



**JOURNAL of the PROCEEDINGS  
of the  
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, May 2, 2016

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Danny Jones  
Mayor**

**JB Akers  
City Clerk**

**CALL TO ORDER**

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of May on the 2<sup>nd</sup> day, in the year 2016, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Richardson and the Pledge of Allegiance was led by Boy Scout Troop 31. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

<b>BURKA</b>	<b>BURTON</b>	<b>CEPERLEY</b>
<b>CHESTNUT</b>	<b>CLOWSER</b>	
<b>EALY</b>	<b>FAEGRE</b>	<b>HAAS</b>
<b>HARRISON</b>	<b>HOOVER</b>	<b>IRELAND</b>
<b>LANE</b>		<b>MINARDI</b>
<b>OVERSTREET</b>		<b>REISHMAN</b>
<b>RICHARDSON</b>	<b>SALISBURY</b>	<b>SLATER</b>
<b>SMITH</b>	<b>SNODGRASS</b>	<b>STEELE</b>
<b>TALKINGTON</b>	<b>WARE</b>	<b>MAYOR JONES</b>

With twenty-four members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

***PUBLIC SPEAKERS***

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NONE

***CLAIMS***

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1. A claim of Jason Coles, 1416 4<sup>th</sup> Ave., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
2. A claim of Pamela Pushkin, 1322 Mt. Vernon Pl., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
3. A claim of Prientkes Sanders, 1100 Locust Street., Des Moines, IA; alleges damage to vehicle.  
Refer to City Solicitor.
4. A claim of Michael Tofi, 482 South Ruffner Rd., Charleston, WV; alleges damage to personal property.  
Refer to City Solicitor.

**COMMUNICATIONS**

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**TO: J. B. AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

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I recommend that Kim Burton, 4504 Washington Avenue, Charleston, WV 25304, be reappointed to the Charleston Convention and visitor's bureau board, with a said term to expire February 17, 2018.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

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I recommend that Becky Ceperley, 900 Lee Street, Suite 1600, Charleston, WV 25304, be reappointed to the Charleston Convention and visitor's bureau board, with a said term to expire February 17, 2018.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

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I recommend that Richard Eaton, 100 Civic Center Drive, Charleston, WV 25301, be reappointed to the Charleston Convention and visitor's bureau board, with a said term to expire February 17, 2019.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

---

I recommend that Richard Eaton, 100 Civic Center Drive, Charleston, WV 25301, be reappointed to the Charleston Convention and visitor's bureau board, with a said term to expire February 17, 2019.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

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I recommend that Ted Lawson, 100 Bank One Plaza, Charleston, WV 25301, be reappointed to the Charleston Convention and visitor's bureau board, with a said term to expire February 17, 2019.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

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I recommend that Harry F. Bell, Jr., 30 Capital Street, Charleston, WV 25301, be reappointed to the Charleston Convention and visitor's bureau board, with a said term to expire February 17, 2018.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

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I recommend that Jack Harrison, 1116 Shamrock Road, Charleston, WV 25314, be reappointed to the Charleston Convention and visitor's bureau board, with a said term to expire February 17, 2019.

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

Jerry Ware moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**TO: J. B. AKERS  
CITY CLERK**

**FROM: DANNY JONES  
MAYOR**

**RE: CHARLESTON CONVENTION AND VISITORS BUREAU BOARD**

**DATE: MAY 2, 2016**

---

I recommend that Mary Jean Davis, 1527 Dogwood Road, Charleston, WV 25314, be reappointed to the Charleston Convention and visitor's bureau board, with a said term to expire February 17, 2019.

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

Jack Harrison moved to approve the appointment. Tom Lane seconded the motion. Appointment Confirmed.

**City of Charleston**  
**Executive Office of the Mayor**  
**Certificate of Appreciation**

Presented on the first of May, 2016, to

**THOMAS FLANNERY**

- ★ In appreciation of your vision to master plan a hiking trail system that will improve the quality of life of the citizens of Charleston; and
- ★ In recognition of your fortitude in bringing together key stakeholders to: build consensus; secure conservation easements; and obtain approval from the City of Charleston; and
- ★ In honor of your service as the leader of Baptist Temple Boy Scout Troop 31, who donated their physical labor for the construction of the hiking trail and for the removal of trash and debris.

**IN WITNESS WHEREOF, I**  
have set my hand and caused  
the Seal of the Executive  
Department to be affixed  
this 1<sup>st</sup> day of May 2016.

\_\_\_\_\_  
Danny Jones, Mayor

The Clerk presented Thomas Flannery with the Certificate of Appreciation.

**City of Charleston**  
**Executive Office of the Mayor**  
**Certificate of Recognition**

Presented on the 18<sup>th</sup> day of April, 2016  
to

**Dr. J Truman Dalton**

- ★ In honor of your 35 years as Artistic Director and Conductor of the Charleston Civic Chorus on the occasion of your final concert as the treasured leader of the Chorus on Sunday, April 24, 2016; and
- ★ In appreciation for how you have promoted high quality choral music through the years throughout our City with special concerts during FestivALL and Good Night and with many performances that have expanded our citizens' and musicians' cultural and musical horizons; and
- ★ In recognition of how you have also had a lifetime of promoting the learning of and love for music as Professor of Music and Director of Choral Activities at West Virginia State University, board member of the Charleston Chamber Music Society and leader of other state music and choral organizations.

**IN WITNESS WHEREOF, I**  
have set my hand and  
caused  
the Seal of the Executive  
Department to be affixed  
this 18<sup>th</sup> day of April 2016.

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Danny Jones, Mayor

The Clerk presented Dr. J Truman Dalton the Certificate of Recognition.

**REPORTS OF COMMITTEES**

**COMMITTEE ON URBAN RENEWAL**

Councilman Ware, Chair of the Council Committee on Urban Renewal, submitted the following report:

1. Your committee on Urban Renewal has had under consideration the following bill, and reports the same to Council with the recommendation that the committee report do pass.

Your committee finds the following:

1. The amendment is not inconsistent with any of the stated goals or objective in the Imagine Charleston Comprehensive Plan; and
2. The amendment is consistent with the Comprehensive Plan's future land use recommendations, which designates the easterly portion of the Corridor Village District as Main Street Mixed-Use and the westerly portion as Mixed-Use Corridor. Said designations are recommended to be "very pedestrian friendly" and the later, "pedestrian and auto friendly"

And reports the same to Council with the recommendation that the Bill 7683 Do pass, as amended by deleting 500 and inserting 800 on line 36.

Bill No. 7683 - A Bill approving the following modification of the East End Community Renewal Plan for the City of Charleston, West Virginia: Permitting tattoo/Body-piercing studios as a conditional use in the Corridor Village District on Washington Street, East.

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

1. City Council finds that:
  - a. The Charleston Urban Renewal Authority has recommended a certain modification of the East End Community Renewal Plan for the City of Charleston, West Virginia;
  - b. A general plan known as the Comprehensive Plan for the City of Charleston has been adopted by City Council and is recognized and used as a general guide for the development of the city;
  - c. The Municipal Planning Commission of the City of Charleston has submitted to

the Charleston Urban Renewal Authority its findings concerning the conformity of these proposed modifications with the Comprehensive Plan for the City;

d. City Council has duly considered the findings of the Municipal Planning Commission; and

e. Section “F” of said East End Community Renewal Plan previously approved by City Council, provides that the Plan may be changed from time to time in compliance with the requirements of law.

2. The proposed modification of the East End Community Renewal Plan which is set forth in the following section of this ordinance is hereby found to be consistent with the goals, objectives, plans and priorities established by the Comprehensive Plan.

3. Section C.3.1.b.2. Conditional Uses is amended by adding the following:

Tattoo/Body-Piercing Studios

The establishment of tattoo/body-piercing studios as a matter of right is prohibited and such use shall only be authorized by a Conditional Use Permit approved by the Board of Zoning Appeals. Tattoo/body-piercing studios shall comply with the following:

- a. Shall not be located within 500 feet of another tattoo/body-piercing studio.
- b. Shall be licensed by the State of West Virginia and inspected by the Kanawha County Health Department prior to receiving a Municipal Business License and/or Certificate of Occupancy.
- c. Shall not perform the acts of tattooing and piercing in areas visible from a public right-of-way.
- d. Shall limit hours of operation to 10 a.m. to 10 p.m. daily.
- e. Any storefront door and window glazing shall remain transparent.

All prior ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilman Ware moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7683 adopted.

## COMMITTEE ON PLANNING

Council lady Davis, Chair of the Council Committee on Planning, submitted the following reports:

1. Your committee on Planning has had under consideration the following bill, and reports the same to Council with the recommendation that the committee report do pass.

Your committee finds the following:

1. The rezoning is consistent with the future land use map which designates this property as “Downtown”;
2. The building is a contributing structure in the downtown historic district that is currently a non-conforming structure due to the large setback requirements in the R-0 district. The rezoning will make the structure conforming; and
3. The CBD zoning will allow the school to construct the proposed fourth flood addition without any variance or a conditional use permit.

And reports the same to Council with the recommendation that the Bill 7684 do pass.

Bill No.7684 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted the 21st day of November 2005, as amended, and the Zoning Map made a part thereof, by rezoning from a Residential Office-District (“**R-O District**”) to a Central Business District (“**CBD**”), those certain parcels of land situate at 1033 Virginia Street East, Charleston, West Virginia 25301.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, adopted the 21st day of November 2005, as amended (the “**Zoning Ordinance**”), is hereby amended by rezoning from a R-O District to a CBD, the whole of the following described parcels of land:

Parcel No. 23 as shown on Charleston East Tax Map No. 13, which is more particularly described as “LT100x110 VIRGINIA ST 1029 & DUNBAR STREET” (said Tax Map 13 is of record in the Planning Office); and

Parcel No. 24 as shown on Charleston East Tax Map No. 13, which is more particularly described as “50/100AC VIRGINIA & BROAD STS” (said Tax Map 13 being of record in the Planning Office).

2. The Zoning Map, attached to and made a part of the Zoning Ordinance, is hereby amended in accordance Paragraph 1.

3. All prior amendments, ordinances or parts of ordinances inconsistent with this amendment and Bill No. 7684 are hereby repealed to the extent of such inconsistency.

4. This amendment of the Zoning Ordinance and the adoption of Bill No. 7684 have been carried out in accordance with the provisions of Article 28 of the Zoning Ordinance.

Bill No. 7684 was duly introduced and adopted by the City Council of the City of Charleston, West Virginia on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

All prior ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilman Ware moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7684 adopted.

2. Your committee on Planning has had under consideration the following bill, and reports the same to Council with the recommendation that the committee report do pass.

Your committee finds the amendment is consistent with the Imagine Charleston Comprehensive Plan which strongly promotes historic preservation and adaptive reuse of existing buildings and reports the same to Council with the recommendation that the Bill 7686 do pass, as a committee substitute.

Bill No. 7686 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted the 21<sup>st</sup> day of November 2005, as amended, by modifying the duration of the temporary stay of demolition of historic buildings.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA

1. The Zoning Ordinance for the City of Charleston, West Virginia, adopted the 21<sup>st</sup> day of November 2005, as amended, is hereby amended as follows:

**Section 20-040-05 Temporary Stay of Demolition**

- A. A Demolition Review Permit is required prior to the demolition of ~~for~~ any significant building approved under section 2-395(b) and (c) of the Code of the City of Charleston. The intent of the Demolition Review Permit is to establish a waiting period during which the City, members of the public, and the Applicant can propose and consider alternatives to the demolition of a building that may have significant historical, architectural, cultural or urban design value.

Demolition Review Permits are subject to review by the CHLC and shall be regulated as follows:

1. ~~The CHLC may temporarily stay the demolition of a significant building for up to 90 days if the CHLC finds the stay would be in the public's interest due to the buildings significant historical, architectural, cultural or urban design value.~~ The demolition of a significant building may be temporarily delayed for 90 days if the CHLC determines, after a public hearing, that the stay would be in the public's interest due to the building's significant historical, architectural, cultural or urban design value. If the CHLC chooses to impose the temporary stay of demolition, the stay begins the day the decision is made.
2. The CHLC may impose up to three 90 day stays. Within 90 days of the initial stay, the CHLC shall conduct a status hearing to determine if reasonable progress toward a

feasible alternative solution is being made. At this status hearing, the Commission may, at their discretion, impose an additional 90 day stay. Within 90 days of the second stay, the CHLC shall conduct another status hearing to determine if alternative solutions are still feasible. The Commission may, at their discretion, may impose one additional 90 day stay. The stay will be lifted at the conclusion of a 90 day stay if the Commission fails to find that reasonable progress is being made. In no case will the stay of demolition exceed 270 days.

3. In considering a Demolition Review Permit, the CHLC may require, the applicant to divulge the proposed use of the property and submit photographic evidence of the existing conditions of the building, structural reports by a certified engineer or architect, and any other information the Commission deems necessary.
  4. A Demolition Review Permit shall be reviewed by the CHLC at a public hearing, except as provided in section 4 below. The CHLC shall consider a Demolition Review Permit within 45 days after the filing thereof by the owner or occupant. Notice of the time and place of the hearing shall be given by publication in a newspaper having general circulation in the city at least seven days before such hearing.
  5. The CHLC may approve a Demolition Review Permit without a hearing, by way of an administrative review, if it is they determined the building is not capable of well beyond rehabilitation or that the public's interest in demolition clearly outweighs its preservation or rehabilitation.
3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilman Ware moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burton, Ceperley, Clowser, Ealy, Faegre, Haas, Hoover, Ireland, Lane, Minardi, Richardson, Salisbury, Steele, Talkington, Ware

NAYS: Burka, Chestnut, Harrison, Overstreet, Reishman, Slater, Smith, Snodgrass, Mayor Jones

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7686 adopted.

## COMMITTEE ON STREETS AND TRAFFIC

Council lady Hoover, Chair of the Council Committee on Streets and Traffic, submitted the following reports:

1. Your committee on Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7687 do pass.

Bill No. 7687 – A bill to repeal Bill No. 2742 passed by council on 11/17/1980, relating to a two (2) hour tow away parking zone on the westerly side of Bradford Street between Quarrier Street and Burford Alley and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. Bill No. 2742 passed by council on 11/17/1980, relating to a two (2) hour tow away parking zone on the westerly side of Bradford Street between Quarrier Street and Burford Alley is hereby repealed

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

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

Council lady Hoover moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7687 adopted.

2. Your committee on Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7690 do pass.

Bill No. 7690 - A Bill to create a STOP intersection on Sunset Drive at Hinton Terrace by installing the stop sign on the Northeast corner of the intersection and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A STOP intersection on Sunset Drive at Hinton Terrace by installing the stop sign on the Northeast corner of the intersection is hereby established.

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

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

Council lady Hoover moved to approve the Bill. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7690 adopted.

## **COMMITTEE ON PARKING**

Councilman Reishman, Chair of the Council Committee on Finance, submitted the following report:

1. Your committee on Parking has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 726-16 do pass.

Resolution No. 726-16 : “Authorizing approval of the FY 2016-2017 Parking System Budget as indicated on the attached list of accounts.”

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

That the FY 2016-2017 Parking System Budget as indicated on the attached list of accounts is hereby approved.

Councilman Reishman moved to approve the Resolution, but first be referred to the Finance Committee. Councilman Lane seconded the motion. Received and Filed.

## COMMITTEE ON FINANCE

Councilman Reishman, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 726-16 do pass.

Resolution No. 726-16: “Authorizing approval of the FY 2016-2017 Parking System Budget as indicated on the attached list of accounts.”

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

That the FY 2016-2017 Parking System Budget as indicated on the attached list of accounts is hereby approved.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 726-16 adopted.

**CITY OF CHARLESTON**  
**Parking System Budget**  
**Fiscal Year Ending June 30, 2017**

**Schedule of Revenues**

Revenue Category	2013-14 Actual Collected	2014-15 Actual Collected	2015-16 Council Approved	2015-16 Revisions (thru Mar)	2015-16 Revised Budget	2015-16 Collections (thru Mar)	2016-17 Proposed
<b>Parking Building Revenues</b>							
<b>Bldg. No. 1 - McFarland</b>							
Daily	19,800	19,272	20,000	-	20,000	17,574	23,000
Monthly	367,100	370,297	367,000	-	367,000	275,530	367,000
Commercial	140,013	144,962	140,000	-	140,000	111,980	150,000
Special Rates	7,672	9,476	8,000	-	8,000	4,997	7,000
<b>Total Building No. 1</b>	<b>534,585</b>	<b>544,006</b>	<b>535,000</b>	<b>-</b>	<b>535,000</b>	<b>410,081</b>	<b>547,000</b>
<b>Bldg. No. 2 - Washington</b>							
Daily	46,088	44,777	43,000	-	43,000	35,673	47,000
Monthly	236,446	225,071	230,000	-	230,000	146,212	200,000
Theatre Parking	15,000	15,000	15,000	-	15,000	12,500	16,000
Commercial	78,474	75,989	75,000	-	75,000	56,981	75,000
Theatre Override	39,410	41,481	50,000	-	50,000	40,715	54,000
Special Rates	4,161	1,471	1,500	-	1,500	908	1,200
<b>Total Building No. 2</b>	<b>419,579</b>	<b>403,788</b>	<b>414,500</b>	<b>-</b>	<b>414,500</b>	<b>292,989</b>	<b>393,200</b>
<b>Bldg. No. 3 - Civ Ctr, Greyhound</b>							
Monthly	26,790	24,840	25,000	-	25,000	18,510	25,000
Event	5,842	5,946	2,500	-	2,500	3,590	4,500
Commercial	10,024	12,000	12,000	-	12,000	9,000	12,000
Commercial Override	-	-	-	-	-	-	-
Special Rates	241,200	241,200	241,000	-	241,000	180,900	241,000
<b>Total Building No. 3</b>	<b>283,856</b>	<b>283,986</b>	<b>280,500</b>	<b>-</b>	<b>280,500</b>	<b>212,000</b>	<b>282,500</b>
<b>Bldg. No. 4 - Civ Ctr, Quarrier</b>							
Event	35,354	44,871	32,000	-	32,000	18,274	25,000
Special Rates	165,600	165,600	165,000	-	165,000	124,200	165,000
<b>Total Building No. 4</b>	<b>200,954</b>	<b>210,471</b>	<b>197,000</b>	<b>-</b>	<b>197,000</b>	<b>142,474</b>	<b>190,000</b>
<b>Bldg. No. 5 - Shanklin</b>							
Daily	76,834	71,586	68,000	-	68,000	56,019	75,000
Monthly	196,365	206,458	200,000	-	200,000	151,798	200,000
Special Rates	101,159	112,558	110,000	-	110,000	79,659	106,000
<b>Total Building No. 5</b>	<b>374,358</b>	<b>390,602</b>	<b>378,000</b>	<b>-</b>	<b>378,000</b>	<b>287,476</b>	<b>381,000</b>
<b>Bldg. No. 6 - Summers</b>							
Daily	96,245	102,188	90,000	-	90,000	101,213	135,000
Monthly	492,340	496,515	495,000	-	495,000	366,091	495,000
Special Rates	8,424	5,746	5,200	-	5,200	4,319	5,500
<b>Total Building No. 6</b>	<b>597,009</b>	<b>604,449</b>	<b>590,200</b>	<b>-</b>	<b>590,200</b>	<b>471,623</b>	<b>635,500</b>
<b>Total Building Revenues</b>	<b>2,410,341</b>	<b>2,437,302</b>	<b>2,395,200</b>	<b>-</b>	<b>2,395,200</b>	<b>1,816,643</b>	<b>2,429,200</b>

**CITY OF CHARLESTON**  
**Parking System Budget**  
**Fiscal Year Ending June 30, 2017**

**Schedule of Revenues**

Revenue Category	2013-14 Actual Collected	2014-15 Actual Collected	2015-16 Council Approved	2015-16 Revisions (thru Mar)	2015-16 Revised Budget	2015-16 Collections (thru Mar)	2016-17 Proposed
<b>Other Parking Revenue</b>							
Residential Permit Parking	5,925	4,975	5,000	-	5,000	4,550	4,500
Parking Meter Revenues	459,114	471,893	460,000	-	460,000	341,345	455,000
Coupons	-	-	-	-	-	-	-
Auditorium Lot (Spec. Ev.)	6,581	7,811	3,500	-	3,500	1,996	2,500
Auditorium Lot (Monthly)	7,130	6,800	6,700	-	6,700	5,905	7,500
Morris Square/Morris Street	48,778	49,426	45,000	-	45,000	32,049	45,000
Old Farmers Market Lot	1,970	(1,320)	-	-	-	420	-
Pennsylvania Ave. Lot	-	867	1,000	-	1,000	810	1,000
West Side Parking Lot	645	-	-	-	-	-	-
Union Building Parking Lot	-	28,738	42,000	-	42,000	34,312	46,000
Rents/Concessions/Leases	112,799	93,186	100,000	-	100,000	59,730	80,000
Police Fines/Court Costs	4,220	26,380	25,000	-	25,000	6,785	10,000
Boot Fees	4,050	6,150	5,000	-	5,000	3,300	4,000
Parking Violations	333,094	337,907	320,000	-	320,000	187,120	250,000
Other Non-Moving Violations	128,035	131,260	110,000	-	110,000	64,440	85,000
Warrants Payment Plan	-	-	-	-	-	-	-
Reimbursements	-	-	-	-	-	-	-
Insurance Claims	-	4,322	-	-	-	-	-
Recycling Revenue	-	93	-	-	-	-	-
Event Passes	-	1,020	-	-	-	-	-
Miscellaneous Revenue	3,805	3,395	3,000	-	3,000	1,740	2,000
<b>Total Other Revenues</b>	<b>1,116,146</b>	<b>1,172,903</b>	<b>1,126,200</b>	<b>-</b>	<b>1,126,200</b>	<b>744,502</b>	<b>992,500</b>
<b>Total Operating Revenue</b>	<b>3,526,487</b>	<b>3,610,204</b>	<b>3,521,400</b>	<b>-</b>	<b>3,521,400</b>	<b>2,561,144</b>	<b>3,421,700</b>
<b>Non-Operating Revenue</b>							
Transfers from Other Funds	-	69,560	-	-	-	-	-
Federal Grants	-	-	-	-	-	-	-
Interest on Investments	10,394	10,270	10,000	-	10,000	6,392	8,500
Interest on MBC deposits	435	484	500	-	500	327	-
Cash Over/Short	-	-	-	-	-	-	-
Gain/(Loss) Sale of Assets	(22,532)	6,637	-	-	-	-	-
<b>Total Non-Operating Revenue</b>	<b>(11,703)</b>	<b>86,950</b>	<b>10,500</b>	<b>-</b>	<b>10,500</b>	<b>41,850</b>	<b>8,500</b>
<b>Total System Revenue</b>	<b>3,514,784</b>	<b>3,697,154</b>	<b>3,531,900</b>	<b>-</b>	<b>3,531,900</b>	<b>2,602,995</b>	<b>3,430,200</b>
Previous Year Retained	-	-	209,147	-	209,147	-	-
Net Income	-	-	-	-	-	-	-
<b>Total Available Funds</b>	<b>3,514,784</b>	<b>3,697,154</b>	<b>3,741,047</b>	<b>-</b>	<b>3,741,047</b>	<b>2,602,995</b>	<b>3,430,200</b>

**CITY OF CHARLESTON**  
**Parking System Budget**  
**Fiscal Year Ending June 30, 2017**

**Schedule of Expenses**

	2013-14 Actual Expended	2014-15 Actual Expended	2015-16 Council Approved	2015-16 Revisions (thru Mar)	2015-16 Revised Budget	2015-16 Expended (thru Mar)	2016-17 Proposed
<b>Personal Services</b>							
Salaries & Wages	823,790	805,304	916,122	-	916,122	640,186	916,126
FICA	60,142	56,934	70,083	-	70,083	46,229	70,084
Medical & Life Insurance	206,208	180,797	221,130	-	221,130	316,923	221,130
Retirement	111,312	103,250	125,443	-	125,443	77,742	103,815
Dental/Optical Insurance	12,180	11,133	12,627	-	12,627	9,385	12,627
Insurance - Payroll Deduction	(48,849)	(42,337)	(53,861)	-	(53,861)	(30,503)	(53,861)
OPEB-Current	34,000	40,454	35,000	-	35,000	46,513	40,000
OPEB-Long Term	101,197	201,609	124,890	-	124,890	-	150,000
<b>Total Personal Services</b>	<b>1,299,980</b>	<b>1,357,144</b>	<b>1,451,434</b>	<b>-</b>	<b>1,451,434</b>	<b>1,106,475</b>	<b>1,459,920</b>
<b>Contractual Services</b>							
Telephone	11,528	17,352	12,500	-	12,500	15,736	22,000
Utilities	185,830	177,364	175,000	-	175,000	136,384	175,000
Travel	-	-	1,500	-	1,500	-	1,500
Maint. & Repair - Bldg/Ground	127,420	103,623	100,000	-	100,000	75,197	100,000
Maint. & Repair - Equipment	38,663	19,543	40,000	-	40,000	14,306	25,000
Maint. & Repair - Auto/Truck	9,360	14,133	12,500	-	12,500	9,235	12,500
Postage	1,659	22	-	-	-	-	-
Bldg. & Equipment Rents	20,537	23,554	25,000	-	25,000	16,279	25,000
Training	-	-	1,000	-	1,000	249	1,000
Dues & Subscriptions	16	-	-	-	-	-	-
Insurance - WC and UC	43,656	47,562	38,079	-	38,079	8,763	38,079
Insurance	91,257	90,356	92,000	-	92,000	45,791	92,000
Contracted Services	99,185	100,948	100,000	-	100,000	69,610	100,000
Bank Fees - Lockbox	610	2,986	3,600	-	3,600	2,220	3,500
<b>Total Contractual Services</b>	<b>629,721</b>	<b>597,441</b>	<b>601,179</b>	<b>-</b>	<b>601,179</b>	<b>393,770</b>	<b>595,579</b>
<b>Commodities</b>							
Material & Supplies	41,591	63,293	50,000	-	50,000	59,545	70,000
Gas, Oil and Tires	13,887	14,404	12,000	-	12,000	8,405	12,000
Uniforms	3,467	4,241	7,500	-	7,500	3,408	5,000
<b>Total Commodities</b>	<b>58,945</b>	<b>81,938</b>	<b>69,500</b>	<b>-</b>	<b>69,500</b>	<b>71,358</b>	<b>87,000</b>
<b>Other</b>							
Transfers to Other Funds	-	-	-	-	-	-	975,701
<b>Total Operating Expenses</b>	<b>1,988,646</b>	<b>2,036,523</b>	<b>2,122,113</b>	<b>-</b>	<b>2,122,113</b>	<b>1,571,603</b>	<b>3,118,200</b>
Depreciation	705,926	703,368	690,322	-	690,322	466,951	729,346
<b>Total Operating Exp. &amp; Depreciation</b>	<b>2,694,572</b>	<b>2,739,891</b>	<b>2,812,435</b>	<b>-</b>	<b>2,812,435</b>	<b>2,038,554</b>	<b>3,847,546</b>
<b>Other Interest</b>							
Amorization of Bond Discount	-	-	-	-	-	-	-
Interest on Bonds	67,202	67,202	50,401	-	50,401	33,601	-
Bond Service Charge	148,669	97,903	48,825	-	48,825	24,485	-
Bad Debts	2,050	2,050	2,000	-	2,000	56	-
Other (Contingency)	-	-	-	-	-	-	-
<b>Total Non-Operating Expenses</b>	<b>217,920</b>	<b>167,155</b>	<b>101,226</b>	<b>-</b>	<b>101,226</b>	<b>58,142</b>	<b>-</b>
<b>Total Expenses</b>	<b>2,912,492</b>	<b>2,907,046</b>	<b>2,913,661</b>	<b>-</b>	<b>2,913,661</b>	<b>2,096,697</b>	<b>3,847,546</b>

**CITY OF CHARLESTON**  
**Parking System Budget**  
**Fiscal Year Ending June 30, 2017**

	<b>Other Expenditures</b>						
	<b>2013-14 Actual Expended</b>	<b>2014-15 Actual Expended</b>	<b>2015-16 Council Approved</b>	<b>2015-16 Revisions (thru Mar)</b>	<b>2015-16 Revised Budget</b>	<b>2015-16 Expended (thru Mar)</b>	<b>2016-17 Proposed</b>
C/O - Land	-	-	-	-	-	-	-
C/O - Major Improvements	224,782	180,611	500,000	-	500,000	518,654	400,000
C/O - Equipment	42,117	40,569	108,000	-	108,000	88,786	62,000
C/O - Lease Purchase	-	-	-	-	-	-	-
<b>Total Capital Outlays</b>	<b>266,899</b>	<b>221,180</b>	<b>608,000</b>	<b>-</b>	<b>608,000</b>	<b>607,440</b>	<b>462,000</b>
<b>Total All Expenses &amp; Capital Outlay</b>	<b>3,179,391</b>	<b>3,128,226</b>	<b>3,521,661</b>	<b>-</b>	<b>3,521,661</b>	<b>2,704,137</b>	<b>4,309,546</b>

**CITY OF CHARLESTON**  
**Parking System Budget**  
**Fiscal Year Ending June 30, 2017**

**Schedule of Cash**

	<b>Cash Basis</b>
Total Operating Revenues	3,421,700
Total Non-Operating Revenues	<u>8,500</u>
<b>Total System Revenues</b>	<b>3,430,200</b>
Total Operating Expenses	2,968,200
Total Non-Operating Expenses	<u>-</u>
<b>Total System Cash Expenses</b>	<b>2,968,200</b>
<b>Excess Revenues over Cash Expenses</b>	<b>462,000</b>
<b>Other Cash Outflows:</b>	
Capital Outlay Expenditures	462,000
Principal on Debt Service	<u>-</u>
<b>Total Other Outflows</b>	<b>462,000</b>
<b>Total Cash Outflows</b>	<b>3,430,200</b>
<b>Net Cash Flow</b>	<b>0</b>

**CITY OF CHARLESTON**

**Parking System Budget**

**Fiscal Year Ending June 30, 2017**

**Schedule of Capital Outlay Expenditures**

**Major Improvements**

Garage Repairs:	400,000
<b>Total Major Improvements</b>	<b>400,000</b>

**Equipment**

150 Meter Clocks	30,000
Fee Computer	19,000
Ticket Spitter	13,000
<b>Total Equipment</b>	<b>62,000</b>

**Total Capital Outlay**

**462,000**

**CITY OF CHARLESTON  
Parking System Budget**

**Fiscal Year Ending June 30, 2017**

**PARKING SYSTEM FUND**

Position/Expenditure	CURRENT			PROPOSED				
	Grade/ Class	Max Annual Comp	FY 16 # Emp	FY 16 Budget Amount	Grade/ Class	Max Annual Comp	FY 17 # Emp	FY 17 Budget Amount
Director	E-6	77,234	1	77,234	E-6	77,234	1	77,234
Assistant Director - Operations	E-4	62,890	1	62,890	E-4	62,890	1	62,890
Parking System Technician	C-4	31,348	1	31,348	C-4	31,348	1	31,348
Head Cashier	PG-5	34,273	4	137,092	PG-5	34,273	4	137,092
Boot Officer	PG-4	31,044	1	31,044	PG-4	31,044	1	31,044
Cashiers	PG-3	29,954	7	209,678	PG-3	29,954	7	209,678
Meter Maintenance	PG-3	29,954	1	29,954	PG-3	29,954	1	29,954
Utility Person	PG-3	29,954	1	29,954	PG-3	29,954	1	29,954
Meter Enforcement	PG-3	29,954	4	119,816	PG-3	29,954	4	119,816
Janitorial/Security	PG-1	27,779	4	111,116	PG-1	27,779	4	111,116
Civic Center Parking	IPT			1,000	IPT			1,000
Floater	IPT			3,000	IPT			3,000
Parking Attendants	IPT			47,000	IPT			47,000
Overtime	O.T.			25,000	O.T.			25,000
<b>Total</b>			<b>25</b>	<b>916,126</b>			<b>25</b>	<b>916,126</b>

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 727-16 do pass.

Resolution No. 727-16: Authorizing the Finance Director to amend FY 2015-2016 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 FY 2015-2016 General Fund budget as indicated on the attached list of accounts.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 727-16 adopted.

General Fund FY 2015-2016 Budget Amendment No. 9 - May 2, 2016

Account No.	Department	Account Description	Amount
001 386 00 0000	Revenue		
001 417 00 000 2 229	Legal	Insurance Proceeds	(833,439)
001 976 00 706 4 459	Fire	Court Costs & Damages	366,039
		Capital Outlay - Equipment	467,400

To recognize insurance proceeds from Brit Insurance Services USA from the City's Property Damage and General Liability coverage and to increase expenditure budgets accordingly.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 728-16 do pass.

Resolution No. 728-16: “Authorizing the Mayor or City Manager to enter into an Agreement with West Virginia Paving, Inc., in the amount of \$1,777,950.00, for the City’s Street Paving Project – 2016.”

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 West Virginia Paving, Inc., in the amount of \$1,777,950.00, for the City’s Street Paving Project – 2016.

*To be charged to Account No. 221-975-00-420-4-458, City Service Fee, Capital Projects*

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 728-16 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 729-16 do pass.

Resolution No. 729-16: " Authorizing the Mayor to sign and submit to the U. S. Department of Housing and Urban Development the Annual Action Plan for Program Year 2016 (FY 2016 to 2017), year two (2) of the Consolidated Plan, and all required agreements including Sub-recipient project contracts relating to the Annual Action Plan."

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

That the Mayor is hereby authorized and directed to sign and submit to the U. S. Department of Housing and Urban Development the Annual Action Plan for Program Year 2016 (FY 2016 to 2017), year two (2) of the Consolidated Plan, and all required agreements including Sub-recipient project contracts relating to the Annual Action Plan.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 729-16 adopted.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 730-16 do pass.

Resolution No. 730-16 : “Authorizing the Mayor to sign a Request for Project Amendment Change (Form 2) for Charleston Area Alliance Project No. 15LEDA0083. The original scope was to provide services and materials for improving the walkability and safe pedestrian access along Lee Street and Lee Street Triangle. Reason for proposed changes: Due to the indefinite hold on the Lee Way Walkability and safe pedestrian project, the Charleston Area Alliance requests a change of scope for Project No. 15LEDA0083. The change of scope would include downtown beautification projects. Examples of the type of work will include flowering baskets and planters, banners, street furnishings, public art and directional signage. The funds for the original scope of services were \$5,000 and remain the same for the proposed changes.”

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

That the Mayor is hereby authorized and directed to sign a Request for Project Amendment Change (Form 2) for Charleston Area Alliance Project No. 15LEDA0083. The original scope was to provide services and materials for improving the walkability and safe pedestrian access along Lee Street and Lee Street Triangle. Reason for proposed changes: Due to the indefinite hold on the Lee Way Walkability and safe pedestrian project, the Charleston Area Alliance requests a change of scope for Project No. 15LEDA0083. The change of scope would include downtown beautification projects. Examples of the type of work will include flowering baskets and planters, banners, street furnishings, public art and directional signage. The funds for the original scope of services were \$5,000 and remain the same for the proposed changes.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Davis, Miller, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 730-16 adopted.

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 731-16 do pass.

Resolution No. 731-16 : “Authorizing the Mayor or his designee to submit an application to the Kanawha County Sheriff’s Department for funds in the amount of \$3,248 to cover overtime costs for City officers to provide extra security for area Proms and Graduations. Matching funds are not required.”

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

That the Mayor or his designee are hereby authorized and directed to submit an application to the Kanawha County Sheriff’s Department for funds in the amount of \$3,248 to cover overtime costs for City officers to provide extra security for area Proms and Graduations. Matching funds are not required.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 731-16 adopted.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 732-16 do pass.

Resolution No. 732-16: “Resolution No. 732-16, authorizing the Mayor or his designee to enter into an Independent Contractor Agreement with Kim Mitchell for services related to the City of Charleston’s Drug Market Intervention Project at the rate of \$35.00 per hour for the period starting September 1, 2015 to September 30, 2016.”

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 enter into an Independent Contractor Agreement with Kim Mitchell for services related to the City of Charleston’s Drug Market Intervention Project at the rate of \$35.00 per hour for the period starting September 1, 2015 to September 30, 2016.

To be charged to Account No. 093-000-14-000-1-103; 2012 BCJI DMI Grant

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 732-16 adopted.

8. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 733-16 do pass.

Resolution No. 733-16 – A Resolution authorizing the acceptance of a conservation easement and hiking trail easements from Robert D. Fluharty, Linda D. Fluharty and the Roane Land Company, Inc. located in the Hampton Heights Addition to the City of Charleston, Loudon District, Kanawha County, West Virginia, as more fully described in the draft deeds attached as Exhibit A, Exhibit B and Exhibit C all together hereto (the “Property”), for the purpose of conserving, beautifying and preserving the natural setting and the development of walking, hiking and jogging trails.

WHEREAS, West Virginia Code, Chapter 20, Article 12, recognizes the importance and public benefit of conservation easements to protect the natural and scenic resources of the State of West Virginia, and provides that such easements may be accepted by municipalities; and

WHEREAS, Robert D. Fluharty and Linda D. Fluharty, wish to create a perpetual easement for the conservation of the Property and name the City of Charleston as the holder of the easement; and

WHEREAS, Robert D. Fluharty and Linda D. Fluharty and the Roane Land Company, Inc. wish to create hiking trail easements for the development of walking, hiking and jogging trails on the Property and name the City of Charleston as the holder of the easement; and

WHEREAS, the Charleston Land Trust, an agency of the City of Charleston created by ordinance, is charged with managing and maintaining “public trusts lands” for the preservation of green space and woodlands, and promoting the preservation of scenic green space areas; and

WHEREAS, the Charleston Land Trust has identified the conservation and protection of the Property as desirable to serve the City of Charleston and has recommended that the City of Charleston accept the easements;

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

Subject to review, revision and approval of the deeds by legal counsel for the City, the acceptance of a conservation easement and hiking trail easement from Robert D. Fluharty, Linda D. Fluharty and the Roane Land Company, Inc. located in the Hampton Heights Addition to the City of Charleston, Loudon District, Kanawha County, West Virginia, as more fully

described in the draft deeds attached as Exhibit A, Exhibit B and Exhibit C for the purpose of conserving, beautifying and preserving the Property and the development of walking, hiking and jogging trails is hereby authorized.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 733-16 adopted.

## PERMANENT CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT ("Conservation Easement") made this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ by Robert D. Fluharty and Linda D. Fluharty ("Grantors"), to the City of Charleston (Grantee). The designation Grantors and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WHEREAS, The State of West Virginia has authorized the creation of conservation easements pursuant to the West Virginia Conservation and Preservation Easements Act, *West Virginia Code §20-12-1 et seq.* and Grantors and Grantees wish to avail themselves of the provisions of that law; and

### RECITALS

WHEREAS, Grantors own certain real property situate in the City of Charleston, Kanawha County, West Virginia, in Hampton Heights, an addition to the said City of Charleston, which property was conveyed to Grantors by Bernard W. Humphrey, Jr., and Peggy K. Humphrey, his wife, by deed dated March 26, 1990 and of record in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 2256, page 444 ("Property").

WHEREAS, Grantee is qualified to be the Grantee of a conservation easement pursuant to W. V. Code Chapter 20, Article 12;

WHEREAS, Grantors and Grantee recognize the conservation, scenic, natural or aesthetic value of the property in its natural state. The purpose of this Conservation Easement is to maintain the natural values of the Property, and prevent the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its natural condition.

WHEREAS, Grantors are willing to grant a perpetual Conservation Easement over the property, thereby restricting and limiting the use of the land, on the terms and conditions and for the purposes hereinafter set forth, and Grantees are willing to accept such a Conservation Easement; and

WHEREAS, this Conservation Easement is intended to constitute a "Perpetual Conservation Restriction" for purposes of the Code, as amended at 26 U.S.C. §§170(h)(1)-(6) and §§2031(c), 2055, and 2522, and under the Treasury Regulations, Treas. Reg. §1.170A-14 et. seq., as amended, and is intended to be a "Qualified Donation" pursuant to West Virginia Conservation and Preservation Easements Acts of 1995 (*West Virginia Code §20-12-1 et seq.*); and

NOW, THEREOFRE, for and in consideration of the covenants and representations contained herein and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, Grantors hereby unconditionally and irrevocably grants and conveys unto Grantee, its heirs, successors and assigns, forever and in perpetuity a Conservation Easement of the nature and character and to the extent hereinafter set forth, over the Property, together with the right to preserve and protect the conservation values thereof, as follows:

#### ARTICLE I

#### DURATION OF EASEMENT

This Conservation Easement shall be perpetual. This Conservation Easement is an easement in gross, runs with the land and is enforceable by Grantee against Grantors, Grantor's personal representatives, heirs, successors and assigns, lessees, agents and licensees.

#### ARTICLE II

#### PROHIBITED AND RESTRICTED ACTIVITIES

Any activity on, or use of, the Property inconsistent with the purpose of this Conservation Easement is prohibited. The Property shall be preserved in its natural condition and restricted from any development that would impair or interfere with the conservation values of the Property.

Without limiting the generality of the foregoing, the following activities and the uses are expressly prohibited, restricted or reserved as indicated hereunder:

- A. Disturbance of Natural Features. Any change disturbance, alteration or impairment of the natural features of the Property or any introduction of non-native plants and/or animal species is prohibited.
  
- B. Construction. There shall be no constructing or placing of any building, mobile home, asphalt or concrete pavement, billboard or other advertising display, antenna, utility pole, tower, conduit, line, pier, landing, dock or any other temporary or permanent structure or facility on or above the Property.
  
- C. Industrial, Commercial and Residential Use. Industrial, residential and/or commercial activities, including any right of passage for such purposes are prohibited.
  
- D. Agricultural, Grazing and Horticultural Use. Agricultural, grazing, animal husbandry, and horticultural use of the Property are prohibited.
  
- E. Vegetation. There shall be no removal, burning, destruction, harming, cutting or mowing of trees, shrubs, or other vegetation on the Property except as noted in Articles III and IV below.
  
- F. Roads and Trails. There shall be no construction of roads, trails or walkways except as noted in Articles III and IV below.
  
- G. Signage. No signs shall be permitted on or over the Property, except the posting of no trespassing signs, signs identifying the conservation values of the Property, signs giving directions or proscribing rules and regulations for the use of the Property and/or signs identifying the Grantors as owners of the property and/or Grantee as the holder of the Conservation Easement.

H. Dumping or Storage. Dumping or storage of soil, trash, ashes, garbage, waste, abandoned vehicles, appliances, machinery or hazardous substances, or toxic or hazardous waste, or any placement of underground or aboveground storage tanks or other materials on the Property is prohibited.

I. Excavation, Dredging or Mineral Use. There shall be no grading, filling, excavation, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, peat, minerals or other materials, and no change in the topography of the land in any manner on the Property, except to restore natural topography or drainage patterns.

J. Water Quality and Drainage Pattern. There shall be no diking, draining, dredging, channeling, filling, leveling, pumping, impounding or related activities, or altering or tampering with water control structures or devices, or disruption or alteration of the restored, enhanced, or created drainage patterns. In addition, diverting or causing or permitting the diversion of surface or underground water into, within or out of the easement area by any means, removal of wetlands, polluting or discharging into waters, springs, seeps, or wetlands, or use of pesticide or biocides is prohibited.

K. Development Rights. No development rights that have been encumbered or extinguished by this Conservation Easement shall be transferred pursuant to a transferable development rights scheme or cluster development arrangement or otherwise.

L. Vehicles. The operation of mechanized vehicles, including, but not limited to, motorcycles, dirt bikes, all-terrain vehicles, cars and trucks is prohibited except as noted in Articles III and IV below.

M. Other Prohibitions. Any other use of, or activity on, the Property which is or may become inconsistent with the purposes of this grant, the preservation of the Property substantially in its natural condition, or the protection of its environmental systems, is prohibited.

ARTICLE III  
GRANTORS' RESERVED RIGHTS

The Grantors expressly reserve for themselves, their personal representatives, heirs, successors or assigns, the right to quiet enjoyment of the Property, the rights of ingress and egress, the right to hunt, fish, and hike on the Property, the right to sell, transfer, gift or otherwise convey the Property, in whole or in part, provided such sale, transfer or gift conveyance is subject to the terms of, and shall specifically reference, this Conservation Easement, and the right to continue the use of the property for any and all additional purposes not inconsistent with this Conservation Easement. In keeping with the general spirit and purpose of the overall Project, the Grantors also reserve the right to construct pervious trails for non-motorized use, boardwalks to enhance educational experiences, non-power related poles for canopy tours and high-ropes challenge courses, low impact foot bridges across streams and wetlands, conduct invasive and exotic plant removal, and provide for emergency vehicle access.

ARTICLE IV  
GRANTEE'S RIGHTS

The Grantee or its authorized representatives, successors and assigns, shall have the right to enter the Property at all reasonable times for the purpose of inspecting said property to determine if the Property is being used for the purposes of this Conservation Easement. The Grantee shall also have the right to enter and go upon the Property for purposes of making scientific or educational observations and studies, and for the purpose of utilizing this Property for the purposes of this Conservation Easement, including the planning, constructing, reconstructing, improving, maintaining, repairing, marking, operating, regulatory and managing of hiking, walking and jogging trails for use by the public.

ARTICLE V  
MISCELLANEOUS

- A. Warranty. Grantors warrant, covenant and represent that it owns the Property in fee simple,

and that Grantors either owns all interests in the Property which may be impaired by the granting of this Conservation Easement or that there are no outstanding mortgages, tax liens, encumbrances, or other interests in the Property which have not been expressly subordinated to this Conservation Easement. Grantors further warrant that Grantee shall have the use of and enjoy all the benefits derived from and arising out of this Conservation Easement, and that Grantors will warrant and defend title to the Property against the claims of all persons.

B. Subsequent Transfers. The Grantors agree to incorporate the terms of this Conservation Easement in any deed or other legal instrument that transfers any interest in all or a portion of the Property. The Grantors agree to provide written notice of such transfer at least thirty (30) days prior to the date of the transfer. The Grantors and Grantee agree that the terms of this Conservation Easement shall survive any merger of the fee and easement interests in the Property or any portion thereof and shall not be amended, modified or terminated without the prior written consent and approval of the Corps.

C. Assignment. The parties recognize and agree that the benefits of this Conservation Easement are in gross and assignable provided, however, that the Grantee hereby covenants and agrees, that in the event it transfers or assigns this Conservation Easement, the organization receiving the interest will be a qualified holder under §170(h) of the Internal Revenue Code, and the Grantee further covenants and agrees that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue in perpetuity the conservation purposes described in this document.

D. Entire Agreement and Severability. This instrument sets forth the entire agreement of the parties with respect to the Conservation Easement and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Easement. If any provision is found to be void or unenforceable by a court of competent jurisdiction, the remainder shall continue in full force and effect.

E. Obligations of Ownership. Grantors are responsible for any real estate taxes,

assessments, fees, or charges levied upon the Property. Grantors shall keep the Property free of any liens or other encumbrances for obligations incurred by Grantors. Grantee shall not be responsible for any costs or liability of any kind related to the ownership, operation, insurance, upkeep, or maintenance of the Property, except as expressly provided herein. Nothing herein shall relieve the Grantors of the obligation to comply with federal, state or local laws, regulations and permits that may apply to the exercise of the Reserved Rights.

F. Extinguishment. In the event that changed conditions render impossible the continued use of the Property for the conservation purposes, this Conservation Easement may only be extinguished, in whole or in part, by judicial proceeding.

G. Eminent Domain. Whenever all or part of the Property is taken in the exercise of eminent domain so as to substantially abrogate the Restrictions imposed by this Conservation Easement, Grantors and Grantee shall join in appropriate actions at the time of such taking to recover the full value of the taking, and all incidental and direct damages due to the taking.

H. Proceeds. This Conservation Easement constitutes a real property interest immediately vested in Grantee. In the event that all or a portion of this Property is sold, exchanged, or involuntarily converted following an extinguishment or the exercise of eminent domain, Grantee shall be entitled to the fair market value of this Conservation Easement. The parties stipulate that the fair market value of this Conservation Easement shall be determined by multiplying the fair market value of the Property unencumbered by this Conservation Easement (minus any increase in value after the date of this grant attributable to improvements) by the ratio of the value of this easement at the time of this grant to the value of the Property (without deduction for the value of this Conservation Easement) at the time of this grant. The values at the time of this grant shall be the values used, or which would have been used, to calculate a deduction for federal income tax purposes, pursuant to Section 170(h) of the Internal Revenue Code (whether eligible or ineligible for such a deduction). Grantee shall use its share of the proceeds in a manner consistent with the purposes of this Conservation Easement.

I. Notification. Any notice, request for approval, or other communication required under this Conservation Easement shall be sent by registered or certified mail, postage prepaid, to the following addresses (or such address as may be hereafter specified by notice pursuant to this paragraph):

**To Grantor:**

Robert D. Fluharty and Linda D. Fluharty

3 Kristen Place

Charleston, WV 25314

Telephone: (304) 346-1454

**To Grantee:**

[Name, address and fax number]

J. Failure of Grantee. If at any time Grantee ceases to be a qualified grantee, and if within a reasonable period of time after the occurrence of one of these events Grantee fails to make an assignment pursuant to this Conservation Easement, then the Grantee's interest shall become vested in another qualified grantee in accordance with an appropriate proceeding in a court of competent jurisdiction.

K. Amendment. This Conservation Easement may be amended, but only in a writing signed by all parties hereto, and provided such amendment does not affect the qualification of this Conservation Easement or the status of the Grantee under any applicable laws, and is consistent with the conservation purposes of this grant.

TO HAVE AND TO HOLD the said rights and easements perpetually into Grantee for the aforesaid purposes.

IN TESTIMONY WHEREOF, the Grantors and Grantee have hereunto set its hand and seal, the day and year first above written.

GRANTORS:

GRANTEE:

\_\_\_\_\_  
Robert D. Fluharty

CITY OF CHARLESTON

By:

\_\_\_\_\_  
Linda D. Fluharty

\_\_\_\_\_  
Danny Jones, Mayor

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, TO-WIT:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Robert D. Fluharty and Linda D. Fluharty.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

[Notary seal]

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, TO-WIT:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by Danny Jones, Mayor of the City of Charleston, on behalf of the City.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

[Notary seal]

## HIKING TRAIL EASEMENT AGREEMENT

THIS HIKING TRAIL EASEMENT AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between **ROBERT D. FLUHARTY** and **LINDA D. FLUHARTY**, parties of the first part, "Grantors," and the **CITY OF CHARLESTON**, parties of the second part, "Grantee";

WHEREAS, the Grantors are the owners of a certain tract or parcel of land situate in the City of Charleston, Kanawha County, West Virginia, and being all of Lot "A" of the Subdivision of part of Block "P" of Hampton Heights in the said City of Charleston as shown upon a map thereof entitled, "Map Showing Lots A and B a Subdivision of Part of Block "P" of Hampton Heights Situate In The City of Charleston, Kanawha County, West Virginia" dated January 11, 1977, made by L. G. Sturgill, L.L.S., which map is of record in the aforesaid Clerk's Office, and which Property was conveyed to the Grantors in a deed from Bernard W. Humphrey, Jr., and Peggy K. Humphrey, dated April 17, 1987 and of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 2160, page 224; and

WHEREAS, Grantee wishes to develop a walking, hiking and jogging trail that would cross the Grantors' Property so to connect with the trail on adjoining property.

NOW THEREFORE, the Grantors do hereby agree that Grantee may develop, maintain and use a 75-foot wide easement across the lower portion of the subject Property for use by members of the public for approximately a five (5) foot wide hiking, walking and jogging trail. Within the 75-foot wide easement, the Grantee may plan, construct, reconstruct, improve, maintain, repair, mark, operate, regulate and manage a hiking, walking and jogging trail for use by the public.

The term of this Agreement shall be for a period of five (5) years commencing on the date hereof, automatically renewable in five (5) year increments. The rights agreed to may be terminated at any time by the Grantors by providing a sixty (60) day notice of termination of this Agreement to the Mayor of the City of Charleston. The power to terminate this Agreement shall

be an appurtenance to the real property of the Grantors and shall pass to their successors or assignees. Upon termination of this Agreement by the Grantors or their successors or assignees, the Grantee shall remove or relocate the hiking trail off the Grantors land and restore the surface of the land to its approximate original condition (e.g., grading, replanting grass).

This Agreement is made subject to the West Virginia Recreational Use statute, West Virginia Code Ch. 19-25-3, which limits the duty of a landowner who grants a lease to a municipal government for recreational purposes.

IN WITNESS WHEREOF, the Grantors have executed this Agreement in its official corporate capacity by its duly appointed officer, and the City of Charleston has executed it by its Mayor who is duly authorized therefor.

**Grantors:**

**Grantee:**

\_\_\_\_\_  
Robert D. Fluharty

CITY OF CHARLESTON

\_\_\_\_\_  
Linda D. Fluharty

By

\_\_\_\_\_  
Danny Jones, Mayor

STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Robert D. Fluharty and Linda D. Fluharty.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

[NOTARY SEAL]

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by DANNY JONES, Mayor of the City of Charleston, on behalf of the City.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

[NOTARY SEAL]

This instrument prepared by:  
David M. Flannery  
Steptoe & Johnson PLLC  
Post Office Box 1588  
Charleston, West Virginia 25326-1588

**South Hills Trail Project**

**Proposed Grantors:** Robert D. and Linda D. Fluharty

**Proposed Grantee:** City of Charleston

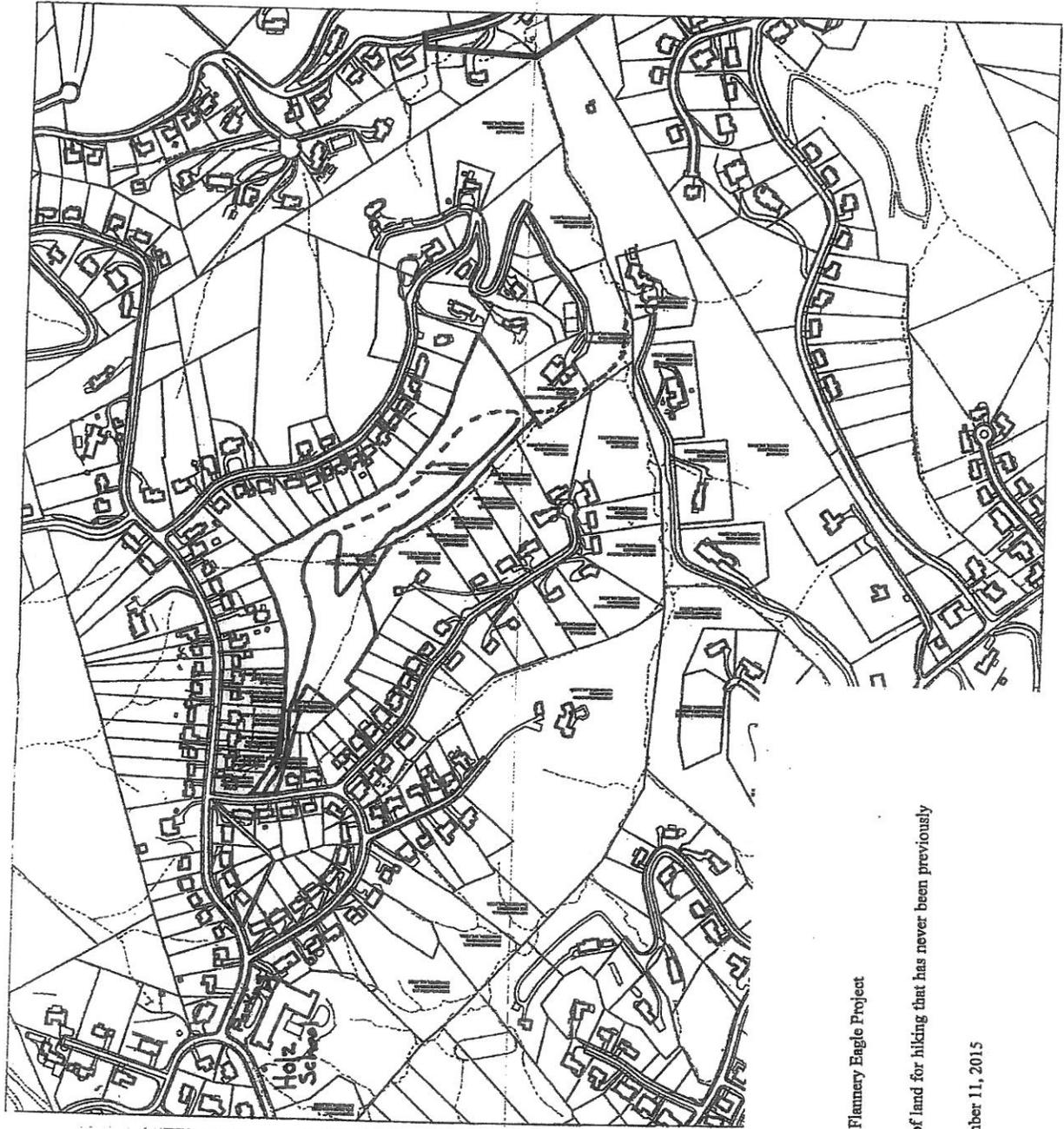
**Easements:**

- Permanent conservation ≈ 11 acres
- Hiking easement
  - o Robert D. and Linda D. Fluharty
  - o Roane Land Company

**Initial Trail Development:**

Thomas Flannery Eagle Project  
3 Cat Creek Road  
Charleston, WV 25314  
(304) 343-9102  
[Thomasflannery77@gmail.com](mailto:Thomasflannery77@gmail.com)

Senior Patrol Leader  
Troop 31  
Boy Scouts of America



**Thomas Flannery Eagle Project**

**Purpose:** To open up ≈ 11 acres of land for hiking that has never been previously open

**Project Approval by BSA:** November 11, 2015

**Trail Clearing:** April 16, 2016

## HIKING TRAIL EASEMENT AGREEMENT

THIS HIKING TRAIL EASEMENT AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between **ROANE LAND COMPANY, INC.**, parties of the first part, "Grantor," and the **CITY OF CHARLESTON**, parties of the second part, "Grantee";

WHEREAS, the Grantor IS the owner of a certain tract or parcel of land situate in the Hampton Heights Addition to the City of Charleston, Loudon District, Kanawha County, West Virginia, said parcels being known, numbered and designated in the aggregate as Lot No. "H" as shown on that certain map entitled, "Subdivision Map of Gat's Creek Development, W. Gaston Caperton, III, Developer located on the Waters of Coal Branch of Davis Creek in the City of Charleston, Loudon District, Kanawha County, W. Va.", which map was prepared by D. L. Wilkinson, Licensed Land Surveyor, dated May 3, 1971, and revised on June 23, 1971, and on July 9, 1971, and is recorded in Map Book at pages 24, at pages 44 and 45, and which Property was conveyed to the Grantor in a deed from Martin S. Whershba and Ronda M. Wershba, husband and wife, Martin S. Wershba, as Trustee of the Martin S. Wershba Revocable Inter Vivos Trust and Ronda M. Wershba, as Trustee of the Ronda S. Wershba Revocable Inter Vivos Trust, dated January 21, 2005 and of record in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book 2625, page 912; and

WHEREAS, Grantee wishes to develop a walking, hiking and jogging trail that would cross the Grantor's Property so to connect with the trail on adjoining property.

NOW THEREFORE, the Grantor does hereby agree that Grantee may develop, maintain and use a 75-foot wide easement across the lower portion of the subject Property for use by members of the public for approximately a five (5) foot wide hiking, walking and jogging trail. Within the 75-foot wide easement, the Grantee may plan, construct, reconstruct, improve, maintain, repair, mark, operate, regulate and manage a hiking, walking and jogging trail for use by the public.

The term of this Agreement shall be for a period of five (5) years commencing on the date hereof, automatically renewable in five (5) year increments. The rights agreed to may be terminated at any time by the Grantor by providing a sixty (60) day notice of termination of this Agreement to the Mayor of the City of Charleston. The power to terminate this Agreement shall be an appurtenance to the real property of the Grantor and shall pass to their successors or assignees. Upon termination of this Agreement by the Grantor or ITS successors or assignees, the Grantee shall remove or relocate the hiking trail off the Grantor's land and restore the surface of the land to its approximate original condition (e.g., grading, replanting grass).

This Agreement is made subject to the West Virginia Recreational Use statute, West Virginia Code Ch. 19-25-3, which limits the duty of a landowner who grants a lease to a municipal government for recreational purposes.

IN WITNESS WHEREOF, the Grantor has executed this Agreement in its official corporate capacity by its duly appointed officer, and the City of Charleston has executed it by its Mayor who is duly authorized therefor.

**Grantor:**

**ROANE LAND COMPANY, INC**

By: \_\_\_\_\_

Its: \_\_\_\_\_

**Grantee:**

**CITY OF CHARLESTON**

By: \_\_\_\_\_  
Danny Jones, Mayor

STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, \_\_\_\_\_ of Roane County Land Company, Inc.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

[NOTARY SEAL]

STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by DANNY JONES, Mayor of the City of Charleston, on behalf of the City.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

[NOTARY SEAL]

This instrument prepared by:  
David M. Flannery  
Steptoe & Johnson PLLC  
Post Office Box 1588  
Charleston, West Virginia 25326-1588

9. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 734-16 do pass.

Resolution No. 734-16: “Authorizing the Mayor or City Manager to execute Change Order No. 1 with Harris Brothers Roofing and Mechanical Contractors in the amount of \$2,355.00 relating to the Roof Replacement Project at the Martin Luther King, Jr. Community Center. Change Order No. 1 provides for removal of deteriorated decking in one of the pool/storage buildings at the Center and installation of new decking with 16-gauge galvanized material. The change order increases the contract price from \$237,700 to \$240,055.”

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 execute Change Order No. 1 with Harris Brothers Roofing and Mechanical Contractors in the amount of \$2,355.00 relating to the Roof Replacement Project at the Martin Luther King, Jr. Community Center. Change Order No. 1 provides for removal of deteriorated decking in one of the pool/storage buildings at the Center and installation of new decking with 16-gauge galvanized material. The change order increases the contract price from \$237,700 to \$240,055.

*To be charged to Account No. 222-975-00-900-4-458, P & R – Facilities Maintenance Fund-  
Capital Outlay, Major Improvements*

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 734-16 adopted.

10. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 735-16 do pass.

Resolution No. 735-16 : “Authorizing the Mayor or City Manager to execute Change Order No. 1 with Southern Playground, in the amount of \$8,853.00, providing for an increase in the seat wall from 16 feet, currently in the contract, to approximately 90 feet. The change order increases the contract price from \$369,650.00 to \$378,503.00.”

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 execute Change Order No. 1 with Southern Playground, in the amount of \$8,853.00, providing for an increase in the seat wall from 16 feet, currently in the contract, to approximately 90 feet. The change order increases the contract price from \$369,650.00 to \$378,503.00.

*To be charged to Account No. 222-979-02-900-4-458, Facilities Maintenance Fund – Splash Park*

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 735-16 adopted.

11. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 736-16 do pass.

Resolution No.736 -16 : “Authorizing the Mayor or his designee to submit an application to the Federal Emergency Management Agency (FEMA) for Assistance to Firefighters Grant (AFG) in the amount of \$200,000 for funds to purchase bunker gear equipment for the Charleston Fire Department. A City match of 10% is required for this grant.”

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 submit an application to the Federal Emergency Management Agency (FEMA) for an Assistance to Firefighters Grant (AFG) in the amount of \$200,000 for funds to purchase bunker gear equipment for the Charleston Fire Department. A City match of 10% is required for this grant.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 736-16 adopted.

12. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that Committee Report do pass.

A bid submitted by Advantage Technology, in the amount of \$98,752.26, providing for purchase of servers and software to replace and upgrade the City’s email system.

*To be charged to Account No. 001-975-00-439-4-459, I.S. Dept.—Capital Outlay, Equip.*

Councilman Reishman moved to approve the Committee Report. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report adopted.

**REPORTS OF OFFICERS**

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City of Charleston, WV – Financial Statements, March 2016  
Received and Filed.

Report of the City of Charleston Payroll Variance Analysis; April, 2016.  
Received and Filed.

**NEW BILLS**

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Introduced by Council member Archie Chestnut on May 2, 2016:

Bill No. 7691- A Bill to establish a No Parking Tow Away zone on the Easterly side Pennsylvania Avenue at Mary Street from the start of the curb on the south east corner to a point 80 feet south.

Refer to Streets and Traffic Committee

Introduced by Council members Jerry Ware, Andy Richardson, Jack Harrison, Richard Burka, Mike Clowser on May 2, 2016:

Bill No. 7692- A Bill to create a 4-way STOP intersection at the intersection of 37<sup>th</sup> Street, S.E. and Venable Avenue.

Refer to Streets and Traffic Committee

Introduced by Council member Chuck Overstreet on May 2, 2016:

Bill No. 7693- A Bill to establish a 20 MPH Speed Limit on Bauer Avenue

Refer to Streets and Traffic Committee

Introduced by Council member Chuck Overstreet on May 2, 2016:

Bill No. 7694- A Bill to establish a 20 MPH Speed Limit on Grace Avenue

Refer to Streets and Traffic Committee

**ADJOURNMENT**

*The Clerk, JB Akers, called the closing roll call:*

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Lane, Minardi, Overstreet, Reishman, Richardson, Salisbury, Slater, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

ABSENT: Davis, Miller, Persinger

At 7:45 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday May 16, 2016, at 7:00 p.m., in the Council Chamber in City Hall.

\_\_\_\_\_  
Danny Jones, Honorable Mayor

\_\_\_\_\_  
JB Akers, City Clerk