should be put into effect and heard all protests and suggestions with regard thereto;

(D) At the public hearing, no significant reasons were presented that would require modification or amendment of the Bond Ordinance and no written protest with regard thereto was filed by 30 percent or more of the freeholders of the Issuer; and

(E) The Bond Ordinance shall be put into effect as of the date hereof and the Bonds contemplated thereby shall be issued, all as provided in the Bond Ordinance and this Supplemental Resolution.

Section 2. Pursuant to the Ordinance and the Act, this Supplemental Resolution is adopted and there are hereby authorized and ordered to be issued the:

There is hereby authorized The City of Charleston Sewerage System Revenue Bonds, Series 2013 A (West Virginia SRF Program) (the "Bonds") in the aggregate principal amount of \$11,613,300 which will be initially represented by a single bond, numbered AR-1. The Bonds shall be dated the date of delivery, shall finally mature on June 1, 2034, and shall bear no interest. The principal of the Bonds shall be payable quarterly on March 1, June 1, September 1, and December 1 of each year, commencing September 1, 2014, in the amounts as set forth in the Schedule Y attached to the Loan Agreement and incorporated in and made a part of the Bonds. The Issuer hereby approves and shall pay the SRF Administrative Fee equal to 0.5% annually of the principal amount of the Bonds set forth in the Schedule Y attached to the

Loan Agreement. The SRF Administrative Fee shall be considered Operating Expenses of the City (Sanitary Board). The Bonds shall be subject to redemption upon the written consent of the Authority and the DEP, and upon payment of the redemption premium, if any, and otherwise in compliance with the Loan Agreement, so long as the Authority shall be the Registered Owner of the Bonds.

Section 3. All other provisions relating to the Bonds shall be as provided in the Ordinance. The text of the Bonds shall be in substantially the forms provided in the Ordinance. The execution of the Bonds by the Mayor shall be conclusive evidence of any approval required by this Section.

Section 4. The Loan Agreement for the Bonds by and among the Authority, the City, and the DEP, substantially in the form to be attached hereto as Exhibit A, and the execution and delivery (in multiple counterparts) by the Mayor thereof shall be and the same are hereby authorized, approved, ratified and directed. The Mayor is authorized to execute and deliver the Loan Agreement with such changes, insertions and omissions as may be approved by the Mayor. The execution of the Loan Agreement by the Mayor shall be conclusive evidence of any approval required by this Section, and authorization of any action required by the Loan Agreement relating to the issuance and sale of the Bonds. The City hereby affirms all covenants and representations made in the Loan Agreement and in the application to the DEP and the Authority. The price of the Bonds shall be 100% of par value, there being no interest accrued thereon.

Section 5. The City hereby appoints and designates the West Virginia Municipal Bond Commission, Charleston, West Virginia (the "Commission"), as the Paying Agent for the Bonds.

Section 6. The City hereby appoints United Bank, Inc., Charleston, West Virginia (the "Registrar"), as the Registrar for the Bonds. The City hereby appoints JPMorgan Chase Bank, NA, Charleston, West Virginia (the "Depository Bank") as the Depository Bank for the Revenue Fund and the Bonds Construction Fund. The City approves and accepts the Registrar's Agreement to be dated the date of delivery of the Bonds, by and between the Issuer and the Registrar, and the execution and delivery of the Registrar's Agreement by the Mayor, and the performance of the obligations contained therein on behalf of the Issuer, are hereby authorized, directed and approved. The City hereby approves the payment of the Registrar fee.

Section 7. The Bonds shall be issued on a parity with the First Lien Bonds with respect to liens, pledge and source of and security for payment and in all respects. The Bonds shall be secured by a first lien on the Net Revenues derived from the System on a parity with the First Lien Bonds but senior and superior to the Second Lien Bonds.

Section 8. Bonds proceeds in the amount of \$-0- shall be deposited in the Series 2013 A Bonds Sinking Fund as capitalized interest.

Section 9. Bonds proceeds in the amount of \$580,668 shall be deposited in the Series 2013 A Bonds Reserve Account.

Section 10. The Council hereby approves as the first draw of the Bonds proceeds the deposit to the Series 2013 A Bonds Reserve Account, the bond counsel fee and the Registrar fee and further finds and determines (A) that none of the items for which payment is proposed to be made has formed the basis for any disbursement theretofore made; (B) that each item for which the payment is proposed to be made is or was necessary in connection with the Project and constitutes a Cost of the Project; (C) that each of such costs has been otherwise properly incurred; and (D) that payment for each of the items proposed is now due and owing. The Council hereby authorizes and directs the Sanitary Board to review and approve future invoices for the Project and direct the payment from Bonds proceeds.

Section 11. The Mayor and City Clerk are hereby authorized and directed to execute and deliver such other documents, agreements and certificates required or desirable in connection with the Bonds. The City hereby approves and accepts all contracts or agreements relating to the financing, design, acquisition and construction of the Project and hereby authorizes the Sanitary Board to enter into all contracts or agreements relating to the design, acquisition and construction of the Project. The Manager of the Sanitary Board is hereby authorized to execute all pay requests under the Bonds.

Section 12. The design, acquisition and construction of the Project and the financing thereof with proceeds of the Bonds are in the public interest, serve a public purpose of the City and will promote the health, welfare and safety of the residents of the City.

Section 13. The City hereby determines to invest all moneys in the funds and accounts established by the Ordinance held by the Depository Bank until expended, in Money Market accounts secured by a pledge of Government Obligations, and therefore, the City hereby directs the Depository Bank to invest all moneys in such Money Market accounts until further directed in writing by the Issuer. Moneys in the Series 2013 A Bonds Sinking Fund and the Series 2013 A Bonds Reserve Account shall be invested by the Commission in the West Virginia Consolidated Fund.

Section 14. The City hereby approves the cost of issuance and authorizes the payment of the same.

Section 15. This Supplemental Resolution shall take effect immediately upon adoption hereof.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 269-13 adopted.

10. Your Committee on Finance has had under consideration Resolution No 270-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 270-13 : “Authorizing the Mayor or City Manager to enter into renewal contracts through Commercial Insurance Services and Arthur J. Gallagher Risk Management Services, Inc., and Alternative Service Concepts, LLC, at a price of \$1,025,544.70, for the City’s Risk Management and Property and Casualty Insurance coverage for the period March 31, 2013 through March 31, 2014, 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 or City Manager 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 or City Manager is hereby authorized and directed to enter into renewal contracts through Commercial Insurance Services and Arthur J. Gallagher Risk Management Services, Inc., and Alternative Service Concepts, LLC, at a price of \$1,025,544.70, for the City’s Risk Management and Property and Casualty Insurance coverage for the period March 31, 2013 through March 31, 2014, 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 or City Manager to sign the appropriate forms rejecting the underinsured motorists coverage and accepting the uninsured motorists coverage.

The question being on the adoption of the Resolution. A roll call was taken and there were; yeas –26, absent -1, abstain-1, as follows:

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

ABSENT: White

ABSTAIN: Burton

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 270-13, adopted.

11. Your Committee on Finance has had under consideration Resolution No 271-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 271-13 : “Authorizing the Mayor or City Manager to enter into an Agreement with Plymovent Corporation, in the amount of \$37,390.68 for purchase and installation of Plymovent Magnetic Grabber Nozzle Systems to replace the existing pneumatic grabber system in seven (7) City of Charleston Fire Stations for the removal

of diesel exhaust.”

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

That the Mayor or City Manager is hereby authorized and directed to enter into an Agreement with Plymovent Corporation, in the amount of \$37,390.68, for purchase and installation of Plymovent Magnetic Grabber Nozzle Systems to replace the existing pneumatic grabber system in seven (7) City of Charleston Fire Stations for the removal of diesel exhaust.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 271-13 adopted.

12. Your Committee on Finance has had under consideration 12. A proposal submitted by Stephens Auto Center, in the amount of \$22,813.00, for purchase of a Ford Model F-350 pickup truck to be used by the Charleston Fire Department. To be charged to Account No. 001-976-00-706-4-459, Fire—Capital Outlay, Equipment (SunTrust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 1), 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

NEW BILLS

Introduced by Council member Mary Jean Davis on March 4, 2013:

Bill No. 7559 – A Bill amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 to allow for the adaptive reuse of nonresidential structures in residential zoning districts as a conditional use permit with restrictions. Refer to Municipal Planning Commission and Planning Committee.

Introduced by Council members Susie Salisbury, Jerry Ware, Kasey Russell, Shannon Snodgrass, Andy Richardson, Brent Burton on March 4, 2013:

Bill No. 7562 – A Bill authorizing the acceptance of a parcel of land in the east end of Charleston, more particularly described in the deed attached as Exhibit A hereto, for the purpose of establishing and maintaining the East End Playground, a public park and playground;

Refer to Parks and Recreation Committee and Finance Committee.

ROLL CALL

The Clerk called the roll:

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

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, March 18, 2013, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk