

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

**July 5, 2005**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JULY ON THE 5<sup>th</sup> DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LED BY ED TALKINGTON.**

**THE CLERK CALLED THE ROLL AND THE FOLLOWING MEMBERS ANSWERED TO THEIR NAMES:**

<b>CHESTNUT</b>	<b>CLOWSER</b>	<b>DAVIS</b>
<b>DEITZLER</b>	<b>EALY</b>	<b>HALL</b>
<b>HANNA</b>	<b>HARRIS</b>	<b>HARRISON</b>
<b>HIGGINS</b>	<b>JONES</b>	<b>LOEB</b>
<b>LANHAM</b>	<b>LANE</b>	<b>MORTON</b>
<b>MILLER</b>	<b>MONROE</b>	<b>MARKHAM</b>
<b>NIELSEN</b>	<b>REED</b>	<b>REISHMAN</b>
<b>ROBERTSON</b>	<b>SADD</b>	<b>TALKINGTON</b>
<b>WARE</b>	<b>WEINTRAUB</b>	<b>WHITE</b>
<b>MAYOR JONES</b>		

**TWENTY- EIGHT 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.**

## **July 5, 2005, FIRST MEETING**

### **PUBLIC SPEAKERS**

1. None.

### **CLAIMS**

1. A claim of Tammy R. Crane, 817 ½ Bigley Ave., Charleston, WV; alleges personal injury.  
Refer to City Solicitor.
2. A claim of Naomi Ingram, 404 Russell St., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.
3. A claim of Floyd Davis, 1439 5<sup>th</sup> Ave., Charleston, WV; alleges damage to vehicle.  
Refer to City Solicitor.

### **PUBLIC HEARING**

The Mayor read the following Public Hearing:

After duly being published as required, I now declare the floor open for a Public Hearing on Bill No. 7151, A Bill amending and reenacting Sections 110-223, and 110-252 of the Code of the City of Charleston, 2003, as amended; all relating to taxation.

The Chair sees no one from the public.

The Chair hears no one from the public.

The Chair declares Public Hearing on Bill No. 7151, Closed.

### **COMMUNICATIONS**

The Clerk read the following appointments:

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Municipal Planning Commission

Date: July 5, 2005

I recommend that David Thalheimer, Union Building, Suite 1002, 723 Kanawha Blvd. E., Charleston, WV. 25301, be reappointed to the Municipal Planning Commission, with an initial term to expire July 1, 2008.

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

Council approved the appointment.

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Municipal Planning Commission

Date: July 5, 2005

I recommend that Jody Connell, 1520 Knob Rd., Charleston, WV. 25301, be reappointed to the Municipal Planning Commission, with an initial term to expire July 1, 2008.

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

Council approved the appointment.

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Municipal Planning Commission

Date: July 5, 2005

I recommend that Gerald Workman, 515 Havana Drive, Charleston, WV. 25301, be reappointed to the Municipal Planning Commission, with an initial term to expire July 1, 2008.

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

Council approved the appointment.

### **MISCELLANEOUS RESOLUTIONS**

None.

## REPORTS OF STANDING COMMITTEES

### *STREETS AND TRAFFIC*

Councilman David Higgins, Chairman 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. 7146, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the northerly side of Bigley Avenue from a point 27 feet east of Alethea Street to a point 49 feet east of Alethea Street and on the easterly side of Alethea Street from a point 30 feet north of Bigley Avenue to a point 52 feet north of Bigley Avenue to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, 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, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled on the northerly side of Bigley Avenue from a point 27 feet east of Alethea Street to a point 49 feet east of Alethea Street and on the easterly side of Alethea Street from a point 30 feet north of Bigley Avenue to a point 52 feet north of Bigley Avenue is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. 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, Chapter one hundred fourteen, Article five, shall be and hereby are, amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-28, nays-0, absent-0, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson,

Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7146, adopted

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7147, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the southerly side of Washington Street, West from a point 80 feet east of Stockton Street to a point 102 feet east of Stockton Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia Code, Chapter 17C, Article 13, Section 16, 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, Chapter one hundred fourteen, Article five, to conform therewith.

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

Section 1. A vehicular parking zone for the exclusive use of the physically disabled on the southerly side of Washington Street, West from a point 80 feet east of Stockton Street to a point 102 feet east of Stockton Street is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided for in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. 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, Chapter one hundred fourteen, Article five, shall be and hereby are, amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-28, nays-0, absent-0, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7147, adopted

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7148, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a 20 Mile Per Hour speed limit on Summit Drive from Amity Drive to Somerset Drive 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 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 20 Mile Per Hour speed limit on Summit Drive from Amity Drive to Somerset Drive 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-28, nays-0, absent-0, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7148, adopted

4. Your Committee on Streets and Traffic has had under consideration Bill No. 7149, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a 20 Mile Per Hour speed limit on Glenridge Road 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 14, to conform therewith.

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

Section 1. A 20 Mile Per Hour speed limit on Glenridge Road 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-28, nays-0, absent-0, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7149, adopted

5. Your Committee on Streets and Traffic has had under consideration Bill No. 7150, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a 15 Mile Per Hour speed limit on Hilda Court 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 14, to conform therewith.

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

Section 1. A 15 Mile Per Hour speed limit on Hilda Court 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-28, nays-0, absent-0, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7150, adopted.

***FINANCE***

Councilman Robert Reishman, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 851-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 851-05: “Authorizing the Mayor to enter into a contract with Tony Baiano Construction Co., Inc. for the 2005 Streetscape Project, in the amount of \$641,700.”

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

That the Mayor is hereby authorized and directed to enter into a contract with Tony Baiano Construction Co., Inc. for the 2005 Streetscape Project, in the amount of Six Hundred Forty-one Thousand Seven Hundred Dollars (\$641,700).

The question being on the adoption of the Resolution a vote was taken. There being one dissent from Councilman Sadd, the Mayor declared Resolution No. 851-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 852-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 852-05 : “Authorizing the Mayor to enter into an agreement with Banc of America Leasing & Capital, LLC, in the amount of approximately \$1,573,000, for a three-year lease rate of 2.9398%, and a five-year lease rate of 3.0011%, to provide for the purchase of police cars and various equipment for City departments.”

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

That the Mayor is hereby authorized and directed to enter into an agreement with Banc of America Leasing & Capital, LLC, in the amount of approximately One Million Five Hundred Seventy-three Thousand Dollars (\$1,573,000), for a three-year lease rate of 2.9398%, and a five-year lease rate of 3.0011%, to provide for the purchase of police cars and various equipment for City departments.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 852-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 853-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 853-05 : “Authorizing the Mayor to sign Change Order No. 1 with Tri-State Roofing & Sheet Metal Company, in the amount of approximately \$19,354, for additional labor and materials to replace up to 1,075 square feet of deteriorated metal decking prior to installation of a new roof over the area serving the Charleston Civic Center North Hall Dock and electrical rooms. The change order increases the contract price from \$47,313 to \$66,667.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with Tri-State Roofing & Sheet Metal Company, in the amount of approximately Nineteen Thousand Three Hundred Fifty-four Dollars (\$19,354), for additional labor and materials to replace up to 1,075 square feet of deteriorated metal decking prior to installation of a new roof over the area serving the Charleston Civic Center North Hall Dock and electrical rooms. The change order increases the contract price from \$47,313 to \$66,667.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 853-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 855-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 855-05 : “Authorizing the Mayor to sign Change Order No. 8 with BBL Carlton, in the amount of \$21,705, for 10 x 10 Aluminum Rolling Grill Doors relating to Baseball Stadium Bid Package No. CI-3C / 601 Morris Street Build-Out, for a new contract price of \$2,084,602.75.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 8 with BBL Carlton, in the amount of Twenty-one Thousand Seven Hundred Five Dollars (\$21,705), for 10 x 10 Aluminum Rolling Grill Doors relating to Baseball Stadium Bid Package No. CI-3C / 601 Morris Street Build-Out, for a new contract price of \$2,084,602.75.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 855-05, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 857-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 857-05 : “Authorizing the Mayor to sign a renewal agreement with Safety National Insurance/Commercial Insurance Services, in the amount of \$134,757.23, for the

City's Excess Workers' Compensation insurance coverage for the period July 1, 2005 to June 30, 2006."

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

That the Mayor is hereby authorized and directed to sign a renewal agreement with Safety National Insurance/Commercial Insurance Services, in the amount of One Hundred Thirty-four Million Seven Hundred Fifty-seven Dollars and Twenty-three Cents (\$134,757.23), for the City's Excess Workers' Compensation insurance coverage for the period July 1, 2005 to June 30, 2006.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 857-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 858-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 858-05 : "Authorizing the Mayor to enter into a contract with Standard Security Life Insurance of New York, through Marlton Risk Group, covering stop-loss insurance for amounts of specific claims in excess of \$100,000, for a total projected annual premium of \$597,351.12, based on coverage for 1,274 employees, for the period July 1, 2005 through June 30, 2006."

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

That the Mayor is hereby authorized and directed to enter into a contract with Standard Security Life Insurance of New York, through Marlton Risk Group, covering stop-loss insurance for amounts of specific claims in excess of \$100,000, for a total projected annual premium of Five Hundred Ninety-seven Thousand Three Hundred Fifty-one Dollars and Twelve Cents (\$597,351.12), based on coverage for 1,274 employees, for the period July 1, 2005 through June 30, 2006.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 858-05, adopted.

7. Your Committee on Finance has had under consideration Bill No. 7151, and reports the same to Council with the recommendation that the bill do pass.

A Bill amending and reenacting §110-223 and §110-252, of the City Code of the City of Charleston, 2003, as amended; all relating to taxation, to read as follows:

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

That §110-223 and §110-252, of the code of the City of Charleston, 2003, as amended, be amended, all to read as follows:

## ARTICLE IV. HOTEL OCCUPANCY TAX\*

\*Cross references: Businesses, ch. 18.

State law references: Hotel occupancy tax, W. Va. Code §7-18-2; 7-18-9; 7-18-14.

### DIVISION 1. GENERALLY

#### Sec. 110-221. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Consideration paid or consideration* means the amount received in money, credits, property or other consideration for or in exchange for the right to occupy a hotel room.

*Consumer* means a person who pays the consideration for the use or occupancy of a hotel room. The term shall not be construed to mean the government of the United States, its agencies or instrumentalities, or the government of the state or any political subdivision of the state.

*Hotel* means any facility or building, publicly or privately owned (including a facility located in a state, county or municipal park), in which the public may, for a consideration, obtain sleeping accommodations. The term shall include but is not limited to boardinghouses, hotels, motels, inns, courts, lodges, cabins and tourist homes. The term shall include state, county and city parks offering accommodations as set forth in this article. The term shall not be construed to mean any hospital, sanitarium, extended care facility, nursing home, university or college housing unit, or any facility providing fewer than three hotel rooms, or any tent, trailer or camper campsites; however, where a university or college housing unit provides sleeping accommodations for the general nonstudent public for a consideration, the term shall, if otherwise applicable, apply to such accommodations for the purposes of this tax.

*Hotel operator* means the person who is proprietor of a hotel, whether in the capacity of owner, lessee, mortgagee in possession, licensee, trustee in possession, trustee in bankruptcy, receiver, executor or in any other capacity. Where the hotel operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed a hotel operator for the purposes of this article and shall have the same duties and liabilities as his principal. Compliance with the provisions of this article by either the principal or the managing agent shall, however, be considered to be compliance by both.

*Hotel room* means any room or suite of rooms or other facility affording sleeping accommodations to the general public and situated within a hotel. The term shall not be construed to mean a banquet room, meeting room or any other room not primarily used for or in conjunction with sleeping accommodations.

*Tax, taxes or this tax* means the hotel occupancy tax authorized by this article.

*Taxing authority* means the city.

*Taxpayer* means any person liable for the tax authorized by this article.

(Code 1975, § 6-173)

Cross references: Definitions generally, § 1-2.

Sec. 110-223. Disposition of proceeds.

(a) *Generally*. The net proceeds of the tax collected and remitted to the taxing authority pursuant to this article shall be deposited into the general revenue fund of the city and, after appropriation, shall be expended only as provided in subsections (b) and (c) of this section.

(b) *Required expenditures*. At least 50 percent of the net revenue receivable by the city during the fiscal year pursuant to this article shall be transmitted to the Charleston Convention and Visitor's Bureau for the promotion of conventions and tourism.

(c) *Permissible expenditures*. After making the appropriation required by subsection (b) of this section, the remaining portion of the net revenues receivable by the city during the fiscal year pursuant to this article may be expended for one or more of the purposes set forth in this subsection, but for no other purpose. The purposes for which expenditures may be made pursuant to this subsection are as follows:

(1) The planning, construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, equipment, maintenance, repair and operation of publicly owned convention facilities, including but not limited to arenas, auditoriums, civic centers and convention centers.

(2) The payment of principal or interest, or both, on revenue bonds issued to finance such convention facilities.

(3) The promotion of conventions.

(4) The construction, operation or maintenance of public parks, tourist information centers and recreation facilities (including land acquisition).

(5) The promotion of the arts.

(6) Historic Sites;

(7) Beautification projects.

(d) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Convention and visitor's bureau and visitor's and convention bureau* are interchangeable and means the Charleston Convention and Visitor's Bureau.

*Convention center* means the Charleston Civic Center, a convention facility owned by the city or other public entity or instrumentality and shall include all facilities, including armories, commercial, office, community service and parking facilities and publicly owned facilities constructed or used for the accommodation and entertainment of tourist and visitors, constructed in conjunction with the convention center and forming reasonable appurtenances to the convention center.

*Fiscal year* means the year beginning July 1 and ending June 30 of the next calendar year.

*Net proceeds* means the gross amount of tax collection less the amount of tax lawfully refunded.

*Promotion of the arts* means activity to promote public appreciation and interest in one or more of the arts. It includes the promotion of music of all types, the dramatic arts, dancing, painting and the creative arts through shows, exhibits, festivals, concerts, musicals and plays.

*Recreational facilities* means and includes any public park, parkway, playground, public recreation center, athletic field, sports arena, stadium, skating rink or arena, golf course, tennis courts and other park and recreational facilities, whether of a like or different nature, that are owned by the city.

*Historic Sites* means any site listed on the United States National register of historic places, or listed by a local historical landmarks commission, established under state law, when such sites are owned by a city, a county or a nonprofit historical association and are open, from time to time, to accommodate visitors.  
(Code 1975, § 6-184)

## DIVISION 2. TAX IMPOSED; RATE; EXEMPTIONS

### Sec. 110-252. Rate.

The rate of tax imposed in this division shall be six percent of the consideration paid for the use or occupancy of a hotel room. Such consideration shall not include the amount of tax imposed on the transaction under W. Va. Code ch. 11, art. 15 (W. Va. Code § 11-15-1 et seq.) or charges for meals, valet service, room service, telephone service, or other charges or consideration not paid for use or occupancy of a hotel room.  
(Code 1975, § 6-172)

NOTE: This Ordinance shall take effect immediately following passage by City Council with a vote in the affirmative from three-fifths of its members elected.

The question being on the passage of the Bill a roll call was taken and there were; yeas-28, nays-0, absent-0, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT:

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7151, adopted.

**REPORTS OF OFFICERS**

None.

**NEW BILLS INTRODUCED**

Introduced by Councilwoman Mary Jean Davis, on July 5, 2005:  
Bill No. 7156 - A Bill amending the Zoning Ordinance of the City of Charleston by amending the table of permitted uses to allow "Catering" as a permitted use in a C-4 Neighborhood Commercial District.  
Refer to Municipal Planning Commission.

**ROLL CALL**

The Clerk called the roll and the following members were in attendance:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT:

At 7:45 p.m., on motion of Councilman Loeb, Council adjourned until Tuesday, July 18, 2005, at 7:00 p.m.

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

\_\_\_\_\_  
James M. Reishman, City Clerk