

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

December 15, 2008

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF DECEMBER ON THE 15th DAY, IN THE YEAR 2008, 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 GEORGE WASHINGTON FOOTBALL TEAM.

DEITZLER	CLOUSER	DAVIS
HANNA	EALY	HALL
HIGGINS	HARRIS	HARRISON
KNAUFF		KIRK
MILLER	LANE	LANHAM
REISHMAN	PAYNE	REED
SHEETS		SALISBURY
WARE	WEINTRAUB	TALKINGTON
MAYOR JONES		WHITE

TWENTY- FOUR 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. None

PUBLIC HEARING

Bill No. 7370 - An Ordinance Authorizing The Issuance By The City Of Charleston, Of Not More Than \$14,500,000 In Aggregate Principal Amount Of Its Multifamily Housing Revenue Bond (Littlepage Terrace Apartments Project), Series 2008 A, And Multifamily Housing Revenue Bond (Washington Manor Apartments Project), Series 2008 B.

CLAIMS

1. A claim of Ericka Gillard, 1539 Farnsworth Dr., Charleston WV; alleges damage to vehicle.
Refer to City Solicitor
2. A claim of Mrs. Henry R. Glass, Charleston WV; alleges damage to property.
Refer to City Solicitor

COMMUNICATIONS

Proclamation for George Washington High School Football Team.

The Clerk read the appointment

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON-KANAWHA HOUSING AUTHORITY

DATE: DECEMBER 15, 2008

I recommend that Michael Stajduhar, 127 Swarthmore Avenue, Charleston, WV 25302, be reappointed to the Charleston-Kanawha Housing Authority, with a said term to expire December 10, 2013.

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

Council approved the appointment.

MISCELLANEOUS RESOLUTIONS

The Clerk read the Resolution:

Resolution No. 499-08

Introduced in Council

December 15, 2008

David Higgins, James "Mose" Lanham, Pat Jones, William Kirk, Teresa "Tricky" Reed,
Rev. James D. Ealy, Mary Jean Davis, Ed Talkington

WHEREAS: R. Brent Parker has been an untiring advocate of Charleston's West Side ever since he purchased a funeral home there in 1979 and subsequently became both a business leader and community leader in the truest sense of the words; and

WHEREAS: Mr. Parker's passion for the West Side found expression through his many leadership positions in several organizations that promoted revitalization of both the business district and residential community and that worked toward making a positive impact on people of all ages and stations; and

WHEREAS: He served his community as a charter member of the West Side Main Street program, dedicated participant in the West Side Neighborhood Association, visionary leader on the Hooten-Wesley Tiskelwah Center board of directors, active member of the Bob Burdette Center board of directors and faithful leader on several boards and committees at both Mountain Mission and Emmanuel Baptist churches; and

WHEREAS: As a resident of Charleston since he was six years old, R. Brent Parker served his city as a whole in several ways, including membership on the Municipal Beautification Commission where he was instrumental in gaining grant money for the Pennsylvania Avenue Gateway project, among others; and

WHEREAS: In his business, Mr. Parker was caring and compassionate in his approach to serving thousands of people during their most devastating times following the loss of a loved one, and his love and compassion for the people he served professionally at the funeral home overflowed within the greater community; and

WHEREAS: In addition to being a respected leader within the West Side and Charleston as a whole, Mr. Parker was well respected within his industry, serving as president of both the Preferred Funeral Directors International

and West Virginia Funeral Service Board of Examiners.

Therefore be it resolved by the Council and Mayor of the City of Charleston:

That our elected city leaders honor the life and legacy of R. Brent Parker and, in so doing, join his family, friends, colleagues at the Cunningham-Parker-Johnson Funeral Home and thousands of others with whom he worked over the years to make the West Side and entire City of Charleston a better place to be.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.499-08, adopted.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No 491-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 491-08: “Authorizing the Mayor to enter into an agreement with The R.M. Huffman Company, in the amount of \$69,692, for installation of a new gymnasium floor at the Kanawha City Recreation Center.”

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 The R.M. Huffman Company, in the amount of Sixty-nine thousand Six Hundred Ninety-two Dollars (\$69,692), for installation of a new gymnasium floor at the Kanawha City Recreation Center.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 491-08, adopted.

2. Your Committee on Finance has had under consideration Resolution No 492-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 492-08: “Authorizing the Mayor to request funding from the West Virginia Department of Transportation, Division of Highways, relating to a 2009 Transportation Enhancement Program (TE) grant for the Kanawha Trestle Trail Project.”

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

That the Mayor is hereby authorized and directed to request funding from the West Virginia Department of Transportation, Division of Highways, relating to a 2009

Transportation Enhancement Program (TE) grant for the Kanawha Trestle Trail Project.

The question being on the passage of the Resolution a roll call was taken and there were; yeas-24, absent - 1, as follows:

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Salisbury, Sheets, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Burton, Jones, Russell, Smith

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 492-08, adopted.

3. Your Committee on Finance has had under consideration Resolution No 493-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 493-08: "Authorizing the Finance Director to allocate funds in the amount of \$37,500, for acquisition of one (1) HOME project in the South Hills area of Charleston."

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$37,500, for acquisition of one (1) HOME project located in the South Hills area of Charleston.

The question being on the passage of the Resolution a roll call was taken and there were; yeas-24, absent - 1, as follows:

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Salisbury, Sheets, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Burton, Jones, Russell, Smith

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 493-08, adopted.

4. Your Committee on Finance has had under consideration Resolution No 494-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 494-08: "Authorizing the Finance Director to amend the 2008-2009 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 Finance Director is hereby authorized and directed to amend the 2008-2009 Civic Center Budget as indicated on the attached list of accounts.

The question being on the passage of the Resolution a roll call was taken and there were; yeas-24, absent - 1, as follows:

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Salisbury, Sheets, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Burton, Jones, Russell, Smith

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 494-08, adopted.

5. Your Committee on Finance has had under consideration Resolution No 495-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 495-08: "Authorizing the Mayor to enter into an agreement with GAI Consultants, Inc., in the amount of \$86,800, for creation of a Storm Water Technical Manual to assist in developing, creating, changing, adding and deleting certain storm water policies, procedures, criteria, employee training, and public involvement and participation programs."

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 GAI Consultants, Inc., in the amount of Eighty-six Thousand Eight Hundred Dollars (\$86,800), for creation of a Storm Water Technical Manual to assist in developing, creating, changing, adding and deleting certain storm water policies, procedures, criteria, employee training, and public involvement and participation programs.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 495-08, adopted.

6. Your Committee on Finance has had under consideration Resolution No 496-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 496-08: "Authorizing the Mayor to enter into an agreement with GAI Consultants, Inc., in an amount up to \$292,000, for Design Consulting Services related to Riverfront Park Improvement 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 an agreement with GAI Consultants, Inc., in an amount up to \$292,000, for Design Consulting Services related to Riverfront Park Improvement project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 496-08, adopted.

7. Your Committee on Finance has had under consideration Resolution No 497-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 497-08: “Authorizing the Mayor to enter into an agreement with GAI Consultants, Inc., in an amount up to \$50,000, for Design Consulting Services related to the Kanawha Boulevard Streetscape and Park Amphitheater 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 an agreement with GAI Consultants, Inc., in an amount up to \$50,000, for Design Consulting Services related to the Kanawha Boulevard Streetscape and Park Amphitheater project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 497-08, adopted.

8. Your Committee on Finance has had under consideration Resolution No 498-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 498-08: “Authorizing the Mayor to enter into an agreement with the Financial Commission for Appalachia High Intensity Drug Trafficking Area (“HIDTA”) for funds awarded from the United States Office of National Drug Control Policy (“ONDCP” in the amount of \$66,000. The funds are designated for overtime expenses (\$56,000) and for purchase of evidence and information (\$10,000) for four (4) officers in the Metro Drug Enforcement Unit (MDENT).

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 the Financial Commission for Appalachia High Intensity Drug Trafficking Area (“HIDTA”) for funds awarded from the United States Office of National Drug Control Policy (“ONDCP” in the amount of \$66,000. The funds are designated for overtime expenses (\$56,000) and for purchase of evidence and information (\$10,000) for four (4) officers in the Metro Drug Enforcement Unit (MDENT).

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 498-08, adopted.

9. Your Committee on Finance has had under consideration Bill No 7370, and reports the same to Council with the recommendation that the Bill do pass.

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF CHARLESTON, WEST VIRGINIA, OF NOT MORE THAN \$14,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF ITS MULTIFAMILY HOUSING REVENUE BOND (LITTLEPAGE

TERRACE APARTMENTS PROJECT), SERIES 2008 A, AND MULTIFAMILY HOUSING REVENUE BOND (WASHINGTON MANOR APARTMENTS PROJECT), SERIES 2008 B, IN TWO SERIES, TO PROVIDE FUNDS TO ACQUIRE, CONSTRUCT AND EQUIP COMMERCIAL PROJECTS IN KANAWHA COUNTY, WEST VIRGINIA, CONSISTING OF THE DEMOLITION OF EXISTING MULTIFAMILY RENTAL HOUSING PROJECTS AND THE CONSTRUCTION OF NEW MULTIFAMILY RENTAL HOUSING PROJECTS AND TO PAY SUCH OTHER COSTS IN CONNECTION THEREWITH; APPROVING THE LOAN OF SAID BOND PROCEEDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE, A FINANCING AGREEMENT, A REGULATORY AGREEMENT, A COMPOSITE BOND PURCHASE AGREEMENT, AN INTEREST RATE AGREEMENT AND AN ASSIGNMENT, AND AUTHORIZING THE DISTRIBUTION OF OFFERING DOCUMENTS; AND TAKING OTHER NECESSARY ACTIONS IN CONNECTION WITH THE ISSUANCE AND SALE OF SUCH BONDS.

WHEREAS, the City of Charleston, West Virginia (the "Issuer"), a municipal corporation, is a duly organized governmental body 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 Section 2 of the Act, to issue its revenue bonds to pay the cost of commercial projects; and

WHEREAS, Charleston Replacement Housing L.P. #3, a West Virginia limited partnership (the "Company") has requested the Issuer to issue its \$2,000,000 City of Charleston, Multifamily Housing Revenue Bond (Littlepage Terrace Apartments Project), Series 2008 A, and \$12,500,000 City of Charleston, Multifamily Housing Revenue Bond (Washington Manor Apartments Project), Series 2008 B (collectively, the "Bonds"), the proceeds of which will be used to finance the demolition of existing multifamily rental housing projects and the construction of new multifamily rental housing projects by the Company in the City of Charleston, West Virginia, specifically consisting of (i) (a) the demolition of buildings currently known as the "Littlepage Terrace Apartments," consisting of 46 units in 7 buildings located at 1809 Washington Street, West, Charleston, West Virginia, and (b) the demolition of buildings currently known as the "Washington Manor Apartments," consisting of 120 units in 3 buildings located at 700 Clendenin Street, Charleston, West Virginia, (ii) (a) the construction of new buildings consisting of eight one bedroom units, four two bedroom units, and four three bedroom units in four separate buildings, and (b) the construction of new buildings consisting of eight one bedroom units, twenty two bedroom units, sixteen three bedroom units, and thirty-six one bedroom elderly and disabled units in thirteen separate buildings, ((i) and (ii) hereinafter referred to as the "Project"); and (iii) costs associated with the issuance of the Bonds; and

WHEREAS, there have been presented to this meeting the following documents to be executed in connection with the issuance and sale of the Bonds:

1. The proposed form of a Financing Agreement, dated as of December 1, 2008 (the "Agreement"), between the Company and the Issuer, pursuant to which the Company shall, among other things, agree to pay as loan payments, and such other amounts (including Hedge Payments, as defined in the Financing Agreement), sufficient to pay the principal of, premium, if any, and interest on the Bonds;

2. The proposed form of Trust Indenture, dated as of December 1, 2008 (the “Indenture”), between the Issuer and United Bank, Inc., Charleston, West Virginia (the “Trustee”), pursuant to which the Bonds will be issued;
3. The proposed form of the Bonds as set forth in the Indenture;
4. The proposed form of the Composite Bond Purchase Agreement (the “Composite Bond Purchase Agreement”) relating to the Bonds;
5. The proposed form of a Regulatory Agreement and Declaration of Restrictive Covenants (the “Regulatory Agreement”);
6. The proposed form of the Official Statement (the “Official Statement”) relating to the Bonds;
7. The proposed form of an Agreement for Interest Rate Reduction Payments (the “Interest Rate Agreement”); and
8. An Assignment of Deed of Trust and Loan Documents (the “Assignment”) relating to the Bonds;

WHEREAS, it appears that each of the instruments referred to above, which is now before the Issuer, is in appropriate form and is an appropriate instrument for the purpose intended.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Charleston,, West Virginia as follows:

Section 1. That the proposed issuance of the Bonds, as described in the Indenture, is hereby approved and authorized, pursuant to and in accordance with Article 2C, Chapter 13 of the Code of West Virginia, 1931, as amended (the “Act”), the Agreement and the Indenture and as generally described in the Official Statement, following the execution and delivery of the Composite Bond Purchase Agreement authorized and directed by this Ordinance.

Section 2. That the Bonds be and the same hereby are in all respects authorized, approved and confirmed, and the Mayor be and he hereby is authorized, empowered and directed to execute, whether by manual or facsimile signature, and the City Clerk is hereby authorized, empowered and directed to seal with the official seal of the Issuer or a facsimile thereof and deliver for and on behalf of the Issuer, the Bonds to the Trustee for authentication, and the Trustee is hereby authorized and directed to authenticate the Bonds, and the provisions of the Indenture with respect to the Bonds (including without limitation the maturity dates, rates of interest and redemption provisions) be and the same hereby is authorized, approved and confirmed and are incorporated herein by reference.

Section 3. That the Issuer enter into the Financing Agreement and the form and content of the Financing Agreement be and the same hereby is in all respects authorized, approved and

confirmed and the Mayor be and he hereby is authorized, empowered and directed to execute and deliver the Financing Agreement, prior to or simultaneously with the issuance of the Bonds for and on behalf of the Issuer, including necessary counterparts, in substantially the form and content now before this meeting but with such changes, modifications, additions or deletions therein as shall to him and to legal counsel for the Issuer be deemed necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the Financing Agreement now before this meeting, and that, from and after the execution and delivery of the Financing Agreement, the Mayor is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Financing Agreement as executed.

Section 4. That the form and content of the Indenture and the assignment of the Issuer's interest in the Financing Agreement be and the same hereby is in all respects authorized, approved and confirmed, and the Mayor, be and he hereby is authorized, empowered and directed to execute and deliver the Indenture for and on behalf of the Issuer to the Trustee for the security of the Bonds and the interest thereon, including necessary counterparts, in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as shall to him and to legal counsel for the Issuer be deemed necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions from the form and content of the Indenture now before this meeting, and that, from and after the execution and delivery of the Indenture, the Mayor hereby is authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Indenture as executed.

Section 5. That the form, terms and content of the Official Statement be and the same hereby is in all respects authorized, approved and confirmed, and the Mayor be and he hereby is authorized, empowered and directed to execute the Official Statement in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as shall to him and to legal counsel for the Issuer be deemed necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions from the form and content of the Official Statement now before this meeting.

Section 6. That the form, terms and content of the Regulatory Agreement be and the same hereby is in all respects authorized, approved and confirmed, and the Mayor be and he hereby is authorized, empowered and directed to execute the Regulatory Agreement in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as shall to him and to legal counsel for the Issuer be deemed necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions from the form and content of the Regulatory Agreement now before this meeting.

Section 7. That the form, terms and content of the Interest Rate Agreement and the Assignment, respectively, be and the same hereby is in all respects authorized, approved and confirmed, and the Mayor be and he hereby is authorized, empowered and directed to execute the

Interest Rate Agreement and the Assignment in substantially the form and content now before this meeting but with such changes, modifications, additions and deletions therein as shall to him and to legal counsel for the Issuer be deemed necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions from the form and content of the Interest Rate Agreement and the Assignment now before this meeting.

Section 8. That the Issuer enter into the Composite Bond Purchase Agreement, and the form and content of the Composite Bond Purchase Agreement be and the same hereby are in all respects authorized, approved and confirmed and the Mayor be and he hereby is authorized, empowered and directed to execute and deliver the Composite Bond Purchase Agreement, prior to or simultaneously with the issuance of the relevant Bonds for and on behalf of the Issuer, including necessary counterparts, in substantially the form and content now before this meeting but with such changes, modifications, additions or deletions therein as shall to him and to legal counsel for the Issuer be deemed necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the Composite Bond Purchase Agreement now before this meeting, and that, from and after the execution and delivery of the Composite Bond Purchase Agreement, the Mayor is hereby authorized, empowered, and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Composite Bond Purchase Agreement, as executed.

Section 9. That the Mayor be and he hereby is authorized to execute and deliver for and on behalf of the Issuer any and all additional certificates, documents, opinions or other papers and perform all other acts (including without limitation, the filing of any financing statements or any other documents to create and maintain a security interest in the Project) as he may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Ordinance.

Section 10. The Bonds shall contain a recital that they are issued pursuant to the Act, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

Section 11. The provisions hereof are not intended to, and shall not be construed or interpreted to, either (a) obligate or authorize the expenditure of any funds or moneys of the Issuer or derived by the Issuer from any source whatsoever other than the proceeds from issuance and sale of the Bonds as provided for herein, or (b) create any personal liability on the part of the officers or members of the Issuer. The Bonds shall never constitute an indebtedness of the Issuer within the meaning of any constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the Issuer. Neither the Bonds nor the interest thereon shall be a charge against the general credit or taxing powers of the Issuer and such fact shall be plainly stated on the face of each Bond.

Section 12. The statutory mortgage lien set forth in Section 8 (§13-2C-8) of the Act is hereby waived by the Issuer.

Section 13. That the provisions of this Ordinance are hereby declared to be separable, and, if any section, phrase or provision shall for any reason be declared to be invalid, such

declaration shall not affect the validity of the remainder of the sections, phrases or provisions.

Section 14. That all acts and deeds of any officer or agent of the Issuer in furtherance of the purposes and intent of this Ordinance hereby are ratified, confirmed and made the acts and deeds of the Issuer.

Section 15. That all resolutions, ordinances and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

Section 16. That the members of the City Council of the Issuer hereby find and determine that all formal actions relative to the enactment of this Ordinance were taken in an open meetings of the Issuer and that all deliberations of the members of the Issuer which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including, but not limited to Section 147(f) of the Internal Revenue Code of 1986, as amended, and that the Project and the financing thereof will greatly benefit the residents of the City of Charleston, West Virginia and otherwise serve the purposes of the Act.

Section 17. That this Ordinance shall become effective immediately upon its enactment.

Approved on First Reading - November 17, 2008

Approved on Second Reading - December 1, 2008

Enacted Following Public Hearing – December 15, 2008

The question being on the passage of the Bill a roll call was taken and there were; yeas- 24, absent - 1, as follows:

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Salisbury, Sheets, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Burton, Jones, Russell, Smith

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7370, passed.

10. Your committee on Finance has had under consideration a bid submitted by Ilis, Inc., in the amount of \$17,488.62, for one ReportBeam Server and related equipment to be used by the Charleston Police Department. To be charged to Account No. 095-175-00-009-4-459, Police—2009 Safe Community Grant F09HS-08, and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

11. Your committee on Finance has had under consideration a bid submitted by Big Wireless, in the amount of \$10,487.40, for purchase of wireless mesh outdoor equipment for the Charleston Police Department. To be charged to Account No. 095-

181-08-000-4-459, Police—Project Safe Neighborhood Grant, and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

12. Your committee on Finance has had under consideration a proposal submitted by Stephens Auto Center for purchase of three 2009 vehicles to be used by the Metro Drug Enforcement Unit (MDENT), in the total amount of \$59,800, less trade-in of a minimum of four (4) vehicles currently in use. The trade-in value of the used vehicles is based on model and mileage and will be determined upon delivery of the new vehicles in approximately 60 days. To be charged to Account No. 095-164-09-000-4-459, Police—2008 Purdue Pharma Grant, and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

13. Your committee on Finance has had under consideration a bid submitted by Bert Wolfe Ford, in the amount of \$51,235.35, for purchase of three (3) 2010 Ford Fusions; and purchase of two (2) 2009 Dodge Avengers from Country Club Chrysler, in the amount of \$31,914, for a total of \$83,149.35. The vehicles will be used by the Criminal Investigation Division (CID) of the Charleston Police Department. The new vehicles will replace four (4) 1999 Ford Taurus' and one (1) 2000 Ford Taurus. To be charged to Account No. 001-976-00-700-4-459, Police—Capital Outlay, Equip. (part of Lease Purchase Escrow Account Schedule No. 1000132834 for FY 2008-2009) , and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

14. Your committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the total amount of \$301,766, for purchase of thirteen (13) 2009 Ford Crown Victoria Police Cruisers to be used by the Charleston Police Department. The new vehicles will replace police cruisers currently in use. To be charged to Account No. 001-976-00-700-4-459, Police—Capital Outlay, Equip. (part of Lease Purchase Escrow Account Schedule No. 1000132834 for FY 2008-2009) , and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; November 2008; Received and Filed.
2. City Treasurer's Report to City Council Month Ending November 2008. Received and Filed.
3. Report of the City of Charleston Financial Statements for the Five - Month Period Ended November 30, 2008. Received and Filed.

NEW BILLS

Introduced by Council Member Jack Harrison on December 15, 2008:

Bill No. 7372: A BILL to amend § 78-101(g) and § 78-211(f), to enact § 38-126 and § 38-127, to repeal § 78-371, § 38-81, § 38-82, § 38-83, § 38-84, § 38-85, § 38-86, § 38-87, § 38-88, § 38-89, § 38-90, § 38-91, § 38-92, § 38-93, § 38-94, § 38-95, § 38-96, § 38-97, § 38-98, § 38-99, § 38-100, § 38-101, § 38-102 and § 38-103, as amended, and reenact § 78-371, § 38-81, § 38-82, § 38-83, § 38-84, § 38-85, § 38-86, § 38-87, § 38-88, § 38-89 and § 38-90 of the Municipal Code of the City of Charleston.

Refer to Ordinance and Rules Committee.

ROLL CALL

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

YEAS: Clowser, Davis, Ealy, Hanna, Harris, Harrison, Higgins, Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Salisbury, Sheets, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Burton, Jones, Russell, Smith

At 8:00 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, January 5, 2009, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk