

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

**June 17, 2013**

**THE COUNCIL MET IN THE CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JUNE ON THE 17<sup>th</sup> 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 BURKA.**

**BURKA  
DAVIS  
EALY  
HOOVER  
MILLER  
PERSINGER  
RUSSELL  
SMITH  
TALKINGTON  
MAYOR JONES**

**DENEALT  
HAAS  
KIRK  
  
REISHMAN  
SALISBURY  
SNODGRASS  
WARE**

**CLOWSER  
DODRILL  
HARRISON  
  
NICHOLS  
RICHARDSON  
SHEETS  
STAJDUHAR  
WHITE**

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

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

**PUBLIC SPEAKERS**

- 1. Stacy Gloss
- 2. Larry Groce

**CLAIMS**

1. A claim of Metropolitan Baptist Church, 205 Donnally Street, Charleston, WV; alleges damage to property.  
Refer to City Solicitor.

**PUBLIC HEARING**

The Mayor read the following:

After duly being published as required, I now declare the floor open for a Public Hearing on Resolution 322-13: proposed lease of sixteen designated parking spaces on Leon Sullivan Way to Casto Technical Services Inc.

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

I declare the Public Hearing on Resolution No. 322-13 Closed.

**MISCELLANEOUS RESOLUTIONS**

Resolution No. 331-13 :

Introduced in Council:

Adopted by Council:

June 17, 2013

June 17, 2013

Introduced by:

Referred to:

Bob White

\_\_\_\_\_

Resolution No. 331-13 – A RESOLUTION to, consistent with W. Va. State Code § 8-14-10, approve amendments to sections IV and VI of the Rules and Regulations of the City of Charleston Police Civil Service Commission, as proposed and accepted by the Commission and set forth in Attachment A hereto.

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

Consistent with W. Va. State Code § 8-14-10, the Mayor and the Charleston City Council hereby approve of the amendments to sections IV and VI of the Rules and Regulations of the City of Charleston Police Civil Service Commission, as proposed and accepted by the Commission, and set forth in Attachment A hereto.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 331-13 adopted.

**ORDINANCE AND RULES**

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

1. Your Committee on Ordinance and Rules has had under consideration Bill No. 7581, as amended, and reports the same to Council with the recommendation that the Bill do pass as amended

Bill No. 7581: "A BILL to amend and reenact Chapter 3, Section 16 of the Code of the City of Charleston regarding design-build procurement.

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

That Chapter 3, Section 16 of the Code of the City of Charleston is hereby amended and reenacted to read as follows:

"Sec. 3-16. - Design-build procurement.

(a) Upon certification by the city engineer that sufficient performance criteria exist or can be developed, the city manager may make application to the finance committee for permission to issue a solicitation for design-build services by filing an application with the city clerk.

(b) An application to solicit design-build services shall contain the following information:

- (1) A description of the project and scope of work;
- (2) The project budget or estimated cost range and the source(s) of funding;
- (3) Known project timing or scheduling considerations;
- (4) Known considerations for coordination of design and construction expertise;
- (5) A request for authorization to retain a performance criteria developer, if necessary, and the manner by which such professional services shall be procured;
- (6) A description of the proposed procurement/selection process which shall include:
  - a. Submittal requirements;
  - b. Qualification selection criteria;
  - c. The basis for recommending an award and whether price is determined by sealed bid or by negotiation;
  - d. The make-up of the evaluation committee, which shall consist of not less than five members.

(c) The application shall be noticed as an item of business on the agenda of the next regularly scheduled finance committee meeting. A copy of the application along with a proposed request for design-build services shall be posted on the city's website at least five calendar days prior to consideration of the same by the finance committee. Members of the public wishing to address the finance committee on the merits of the application shall be afforded a reasonable opportunity to do so; provided, the chair of the finance committee shall retain discretion to limit the time and manner of address according to the rules of council for such hearings or as required by decorum.

(d) When presented with an application, the finance committee shall take into consideration the following:

(1) The nature of the project, including its complexity, schedule, budget, and source of funding;

(2) Value propositions, including the need for an open and competitive selection process and the balance struck between professional qualifications, unique performance guarantees, and competitive pricing;

(3) Any other matters that it may deem relevant and appropriate.

(e) After presentation and consideration of an application, the finance committee shall take one of the following actions:

(1) Approve as submitted in whole or in part, with or without modification;

(2) Disapprove as submitted; or

(3) Hold in abeyance for further consideration until the next regularly scheduled meeting.

(f) Upon approval by the finance committee of an application and the procurement/selection process set forth therein, the city manager may issue a solicitation for design-build services. At the conclusion of the approved procurement/selection process, the evaluation committee shall make a recommendation to the finance committee to authorize the award of a design-build contract to the responsible and qualified firm whose proposal is determined to represent the best value to the city, considering the nature of the project, price, and other factors relevant to the project.

(g) The award of a design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the city to make modifications in the project scope without invalidating a design-build contract.

~~(h) Pursuant to the provisions of this section, no design-build projects may be commenced after the thirtieth day of June, 2012, unless city council makes the program permanent."~~

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

yeas – 25, absent-3, as follows:

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

ABSENT: Burton, Lane, Minardi

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7581, as amended, passed.

2. Your Committee on Ordinance and Rules has had under consideration Bill No. 7582, Committee Substitute, and reports the same to Council with the recommendation that the Bill do pass as a committee substitute.

Bill No. 7582 – A Bill to amend Chapter 3, Section 26 of the Code of the City of Charleston regarding the enforcement of external sanitation and common nuisance violations.

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

That Chapter 3, Section 26 of the Code of the City of Charleston is hereby amended to read as follows:

Sec. 3-26. - Enforcement of external sanitation and common nuisance violations.

(a) *Purpose and applicability.*

- (1) The purpose of this section is to provide additional and alternative methods and processes to enforce the municipal code provisions regarding exterior sanitation and common nuisances related to property located within the city in a fair, speedy and inexpensive manner, and to improve compliance with such provisions.
- (2) This section shall be in addition to those methods and processes otherwise contained in the Municipal Code of the City of Charleston and shall be applied at the discretion of the enforcement ~~officer~~ official enforcing the provisions of this section.
- (3) This section shall apply to the following exterior sanitation and common nuisance violations contained in the Building Code and Zoning Ordinance, incorporated by reference into Chapters 14 and 91, respectively, of the Municipal Code of the City of Charleston:
  - a. Sanitation (IPMC 302.1 or any corresponding section to the extent amended);
  - b. Drainage (IPMC 302.2 or any corresponding section to the extent amended);
  - c. Sidewalks in disrepair (IPMC 302.3 or any corresponding section to the extent amended);

- d. High weeds/grass (IPMC 302.4 or any corresponding section to the extent amended) and (City Code section 50-124);
- e. Graffiti (IPMC 302.9 or any corresponding section to the extent amended);
- f. Exterior garbage accumulation (IPMC 307.1 or any corresponding section to the extent amended) and (City Code section 50-124);
- g. Open storage in residential districts (3-060-C-5, 3-070-C-1 and 3-070-C-2, or any corresponding section to the extent amended);
- h. Nonresident recreational vehicles (3-060-C-5 or any corresponding section to the extent amended).

(4) Any and all planning, zoning, building, and law enforcement officers shall have authority to enforce the provisions of this section and shall be referred to herein collectively as “enforcement officials”.

(b) *Investigations.* Upon receipt of information or observation of circumstances indicating the likelihood of a violation of any provision of the Municipal Code of the City of Charleston regarding external sanitation or common nuisance, the enforcement official shall investigate the facts and may, to the extent permitted by law, make an inspection of the premises.

(c) *Notice of violation.*

(1) If an ~~investigation reveals~~ enforcement official determines that a code violation exists, the enforcement official shall provide written notice of such violation to the person having either ownership or control of any land, building, structure, sign, property, licensed or permitted business or operation which is in violation, and shall order that the violation be corrected. Notice of the violation shall be ~~given by personal or substituted service in accordance with the West Virginia Rules of Civil Procedure, by either delivering the notice to the person in violation personally or by delivering the notice to a member of that person's family who is above the age of 16 years and by advising such person of the purpose of the notice. Proof of personal service shall be made at the time of service by a written declaration executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made. If personal service cannot be effectuated, the enforcement official may send the notice to the person via certified mail, return receipt requested, to the person's last known address. If the return receipt is not returned, a notice shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service.~~ served in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that a method of service effectuated by a mailing by the clerk of a court (e.g., service pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D)) shall be deemed to be effectuated by a mailing by an enforcement official. If service is made by certified mail pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D) and delivery of the notice of the violation is refused, the enforcement official, promptly upon the receipt of the

notice of such refusal, shall mail to the person or entity being noticed, by first class mail, postage prepaid, (1) a copy of the notice of the violation(s) (2) a notice that despite such refusal, the notice of the violation(s) is valid, and (3) advising that the City will proceed to enforce the notice of violation(s). So long as such first class mailing is not returned as undeliverable by the U.S. Postal Service, service of the notice of violation(s) will be conclusively presumed to have been effectuated. Proof of service shall be made at the time of service by a written declaration, under oath, executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made.

(2) Any notice of violation(s) under this section shall be in writing and shall contain the following:

- a. The date the notice of violation is given;
- b. The name and address of the person(s) charged with the violation;
- c. The section of the ordinance being violated;
- d. The nature of the violation;
- e. A statement of the action required to be taken in order to correct the violation ;
- f. The time period allowed for the violation to be corrected prior to the issuance of a citation. When determining tThe time period allowed for correction, the enforcement official shall take into consideration the threat posed by the violation to the health, safety and welfare of the public and the nature of the work required to correct the violation, provided that no such time period for correction shall be less than five days;
- g. The maximum fines that may be assessed if the violation is not corrected; and
- h. The name, address and telephone number of the enforcement official issuing the notice of violation.

(d) *Issuance of citations.*

(1) If the violation has not been corrected within the period established in the notice of violation, or is a repeat violation as set forth in section 3-26(g), the enforcement official may issue a citation to the violator. The citation shall be in writing and shall contain the following:

- a. The date the citation is issued;
- b. The name and address of the person(s) charged with the violation;
- c. The section of the ordinance that has been violated;
- d. The nature of the violation;
- e. The place and time the violation occurred;

- f. The date the notice of violation was given;
- g. The amount of the fine imposed for the violation;
- h. The name, address, and telephone number of the enforcement official issuing the citation; and
- i. The name, address and telephone number of the office of the city collector, where fines are to be paid, and of the municipal court, where citations may be appealed.

(2) ~~A citation may shall be served by personal or substituted service in accordance with the West Virginia Rules of Civil Procedure, by either delivering the citation to the person in violation personally or by delivering the citation to a member of that person's family who is above the age of 16 years and by advising such person of the purpose of the citation. Proof of personal service shall be made at the time of service by a written declaration executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made. If personal service cannot be effectuated, the enforcement official may send the citation to the person via certified mail, return receipt requested, to the person's last known address. If the return receipt is not returned, a citation shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, which is not returned as undeliverable by the postal service.~~ in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that a method of service effectuated by a mailing by the clerk of a court (e.g., service pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D)) shall be deemed to be effectuated by a mailing by an enforcement official. If service is made by certified mail pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D) and delivery of the citation is refused, the enforcement official, promptly upon the receipt of the notice of such refusal, shall mail to the person or entity being noticed, by first class mail, postage prepaid, (1) a copy of the citation,(2) a notice that despite such refusal, the citation is valid, and (3) notice that the City will proceed to enforce the citation; so long as such first class mailing is not returned as undeliverable by the U.S. Postal Service, service of the citation will be conclusively presumed to have been effectuated. Proof of service shall be made at the time of service by a written declaration, under oath, executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made.

- (e) *Penalties.* Any person issued a citation pursuant to subsection 3-26(d) shall be punished by a fine as follows: within any 12-month period, \$100.00 for the first citation, \$200.00 for the second citation, \$300.00 for the third citation, and \$500.00 for the fourth citation and each citation thereafter.
- (f) *Nonpayment of fines.* All fines imposed by citations under this section shall be due within ten days of service of the citation except as otherwise set forth herein. The failure to pay when due any fine imposed under this section shall constitute a failure

to appear or otherwise respond under WV Code 8-10-2b(c) and may result in the issuance of a warrant and notification of the DMV.

(g) *Repeat violations.* If a person has been previously served with a notice of violation with regard to a specific for a violation contained in subsection 3-26(a)(3), whether or not the violation is timely corrected or a citation is issued, he shall not be entitled to receive any additional notice(s) of violation for the same category of violation if it the same category of violation is repeated within a six-month period of the issuance of either a notice of violation or a citation, and ~~the~~ enforcement official may proceed in accordance with subsection 3-26(d) without further notice to the violator.

(h) *Appeal.*

(1) ~~Issuance of a citation under the provisions of this section shall be deemed to be prima facie evidence of the violation indicated on the face of the citation. As such, a~~ Any person who is issued a citation shall pay the fine indicated for the violation, as set forth in subsection 3-26(e), in full to the office of the city collector within ten days of service of the citation. Any person alleging he or she was improperly issued such citation may, within ten days of service of such citation, file a petition for appeal of the citation ~~or payment thereof,~~ along with the required bond, with the municipal court clerk in accordance with the following:

a. In order to properly and timely appeal his or her citation, within ten days of service of the citation, the ~~alleged violator~~ recipient of the citation shall pay the required amount of the applicable fine in full to the municipal court clerk, which amount will be held by the municipal court as bond pending ~~evidentiary hearing before~~ and resolution of the case by the municipal court; and the municipal court clerk shall issue a receipt to the alleged violator recipient of the citation showing the amount of the bond paid. In addition to the bond, the ~~alleged violator~~ recipient of the citation shall file with the municipal court clerk a petition for appeal of the citation. If any petition for appeal filed in accordance with this section is not timely filed or is not accompanied with the required bond, the ~~alleged violator~~ recipient of the citation shall be deemed to have waived his or her right to appeal the citation, and such petition shall be summarily denied as untimely filed; provided, however, that nothing set forth hereinabove shall prevent the municipal court judge from finding, upon a proper application and showing, that an ~~alleged violator~~ the recipient of the citation suffers from financial hardship, and, as a result, waiving the requirement that the bond be posted, ~~as a prerequisite to filing a petition for appeal.~~

b. Any petition for appeal filed with the municipal court clerk must be in writing, on the form to be provided by the municipal court clerk, and must be signed by the ~~alleged violator~~ recipient of the citation affirming that the contents of the petition are true and accurate to the best of the ~~alleged violator's~~ recipient of the citation's knowledge at that time. Such petition for appeal shall state the facts and reasons in support of the petition. Upon filing any

such petition for appeal with the municipal court clerk, the ~~alleged violator~~ recipient of the citation shall serve a copy of the petition and receipt showing proof of bond, or application for waiver thereof, upon the city attorney.

- (2) Upon filing of a petition for appeal with the municipal court clerk, the clerk or his or her designee shall place the case on the municipal court docket, set the case for ~~evidentiary~~ hearing within 30 days from the date of the filing of the petition for appeal, provide a notice of hearing to the ~~alleged violator~~ recipient of the citation, and forward a copy of the petition to the enforcement ~~officer~~ official who issued the citation. Upon receipt of the petition, the enforcement ~~officer~~ official shall cause a copy of the citation at issue to be forwarded to the municipal court clerk who shall file it as the original complaint alleging the violation indicated therein.
- (3) The municipal court shall treat the citation itself as the original complaint before the court, ~~and shall treat it as prima facie evidence of the violation alleged therein.~~ At the close of all of the evidence presented at the hearing on the petition for appeal, should the municipal judge find against the ~~alleged violator~~ recipient of the citation, the bond posted by the ~~alleged violator~~ recipient of the citation shall be applied as payment for the fine imposed for the violation. In the event the municipal court judge finds that ~~a violator~~ the recipient of the citation suffers from financial hardship, the municipal court judge may permit alternative sentencing pursuant to section 38-126 of the Municipal Code. Should the court find in favor of the ~~alleged violator~~ recipient of the citation, the bond, if applicable, shall be refunded to the ~~alleged violator~~ recipient of the citation by the municipal court clerk, and the citation shall be dismissed.

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

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

ABSENT: Burton, Lane, Minardi

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7582 committee substitute, passed.

### ***STREETS AND TRAFFIC***

Councilperson David Higgins, Chairperson of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7574, reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7574 - A Bill to create a Two Hour Parking Tow Away Zone on the westerly side of Leon Sullivan Way from Lewis Street to a point 245 feet south of Lewis Street and amending the Traffic Control Map and Traffic Control File, established by the Code of

the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Two Hour Parking Tow Away Zone on the westerly side of Leon Sullivan Way from Lewis Street to a point 245 feet south of Lewis Street is hereby established.

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

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

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

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

ABSENT: Burton, Lane, Minardi

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7574, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7575, reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7575- A Bill to establish a 15 MPH Speed Limit on Front Street and amending The Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A 15 MPH Speed Limit on Front Street is hereby established.

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

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

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

yeas – 25, absent-3, as follows:

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

ABSENT: Burton, Lane, Minardi

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7575, passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7580, reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7580 - A Bill to repeal Ordinance No. 7419 passed by Council on May 3, 2010 relating to a prohibition of westbound vehicular traffic on Sixth Street between Hunt Avenue and Russell Street and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. Ordinance No. 7419 passed by Council on May 3, 2010 relating to a prohibition of westbound vehicular traffic on Sixth Street between Hunt Avenue and Russell Street 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 and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

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

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

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

ABSENT: Burton, Lane, Minardi

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7580, passed.

### **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 322-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 322-13 – A RESOLUTION authorizing the Mayor or his designee to enter into a parking lease agreement with Casto Technical Services Inc. (“Casto”), a copy of said lease attached as Exhibit A hereto, providing Casto with sixteen designated parking spaces on Leon Sullivan Way at a rate of \$45.00 per month per space, commencing on July 1, 2013, for a term of ten (10) years and a right of first refusal for long term parking spaces that may become available within a two block radius of the leased area.

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

The Mayor or his designee is hereby authorized to enter into a parking lease agreement with Casto Technical Services Inc., a copy of said lease attached as Exhibit A hereto, providing Casto with sixteen designated parking spaces on Leon Sullivan Way at a rate of \$45.00 per month per space, commencing on July 1, 2013, for a term of ten (10) years and a right of first refusal for long term parking spaces that may become available within a two block radius of the leased area.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 322-13 adopted.

2. Your Committee on Finance has had under consideration Resolution No 323-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 323-13 :“Authorizing approval of the 2013-2014 Civic Center Budget as indicated on the attached list of accounts.”

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

That the 2013-2014 Civic Center Budget as indicated on the attached list of accounts is hereby approved.

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

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

ABSENT: Burton, Lane, Minardi

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resoltuion No. 323-13 adopted.

3. Your Committee on Finance has had under consideration Resolution No 324-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 324-13 :“Authorizing the Mayor or City Manager to enter into a renewal agreement with United Concordia for administration of the City’s dental insurance for the period July 1, 2013 to June 30, 2014.”

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 a renewal agreement with United Concordia for administration of the City’s dental insurance for the period July 1, 2013 to June 30, 2014,

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 324-13 adopted.

4. Your Committee on Finance has had under consideration Resolution No 325-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 325-13 :“Authorizing the Mayor or City Manager to enter into a renewal agreement with Safety National Insurance Company/Commercial Insurance Service at the rate of 0.656% of wages, equating to a deposit premium of \$228,876 based on wages of \$34,889,643, for the City’s Excess Workers’ Compensation Insurance for the period July 1, 2013 to June 30, 2014.”

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 a renewal agreement with Safety National Insurance Company/Commercial Insurance Service at the rate of 0.656% of wages, equating to a deposit premium of \$228,876 based on wages of \$34,889,643, for the City’s Excess Workers’ Compensation Insurance for the period July 1, 2013 to June 30, 2014.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 325-13 adopted.

5. Your Committee on Finance has had under consideration Resolution No 326-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 326-13: “Authorizing the Mayor to receive and administer funds from the West Virginia Division of Justice and Community Services in the amount of \$15,000 for the purpose of conducting the West Virginia Narcotics Officer Association Conference on August 5-6, 2013, in Charleston, WV.”

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

That the Mayor is hereby authorized and directed to receive and administer funds from the West Virginia Division of Justice and Community Services in the amount of \$15,000

for the purpose of conducting the West Virginia Narcotics Officer Association Conference on August 5-6, 2013, in Charleston, WV.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 326-13 adopted.

6. Your Committee on Finance has had under consideration Resolution No 327-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 327-13 :“Authorizing the Mayor or his designee to sign and submit an application to the U.S. Bureau of Justice Assistance for grant funds in the amount of \$147,019 to be utilized by the Charleston Police Department for purchase of interoperable radios (\$95,888) and provide funds to the Kanawha County Sheriff’s Department to enable overtime patrols in high crime areas (\$51,131).

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 and submit an application to the U.S. Bureau of Justice Assistance for grant funds in the amount of \$147,019 to be utilized by the Charleston Police Department for purchase of interoperable radios (\$95,888) and provide funds to the Kanawha County Sheriff’s Department to enable overtime patrols in high crime areas (\$51,131).

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 327-13 adopted.

7. Your Committee on Finance has had under consideration Resolution No 328-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 328-13 – “Authorizing the Mayor to enter into a Memorandum of Understanding with seven other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT), consistent with Attachment A hereto, that assists the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities.”

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

That the Mayor is hereby authorized and directed, upon review and approval of the final document by legal counsel for the City, to enter into a Memorandum of Understanding, consistent with Attachment A hereto, with seven other participating agencies comprising the Metro Drug Enforcement Network Team (MDENT) that assists the Charleston area offices of the Drug Enforcement Administration, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives to achieve maximum cooperation in combined law enforcement efforts to address drug and related violent crime offenses in Charleston and surrounding communities.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 328-13 adopted.

8. Your Committee on Finance has had under consideration Resolution No 329-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 329-13 :“Authorizing the Mayor or City Manager to enter into an agreement with Waste Zero, Inc., in the total amount of \$320,000, for manufacture, supply and distribution of black refuse bags and clear recycling bags. Waste Zero will also produce and mail the redemption slips to eligible City residents and manage inventory control. Distribution of the bags will be conducted through retailers located in strategic areas within City limits as selected by the vendor and approved by the City.”

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 Waste Zero, Inc., in the total amount of \$320,000, for manufacture, supply and distribution of black refuse bags and clear recycling bags. Waste Zero will also produce and mail the redemption slips to eligible City residents and manage inventory control. Distribution of the bags will be conducted through retailers located in strategic areas within City limits as selected by the vendor and approved by the City.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 329-13 adopted. Nay: Dodrill, Persinger, Snodgrass, Hoover.

9. Your Committee on Finance has had under consideration Resolution No 330-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 330-13 : “Authorizing the Finance Director to amend the FY 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 FY 2012-2013

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

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

ABSENT: Burton, Lane, Minardi

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resoltuion No. 330-13 adopted.

## REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; April 2013.  
Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis; May 2013.  
Received and Filed.
3. Report of the City of Charleston Municipal Court Financial Statements; May 2013.  
Received and Filed.
4. Report of the City of Charleston Financial Statements for the  
Eleven-Month period ended May 31, 2013.  
Received and Filed.
5. City Treasurer's Report to City Council Month Ending May 2013.  
Received and Filed.

## NEW BILLS

Introduced by Council member Mike Nichols and Rick Burka on June 17, 2013:  
Bill No. 7584 - A Bill to repeal Ordinance No. 7530 passed by Council on June 18, 2012 relating to No Parking in Turnaround on Breezemont Drive 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.  
Refer to Streets and Traffic Committee.

Introduced by Council member Joe Deneault on June 17, 2013:  
Bill No. 7585 - A Bill to establish a parking zone for the exclusive use of the physically disabled at 4 Buena Vista Place, Charleston, West Virginia and to provide for the removal of vehicles illegally parked in this space and amending the Traffic Control Map, Traffic Control File established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith  
Refer to Streets and Traffic Committee.

**ROLL CALL**

*The Clerk called the roll:*

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

ABSENT: Burton, Lane, Minardi

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, July 1 , 2013, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk