

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON

WEST VIRGINIA

October 17, 2005

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF OCTOBER ON THE 17th DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRY DEITZLER, AND THE PLEDGE OF ALLEGIANCE WAS LED BY DAVID HIGGINS.

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

**CHESTNUT
DEITZLER
HANNA
HIGGINS
LANHAM
MILLER
NIELSEN
ROBERTSON
WARE
MAYOR JONES**

**CLOWSER
EALY
HARRIS
JONES
LANE
MONROE
REED
SADD
WEINTRAUB**

**DAVIS
HALL
HARRISON
LOEB
MORTON
MARKHAM
REISHMAN
TALKINGTON
WHITE**

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.

PUBLIC SPEAKERS

- 1. Dr. Uzay Yasasr, Charleston

CLAIMS

- 1. A claim of Nathan Pryor, 607 Russell St., Charleston, WV; alleges damage to property. Refer to City Solicitor.

COMMUNICATIONS

The Clerk read the following Communication:

Honorable Danny Jones
and City Council Members
Charleston, WV 25301

Dear Mayor Hones and Councilmember’s:

On October 5, 2005, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases should be referred to the Council Committee on planning.

Special Permit # 1217 – Application of Keeley Steele requesting a Special Permit to serve beer, wine and liquor in a C-6 Community Commercial District with Urban Renewal Overlay District accessory to the restaurant business located at 1600 Washington Street, East.

Bill # 7167 – Comprehensive update to the Zoning Ordinance for the purposes of implementing the policies contained in the City of Charleston Compressive Plan adopted in 1996 and to bring the Ordinance into compliance with Chapter 8A of the Code of West Virginia.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant

The Mayor referred the cases to the Planning Committee of Council.

REPORTS OF STANDING COMMITTES

ORDINANCE AND RULES

Councilman Charlie Loeb, Chairman of the Council Committee on Ordinance and Rules, submitted the following reports.

Bill No. 7153 Committee Substitute, as amended, - A Bill amending and reenacting Chapter Ten (10) of the Code of the City of Charleston titled Animals. By adding thereto one (1) new division designated Article Four Section Ten-One Hundred Seventy-one (10-171); to revise the Animals section of the code with changes attached hereto.

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

That section one hundred seventy-one, article four, of chapter ten of the code of the City of Charleston, two thousand three, as amended, be amended and reenacted, all to read as follows:

Chapter 10

ANIMALS*

ARTICLE IV. Urban Deer Management

Sec. 10-171. Urban Deer Management.

Section 1. Urban Hunting Conditions

An urban deer hunt shall be lawful in the City of Charleston only under the following conditions:

- (a) Hunting shall be by permit only issued under the terms of this chapter.
- (b) The hunt shall be for deer only.
- (c) Only bows and arrows may be used.
- (d) Hunting may occur only on property with the written permission of the property owner and on city owned property which has been designated as available for hunting by the city manager.
- (e) All deer harvested must be legally checked at an official game checking station and reported to the city.
- (f) No hunting may take place within one hundred and fifty (150) feet of a dwelling or other occupied building.
- (g) No hunting shall take place closer than five hundred (500) feet from the property boundary of school property which contains a school building. For purposes of this ordinance "school" means a public school or private school during periods when students are in attendance or participating in school activities.
- (h) Persons shall at all times when hunting pursuant to a city permit carry valid photo identification, a copy of their city permit and their West Virginia state hunting license.
- (i) The transportation of a deer carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.
- (j) All West Virginia hunting rules and regulations apply to hunting within the city.
- (k) Any hunting activity including but not limited to field dressing or other handling of a carcass, must occur on the property specified in the city permit.

(l) All hunting shall be conducted from an elevated portable tree stand that is at least 10 feet in height and faces the interior of the property. The stands and shooting lanes will be located in such a way as to direct arrows to the interior of the property.

(m) Hunting may take place on no more than five (5) tracts of ten (10) contiguous acres or more and within a sufficient distance from the boundary that an arrow cannot reasonably travel outside the permitted tract.

(n) A property owner can designate and limit other persons allowed to hunt his or her land with a permit.

(o) The city will be responsible to dispose of any wounded deer or deer carcass found on non-permitted property.

(p) Hunting shall be allowed only during the month of November 2005.

Section 2. Permits

(a) In order to obtain a permit the applicant must meet and have evidence of compliance with all applicable state statutes, regulations and rules applicable to deer hunting with a bow and arrow. The city may impose additional requirements for a hunting permit and may limit the number of permits to be issued.

(b) The city may charge an administrative fee for permits not to exceed \$25 per permit.

(c) The city manager is hereby authorized (i) to promulgate reasonable rules and regulations including the setting of license fees to regulate bow hunting and (ii) to select the five (5) tracts to be authorized for hunting as permitted herein.

Section 3. Donated Meat

Hunters are and shall be encouraged but are not required to donate the harvest to programs or organizations that will provide the meat to needy persons.

Section 4. Violations

A violation of this ordinance shall result in a fine not in excess of \$1,000.00.

Section 5. Effective Date

This ordinance shall take effect upon passage as provided by law.

Councilman Lane made the motion to strike the language following the word arrow on line 20 of page three, making the sentence end after the word arrow. Councilman Deitzler seconded this motion.

The question being on the passage of the amendment a roll call was taken and there were; yeas-22, nays -6, as follows:

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

NAYS: Harris, Jones, Markham, Morton, Talkington, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the amendment passed.

Councilman Higgins made the motion to strike the language “or an accredited non-public school” and inserting the language “Public or Private” on page 2, line 14. Councilman Sadd seconded the motion.

The question being on the passage of the amendment a vote was taken. There being no dissent the Mayor declared the amendment passed.

Council voted on Bill No. 7153, Committee Substitute as amended:

The question being on the passage of the Bill a roll call was taken and there were; yeas-21, nays - 7, as follows:

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

NAYS: Davis, Harris, Jones, Markham, Morton, Talkington, Ware

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7153, Committee Substitute as amended, passed.

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. 7158, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7158 A Bill to establish a 20 Mile Per Hour speed limit on Cart 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 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 Cart 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-28, 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.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7158, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7159, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7159 - A Bill to establish a 20 Mile Per Hour speed limit on Rugby 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 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 Rugby 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-28, 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.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7159, passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7160, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7160 - A Bill to establish a 20 Mile Per Hour speed limit on Stadium Place 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 Stadium Place 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, 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.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7160, passed.

4. Your Committee on Streets and Traffic has had under consideration Bill No. 7161 as amended, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7161, as amended a Bill to establish a Stop Intersection at the intersection of Yorktowne Place and Peyton Way, requiring vehicles Northbound on Yorktowne Place and Eastbound on Peyton Way to stop, 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 Stop Intersection at the intersection of Yorktowne Place and Peyton Way, requiring vehicles Northbound on Yorktowne Place and Eastbound on Peyton Way to stop, 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, Chapter one hundred fourteen, Article five, 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,

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.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7161 as amended, passed.

5. Your Committee on Streets and Traffic has had under consideration Bill No. 7162, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7162 - A Bill to establish a 20 Mile Per Hour speed limit on Ridgeway 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 Ridgeway 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, 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.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7162, passed.

6. Your Committee on Streets and Traffic has had under consideration Bill No. 7163, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7163 - A Bill to establish a No Parking Anytime Tow-Away zone on the easterly side of Thompson Street from Hansford Street to Piedmont 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 114, to conform therewith.

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

Section 1. A No Parking Anytime Tow-Away zone on the easterly side of Thompson Street from Hansford Street to Piedmont 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, 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.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7163, passed.

7. Your Committee on Streets and Traffic has had under consideration Bill No. 7170, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7170 - A Bill to establish the southern most lane of Virginia Street, East as a right turn only lane at the intersection of Virginia Street, East and Clendenin 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. The southern most lane of Virginia Street, East as a right turn only lane at the intersection of Virginia Street, East and Clendenin 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-28, 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.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7170, passed.

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. 910-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 910-05 : “Authorizing the Mayor to enter into a contract with McClanahan Construction Company, in the amount of \$400,348, for the Tennis Club Road Sidewalk Extension Project.”

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 McClanahan Construction Company, in the amount of Four Hundred Thousand Three Hundred Forty-eight Dollars (\$400,348), for the Tennis Club Road Sidewalk Extension Project.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 910-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 911-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 911-05 : “Authorizing the Mayor to receive and administer grant funds from the State Division of Criminal Justice Services, in the amount of \$13,100, to be used for drug enforcement overtime and surveillance equipment.”

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 grant funds from the State Division of Criminal Justice Services, in the amount of Thirteen Thousand One Hundred Dollars (\$13,100), to be used for drug enforcement overtime and surveillance equipment.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 911-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 912-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 912-05 : “Authorizing the Finance Director to establish a new fund to receive and administer an EPA Brownfields grant, in the amount of \$200,000. The new fund will be established as Fund 084 EPA Brownfields Grant.”

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

That the Finance Director is hereby authorized and directed to establish a new fund to receive and administer an EPA Brownfields grant, in the amount of Two Hundred Thousand Dollars (\$200,000). The new fund will be established as Fund 084 EPA Brownfields Grant.

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

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

ABSENT: Loeb

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 912-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 913-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 913-05 : “Authorizing the Mayor to sign a grant agreement for EPA Brownfields Assessment in the amount of \$200,000 for petroleum sites. The grant funds will be available over a two year period and will be used to conduct community outreach, inventory and rank sites, perform an estimated 10 to 12 Phase I and four to six Phase II environmental site assessments and develop remedial, reuse and greenspace plans with potential petroleum contamination around the City.”

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

That the Mayor is hereby authorized and directed to sign a grant agreement for EPA Brownfields Assessment in the amount of Two Hundred Thousand Dollars (\$200,000) for petroleum sites. The grant funds will be available over a two year period and will be used to conduct community outreach, inventory and rank sites, perform an estimated 10 to 12 Phase I and four to six Phase II environmental site assessments and develop remedial, reuse and greenspace plans with potential petroleum contamination around the City.

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

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

Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Loeb

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 913-05, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 914-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 914-05 : “Authorizing the Finance Director to make a B&O tax refund to Marathon Ashland Petroleum, LLC, in the amount of \$17,131.65. The refund is being made due to an overpayment by Marathon for seven quarters (4/03 to 2/05) and one underpayment (3/03).”

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

That the Finance Director is hereby authorized and directed to make a B&O tax refund to Marathon Ashland Petroleum, LLC, in the amount of Seventeen Thousand One Hundred Thirty-one Dollars and Sixty-five Cents (\$17,131.65). The refund is being made due to an overpayment by Marathon for seven quarters (4/03 to 2/05) and one underpayment (3/03).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 914-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 915-05, and reports the same to Council with the recommendation that the committee report be adopted.

RESOLUTION NO. 915-05

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA, AUTHORIZING THE ISSUANCE OF UP TO \$2,000,000 OF THE CITY OF CHARLESTON, WEST VIRGINIA COMMERCIAL DEVELOPMENT REVENUE BONDS (LITTLE PAGE TERRACE HOUSING PROJECT), SERIES 2005, FOR THE PURPOSE OF ASSISTING IN THE FINANCING OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A COMMERCIAL PROJECT TO BE LOCATED IN CITY OF CHARLESTON, WEST VIRGINIA

WHEREAS, the City of Charleston, West Virginia (the “Issuer”), acting by and through the City Council of the City of Charleston, West Virginia (the “Council”) is a duly organized municipal corporation created by the Constitution of the State of West Virginia (the “State”), is validly existing and in good standing under the Constitution and laws of the State, is a political subdivision thereof, and is authorized by the Industrial Development and Commercial Development Bond Act, Chapter 13, Article 2C, of the Code of West Virginia of 1931, as amended (the “Act”), in furtherance of the public purposes as found and determined by the Legislature of West

Virginia as set forth in Section 2 of the Act, to issue its revenue bonds to pay the cost of commercial and industrial projects; and

WHEREAS, the Issuer has been requested by Scott Canel, or a related entity in which Scott Canel and the Charleston Housing Authority are affiliated (the “Applicant”), to issue its revenue bonds to assist in the financing of the acquisition, construction and equipping of a commercial project in City of Charleston, West Virginia (the “Project”), specifically consisting of (i) the demolition and replacement of real and personal property known as “Little Page Terrace” located at 1809 Washington Street, Charleston, West Virginia (the “Existing Facilities”), (ii) the construction and equipping of renovations and improvements to the Existing Facilities consisting of a 20 unit elderly housing building in the eastern section of the Existing Facilities, and (iii) payment of the costs of issuance, all hereinafter referred to as the “Project”;

WHEREAS, the Issuer has determined that under the Act the acquisition, construction, and equipping of the Project constitutes an authorized “Project” under the Act;

WHEREAS, after careful study and investigation of the nature of the proposed Project, the Issuer has determined that assisting the Applicant with the financing of the Project in the City of Charleston, West Virginia by the Issuer's issuance of its revenue bonds, will thereby implement the stated purposes of the Act and will benefit the people of the State of West Virginia, and increase their commerce, welfare and prosperity;

WHEREAS, the most feasible method of financing the cost of the acquisition, construction and equipping of the Project is for the Issuer to issue its revenue bonds in the aggregate principal amount of up to \$2,000,000 for the purpose of financing the costs of acquiring, constructing and equipping the Project, and for the further purpose of financing costs relating thereto;

WHEREAS, the Applicant has requested that the Issuer indicate its willingness and commitment to issue such revenue bonds to finance such costs of the Project so that said acquisition, construction and equipping can be commenced; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable regulations thereunder require the Issuer to take certain action in connection with the payment of certain expenses in connection with the Project prior to the issuance of tax-exempt bonds in order to allow the Issuer to be reimbursed for such expenditures.

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

1. In order to indicate its willingness and its commitment to issue revenue bonds to finance the acquisition, construction and equipping of the Project, the execution and delivery to the Applicant of an Inducement Agreement is hereby authorized, said Inducement Agreement to be in substantially the form as that attached hereto as Exhibit “A” subject to such changes, insertions and, omissions as may be approved by the Mayor of the Issuer and the execution of

said Inducement Agreement by the Mayor of the Issuer as herewith authorized shall be conclusive evidence of such approval.

2. The statements contained in this Resolution with respect to the reimbursement of the expenditures described in this Resolution are intended to be statements of official intent as required by, and in conformance with, the provisions of Treasury Regulation Section 1.150-2(e), promulgated under and pursuant to the Code.

3. The expenditures to be reimbursed pursuant to this Resolution have been incurred within 60 days prior to the date hereof or will be incurred after the date hereof in connection with the acquisition construction and equipping of the Project.

4. The maximum principal amount of debt expected to be issued for the Project is \$2,000,000, and, therefore, the maximum amount of reimbursable capital expenditures is \$2,000,000, such capital expenditures to consist of capital expenditures for renovations and improvements to the Existing Facilities and related capital expenditures.

5. The Applicant reasonably expects to reimburse the expenditures set forth in this Resolution with the proceeds of tax-exempt debt to be issued by the Issuer subsequent to the date hereof, but this Resolution does not constitute a binding obligation to issue such debt.

6. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatever.

7. This Resolution shall be in full force and effect immediately upon its passage and approval, and all resolutions and ordinances or parts thereof, in conflict, hereby repealed.

WITNESS the signature and seal of the City of Charleston, West Virginia, a municipal corporation, at a meeting duly and regularly called and held at City Hall in the City of Charleston, West Virginia, on the 17th day of October, 2005.

(SEAL)

THE CITY OF CHARLESTON, WEST VIRGINIA

By _____
Mayor

City Clerk

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

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

ABSENT: Loeb

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 915-05, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 916-05, and reports the same to Council with the recommendation that the committee report be adopted.

RESOLUTION NO. 916-05

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA, AUTHORIZING THE ISSUANCE OF UP TO \$5,500,000 OF THE CITY OF CHARLESTON, WEST VIRGINIA COMMERCIAL DEVELOPMENT REVENUE BONDS (ORCHARD MANOR APARTMENTS PROJECT) SERIES 2005, FOR THE PURPOSE OF ASSISTING IN THE FINANCING OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A COMMERCIAL PROJECT TO BE LOCATED IN CITY OF CHARLESTON, WEST VIRGINIA

WHEREAS, the City of Charleston, West Virginia (the "Issuer"), acting by and through the City Council of the City of Charleston, West Virginia (the "Council") is a duly organized municipal corporation created by the Constitution of the State of West Virginia (the "State"), is validly existing and in good standing under the Constitution and laws of the State, is a political subdivision thereof, and is authorized by the Industrial Development and Commercial Development Bond Act, Chapter 13, Article 2C, of the Code of West Virginia of 1931, as amended (the "Act"), in furtherance of the public purposes as found and determined by the Legislature of West Virginia as set forth in Section 2 of the Act, to issue its revenue bonds to pay the cost of commercial and industrial projects;

WHEREAS, the Issuer has been requested by Scott Canel, or a related entity in which Scott Canel and the Charleston Housing Authority are affiliated (the "Applicant"), to issue its revenue bonds to assist in the financing of the acquisition, construction and equipping of a commercial project in City of Charleston, West Virginia (the "Project"), specifically consisting of (i) the demolition and replacement of real and personal property known as "Orchard Manor" comprised of 120 rental housing units located at 900 Griffin Drive, Charleston, West Virginia (the "Existing Facilities"), (ii) the construction and equipping of renovations and improvements to the Existing Facilities consisting of a 80 two bedroom townhouses, and (iii) payment of the costs of issuance, all hereinafter referred to as the "Project";

WHEREAS, the Issuer has determined that under the Act the acquisition, construction,

and equipping of the Project constitutes an authorized “Project” under the Act;

WHEREAS, after careful study and investigation of the nature of the proposed Project, the Issuer has determined that assisting the Applicant with the financing of the Project in the City of Charleston, West Virginia by the Issuer's issuance of its revenue bonds, will thereby implement the stated purposes of the Act and will benefit the people of the State of West Virginia, and increase their commerce, welfare and prosperity;

WHEREAS, the most feasible method of financing the cost of the acquisition, construction and equipping of the Project is for the Issuer to issue its revenue bonds in the aggregate principal amount of up to \$5,500,000 for the purpose of financing the costs of acquiring, constructing and equipping the Project, and for the further purpose of financing costs relating thereto;

WHEREAS, the Applicant has requested that the Issuer indicate its willingness and commitment to issue such revenue bonds to finance such costs of the Project so that said acquisition, construction and equipping can be commenced; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable regulations thereunder require the Issuer to take certain action in connection with the payment of certain expenses in connection with the Project prior to the issuance of tax-exempt bonds in order to allow the Issuer to be reimbursed for such expenditures.

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

1. In order to indicate its willingness and its commitment to issue revenue bonds to finance the acquisition, construction and equipping of the Project, the execution and delivery to the Applicant of an Inducement Agreement is hereby authorized, said Inducement Agreement to be in substantially the form as that attached hereto as Exhibit “A” subject to such changes, insertions and, omissions as may be approved by the Mayor of the Issuer and the execution of said Inducement Agreement by the Mayor of the Issuer as herewith authorized shall be conclusive evidence of such approval.

2. The statements contained in this Resolution with respect to the reimbursement of the expenditures described in this Resolution are intended to be statements of official intent as required by, and in conformance with, the provisions of Treasury Regulation Section 1.150-2(e), promulgated under and pursuant to the Code.

3. The expenditures to be reimbursed pursuant to this Resolution have been incurred within 60 days prior to the date hereof or will be incurred after the date hereof in connection with the acquisition construction and equipping of the Project.

4. The maximum principal amount of debt expected to be issued for the Project is \$5,500,000, and, therefore, the maximum amount of reimbursable capital expenditures is

\$5,500,000, such capital expenditures to consist of capital expenditures for renovations and improvements to the Existing Facilities and related capital expenditures.

5. The Applicant reasonably expects to reimburse the expenditures set forth in this Resolution with the proceeds of tax-exempt debt to be issued by the Issuer subsequent to the date hereof, but this Resolution does not constitute a binding obligation to issue such debt.

6. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatever.

7. This Resolution shall be in full force and effect immediately upon its passage and approval, and all resolutions and ordinances or parts thereof, in conflict, hereby repealed.

WITNESS the signature and seal of the City of Charleston, West Virginia, a municipal corporation, at a meeting duly and regularly called and held at City Hall in the City of Charleston, West Virginia, on the 17th day of October, 2005.

(SEAL)

THE CITY OF CHARLESTON, WEST VIRGINIA

By _____
Mayor

City Clerk

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

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

ABSENT: Loeb

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 916-05, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 917-05, and reports the same to Council with the recommendation that the committee report be adopted.

RESOLUTION NO. 917-05

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST

VIRGINIA, AUTHORIZING THE ISSUANCE OF UP TO \$12,500,000 OF THE CITY OF CHARLESTON, WEST VIRGINIA COMMERCIAL DEVELOPMENT REVENUE BONDS (WASHINGTON MANOR APARTMENTS PROJECT) SERIES 2005, FOR THE PURPOSE OF ASSISTING IN THE FINANCING OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A COMMERCIAL PROJECT TO BE LOCATED IN CITY OF CHARLESTON, WEST VIRGINIA

WHEREAS, the City of Charleston, West Virginia (the “Issuer”), acting by and through the City Council of the City of Charleston, West Virginia (the “Council”) is a duly organized municipal corporation created by the Constitution of the State of West Virginia (the “State”), is validly existing and in good standing under the Constitution and laws of the State, is a political subdivision thereof, and is authorized by the Industrial Development and Commercial Development Bond Act, Chapter 13, Article 2C, of the Code of West Virginia of 1931, as amended (the “Act”), in furtherance of the public purposes as found and determined by the Legislature of West Virginia as set forth in Section 2 of the Act, to issue its revenue bonds to pay the cost of commercial and industrial projects;

WHEREAS, the Issuer has been requested by Scott Canel, or a related entity in which Scott Canel and the Charleston Housing Authority are affiliated (the “Applicant”), to issue its revenue bonds to assist in the financing of the acquisition, construction and equipping of a commercial project in City of Charleston, West Virginia (the “Project”), specifically consisting of (i) the demolition and replacement of real and personal property known as “Washington Manor” comprised of 301 rental housing units located at 211 Clarke Drive, Charleston, West Virginia (the “Existing Facilities”), (ii) the construction and equipping of renovations and improvements to the Existing Facilities consisting of a 90 unit elderly housing building, 40 one bedroom townhouses, and 72 two bedroom townhouses, and (iii) payment of the costs of issuance, all hereinafter referred to as the “Project”;

WHEREAS, the Issuer has determined that under the Act the acquisition, construction, and equipping of the Project constitutes an authorized “Project” under the Act;

WHEREAS, after careful study and investigation of the nature of the proposed Project, the Issuer has determined that assisting the Applicant with the financing of the Project in the City of Charleston, West Virginia by the Issuer's issuance of its revenue bonds, will thereby implement the stated purposes of the Act and will benefit the people of the State of West Virginia, and increase their commerce, welfare and prosperity;

WHEREAS, the most feasible method of financing the cost of the acquisition, construction and equipping of the Project is for the Issuer to issue its revenue bonds in the aggregate principal amount of up to \$12,500,000 for the purpose of financing the costs of acquiring, constructing and equipping the Project, and for the further purpose of financing costs relating thereto;

WHEREAS, the Applicant has requested that the Issuer indicate its willingness and commitment to issue such revenue bonds to finance such costs of the Project so that said acquisition, construction and equipping can be commenced; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the “Code”), and the applicable regulations thereunder require the Issuer to take certain action in connection with the payment of certain expenses in connection with the Project prior to the issuance of tax-exempt bonds in order to allow the Issuer to be reimbursed for such expenditures.

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

1. In order to indicate its willingness and its commitment to issue revenue bonds to finance the acquisition, construction and equipping of the Project, the execution and delivery to the Applicant of an Inducement Agreement is hereby authorized, said Inducement Agreement to be in substantially the form as that attached hereto as Exhibit “A” subject to such changes, insertions and, omissions as may be approved by the Mayor of the Issuer and the execution of said Inducement Agreement by the Mayor of the Issuer as herewith authorized shall be conclusive evidence of such approval.

2. The statements contained in this Resolution with respect to the reimbursement of the expenditures described in this Resolution are intended to be statements of official intent as required by, and in conformance with, the provisions of Treasury Regulation Section 1.150-2(e), promulgated under and pursuant to the Code.

3. The expenditures to be reimbursed pursuant to this Resolution have been incurred within 60 days prior to the date hereof or will be incurred after the date hereof in connection with the acquisition construction and equipping of the Project.

4. The maximum principal amount of debt expected to be issued for the Project is \$12,500,000, and, therefore, the maximum amount of reimbursable capital expenditures is \$12,500,000, such capital expenditures to consist of capital expenditures for renovations and improvements to the Existing Facilities and related capital expenditures.

5. The Applicant reasonably expects to reimburse the expenditures set forth in this Resolution with the proceeds of tax-exempt debt to be issued by the Issuer subsequent to the date hereof, but this Resolution does not constitute a binding obligation to issue such debt.

6. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions herein contained or render the same invalid, inoperative or unenforceable to any extent whatever.

7. This Resolution shall be in full force and effect immediately upon its passage and approval, and all resolutions and ordinances or parts thereof, in conflict, hereby repealed.

WITNESS the signature and seal of the City of Charleston, West Virginia, a municipal corporation, at a meeting duly and regularly called and held at City Hall in the City of Charleston, West Virginia, on the 17th day of October, 2005.

(SEAL)

THE CITY OF CHARLESTON, WEST VIRGINIA

By _____
Mayor

City Clerk

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

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

ABSENT: Loeb

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 917-05, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 918-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 918-05 : “Authorizing the City Manager to utilize the federal government programs established under the Medicare Modernization Act and maximize potential savings related to retiree prescription drugs by eliminating the current drug coverage in the existing healthcare plan for Medicare eligible retirees and their Medicare eligible dependents. In order to assist the retirees, the City Manager shall adjust the City’s healthcare premium structure to help offset the costs to eligible retirees in subscribing to Medicare Part D benefits.”

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

That the City Manager is hereby authorized and directed to utilize the federal government programs established under the Medicare Modernization Act and maximize potential savings related to retiree prescription drugs by eliminating the current drug coverage in the existing healthcare plan for Medicare eligible retirees and their Medicare eligible dependents. In order to assist the retirees, the City Manager shall adjust the City’s healthcare premium structure to help offset the costs to eligible retirees in subscribing to Medicare Part D benefits.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 918-05, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 919-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 919-05 : “Authorizing Civic Center funds in the amount of \$35,000 to be used for landscaping and other outdoor improvements to the Charleston Civic Center.”

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

That Civic Center funds in the amount of Thirty-five Thousand Dollars (\$35,000) to be used for landscaping and other outdoor improvements to the Charleston Civic Center are hereby approved.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 919-05, adopted.

11. Your Committee on Finance has had under consideration a Proposal submitted by Taser International, in the amount of \$14,486.40, for purchase of twelve (12) tasers, air cartridges, magazines and belt clips to be used to outfit 12 additional officers in the Police Department. Taser International is the sole vendor and Southern Police Equipment is the exclusive distributor for West Virginia region. To be charged to Account No. 090-000-00-000-3-341, Police, 2003 Local Law Enforcement Block Grant, Materials & Supplies. , Equip, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted.

REPORTS OF OFFICERS

Report of the City of Charleston, Municipal Court Financial Statements; September, 2005.
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilwoman Cheryl Hall, on October 17, 2005:
Bill No. 7171 - A Bill to establish a Stop intersection on Cyrus Point at Smith 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 114, to conform therewith.
Refer to Streets and Traffic Committee.

Introduced by Councilwoman Brenda Robertson, on October 17, 2005:
Bill No. 7172 - A Bill to establish a Stop intersection on Turley Lane at Turley 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 114, to conform therewith.
Refer to Streets and Traffic Committee.

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, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman, Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Loeb

At 8:30 p.m., on motion of Councilman Loeb, Council adjourned until Monday, November 7, 2005, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk