

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

July 21, 2008

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF JULY ON THE 21st DAY, IN THE YEAR 2008, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER AND THE PLEDGE OF ALLEGIANCE WAS LED BY HIGGINS.

**BURTON
DEITZLER
HANNA
HIGGINS
KNAUFF
MILLER
REISHMAN
SHEETS
WARE
MAYOR JONES**

**CLOWSER
EALY
HARRIS

LANE
PAYNE
RUSSELL
SMITH
WEINTRAUB**

**DAVIS
HALL
HARRISON
KIRK
LANHAM
REED
SALISBURY
TALKINGTON
WHITE**

TWENTY- SEVEN 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. Tom Loehr – Charleston Landfill

PUBLIC HEARING

After duly being published as required, the Mayor declared the floor open for a Public Hearing on Bill No. 7335 -- A Bill prescribing a proposed schedule of modified and amended rates and rentals for the use of the services and facilities of the Municipal Auditorium and the Charleston Civic Center.

The Chair sees no one from the public.

The Chair hears no one from the public.

The Chair declares Public Hearing on Bill No. 7335, Closed.

CLAIMS

1. A claim of Angelea Washington, 310 Monogalia Street, Charleston, WV; alleges damage to property.

Refer to City Solicitor

2. A claim of Larry and Pamela Faulkner, 3408 Alcoa Drive, Charleston, WV; alleges damage to property.

Refer to City Solicitor

3. A claim of Dollie Bryant, 4701 Venable Ave., SE. Charleston, WV; alleges damage to property.

Refer to City Solicitor

PROCLAMATION

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: Fighting fires is one of the most hazardous professions, requiring physical strength, stamina, extensive training, courage, and concern for the welfare of our citizens; and

WHEREAS: In addition to their daily service to communities Firefighters throughout the state and across the nation have joined the Muscular Dystrophy Association for more than 54 years in the fight against neuromuscular disease; and

WHEREAS: City of Charleston Firefighters collected a record breaking \$17,000 throughout the community with their 2007 "Fill the Boot" campaign for MDA; and

WHEREAS: The Muscular Dystrophy Association is extremely grateful to the City of Charleston Firefighters for their support and dedication; and

WHEREAS: The funds collected by the City of Charleston Firefighters assist MDA in providing medical services at local clinics, summer camp, research grants, support groups and public education seminars at no cost to local children and families; and

WHEREAS: In honor of the efforts of the City of Charleston Firefighters, the Muscular Dystrophy Association is requesting this special commendation and recognition.

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby proclaim the Month of August 2008, as

Charleston Firefighter Appreciation Month

in Charleston, West Virginia, and urge all citizens to commend City of Charleston Firefighters for their efforts on behalf of the Muscular Dystrophy Association.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 16th day of July 2008.

COMMUNICATIONS

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JULY 21, 2008

I recommend that Dennis Strawn, 1109 Park Avenue, Charleston, WV 25302, be appointed to the Charleston Land Trust, with an initial term to expire October 4, 2011.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JULY 21, 2008

I recommend that Bill Mills, P.O. Box 311, Charleston, WV 25321, be appointed to the Charleston Land Trust, with an initial term to expire October 4, 2010.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JULY 21, 2008

I recommend that Adam Krason, 222 Lee Street West, Charleston, WV 25302, be appointed to the Charleston Land Trust, with an initial term to expire October 4, 2010.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JULY 21, 2008

I recommend that John Bullock, 303 Washington Street West, Charleston, WV 25302, be appointed to the Charleston Land Trust, with an initial term to expire October 4, 2009.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JULY 21, 2008

I recommend that Kristen Harrison, 801 Churchill Drive, Charleston, WV 25314, be reappointed to the Charleston Land Trust, with a initial term to expire October 4, 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: CHARLESTON LAND TRUST

DATE: JULY 21, 2008

I recommend that David Higgins, Ex Officio, 18 Norwood Road, Charleston, WV 25314, be reappointed to the Charleston Land Trust, with a said term to expire October 4, 2009.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JULY 21, 2008

I recommend that Adam Knauff, 626 Jean Street, Charleston, WV 25301, be reappointed to the Charleston Land Trust, with a initial term to expire October 4, 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: CHARLESTON URBAN RENEWAL AUTHORITY

DATE: JULY 21, 2008

I recommend that David Rollins, 2021 Parkwood Road, Charleston, WV 25314, be reappointed to the Charleston Urban Renewal Authority, with a said term to expire March 3, 2012.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JULY 21, 2008

I recommend that Edward C. ("Ted") Armbrecht, Jr., 626 Jean Street, Charleston, WV 25301, be reappointed to the Charleston Land Trust, with a initial term to expire October 4, 2010.

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

Council approved the appointment.

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON LAND TRUST

DATE: JULY 21, 2008

I recommend that Lewis Payne, 300 Capitol Street, Suite 1503, Charleston, WV 25301, be appointed to the Charleston Land Trust, with a initial term to expire October 4, 2011. He represents the Municipal Beautification Commission.

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

Council approved the appointment.

The Clerk read the Communication:

Honorable Danny Jones and
City Council Members
Charleston, West Virginia 25301

Dear Mayor Jones and Councilmember's:

On July 9, 2008, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases should be referred to the Planning Committee of Council.

Street Renaming-Shark Lane to Roderick Road
Application of John Miesner on behalf of petitioners from South Hills Swim Club requesting to rename the existing Shark Lane to Roderick Road, Charleston, WV in compliance with the Statewide Addressing and 911 System.

Street Naming – Burr lane

Application of Wilbur Thaxton on behalf of adjacent property owners requesting the private street located off of Piccadilly Street north of Evergreen Street in the City of Charleston named Burr Lane in compliance with the Statewide Addressing and 911 System.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant

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

MISCELLANEOUS RESOLUTIONS

Resolution No. 426-08

Introduced in Council

July 21, 2008

Introduced by

Marc Weintraub

Whereas, America needs a balanced, integrated transportation system, and the American people require multiple transportation choices; and

Whereas, passenger rail is a component of a modern , multi-modal transportation system and needs to have financial support, unified policy development, and oversight similar to that we afford to air, water, and highway transit modes; and

Whereas, the residents , visitors, and business community of our area need an improved and guaranteed passenger rail system to link our community to the hundreds of other cities served by rail in our nation and Canada; and

Whereas, our section of the nation is underserved by Amtrak trains, having only Train 50 and 51, the Cardinal, which presently runs three days a week and could be far more effective as a daily train, with a baggage car and ; and

Whereas, investment in rail passenger services in other sections of our country have resulted in significant ridership increases and increased citizen mobility; and

Whereas, Amtrak will continue to offer a growing role in offering transportation choices; and

Whereas, rail passenger services are recognized for their safety and energy efficiency;

Now, therefore, I, Danny Jones, Mayor of Charleston, WV, do hereby proclaim that the

City of Charleston supports Federal funding for Amtrak to a degree that allows continuation and improvements of existing services and expansion of services as warranted, and that this Proclamation be forwarded to the West Virginia congressional delegation in Washington, D.C.

IN witness whereof, I have hereunto set my hand and caused the Seal of the City of Charleston to be affixed this 21st day of July, 2008.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No.426-08, adopted

PLANNING COMMITTEE

Councilperson Mary Jean Davis, Chairman of the Council Committee on Planning, submitted the following report.

1. Your Committee on Planning has had under consideration Bill No. 7328, and reports the same to Council with the recommendation that the Bill pass as amended.

Bill No. 7328 – A Bill amending and reenacting Chapter 106, of the Charleston City Code for the purpose of replacing the referenced ordinance titled “Subdivision Regulations of the City of Charleston, West Virginia, as amended” with a new ordinance titled “Subdivision Ordinance of the City of Charleston, West Virginia, August 1, 2008”, said document shall be kept on file in the Charleston Planning Department and City Clerk’s Office.

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

1. That City Council hereby finds:
 - a. The Comprehensive Plan for the City of Charleston is in compliance with the minimum components and objectives as outlined in Section 8a-3-4 of the Code of West Virginia; and
 - b. The Subdivision Ordinance includes the minimum content as required by Section 8A-7-2 of the Code of West Virginia; and
 - c. The Subdivision Ordinance is consistent with the goals, objectives, plans and priorities established by the Comprehensive Plan for the City of Charleston.
2. Therefore, Chapter 106, of the Charleston City Code is hereby amended and reenacted to read as follows:

CHAPTER 106. SUBDIVISION ORDINANCE

There is hereby adopted that certain revised document heretofore published by the City and which is entitled “SUBDIVISION ORDINANCE of the CITY OF

CHARLESTON, WEST VIRGINIA, as passed by Ordinance No 7328, and kept on file in the Planning Department and City Clerks Office, City Hall, where it shall be available to the public for inspection and use during all regular business hours; and said document, as revised, is hereby incorporated herein and made a part thereof as fully as though set out in length; and the provisions of said document, as revised by council for the City of Charleston from time to time, shall be controlling within the City limits of the City of Charleston in all matters related to its subject matter. It is unlawful for any person to act in any way or manner contrary to the provisions therein.

All prior inconsistent ordinances, rules and resolutions are hereby repealed.

The effective date of this ordinance is August 1, 2008.

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

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

ABSENT: Jones

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7328, passed as amended.

2. Your Committee on Planning has had under consideration Bill No. 7329, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7329 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, and the map made a part thereof, by rezoning from an R-8 district to a C-8 district, parcels situate at East Charleston Tax Map 25, Parcels 21 and 22 also know as 209 and 211 Greenbrier Street, Charleston, West Virginia.

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

The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of March, 2005, as amended, is hereby amended by rezoning from an R-8 district to a C-8 district the whole of the following described parcels of land:

Parcel Nos. 21 and 22 as shown upon East Charleston Tax Map 25. Said property being commonly known as Lots 15 & 16, Quarrier Court, Charleston, West Virginia and as 209 and 211 Greenbrier Street. Said tax map is of record in the Planning Office.

The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 27 of this ordinance.

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

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

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

ABSENT: Jones

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7329, passed.

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. 414-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 414-08: "Authorizing the Mayor to enter into an Agreement with D. C. Byers, in the amount of \$722,385, for Repairs to Municipal Parking Buildings

No. 3, located at Washington Street and Civic Center Drive (Greyhound); No. 4, located at Quarrier Street and Civic Center Drive; and No. 6, located at 166 Summers Street."

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 D. C. Byers, in the amount of \$722,385, for Repairs to Municipal Parking Buildings No. 3, located at Washington Street and Civic Center Drive (Greyhound); No. 4, located at Quarrier Street and Civic Center Drive; and No. 6, located at 166 Summers Street.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 414-08, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 415-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 415-08: "Authorizing the Mayor to enter into an Agreement with West Virginia Paving, Inc., in the amount of \$1,253,078.95, for the 2008 Street Paving 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 West Virginia paving, Inc., in the amount of \$1,253,078.95, for the 2008 Street Paving Project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 415-08, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 416-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 416-08: “Authorizing the Mayor to enter into an Agreement with Suddenlink, in the amount of \$995 per month for a 100mb Site Connection Link from City Hall to Fire Station No. 9, located at #10 Camp Way (Southridge). This Agreement is for a one year period from the date of execution with an irrevocable option by the City to renew the Agreement for two additional years at the same terms and conditions and monthly rate, subject to annual appropriation of funds by City Council.”

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 Suddenlink, in the amount of \$995 per month for a 100mb Site Connection Link from City Hall to Fire Station No. 9, located at #10 Camp Way (Southridge). This Agreement is for a one year period from the date of execution with an irrevocable option by the City to renew the Agreement for two additional years at the same terms and conditions and monthly rate, subject to annual appropriation of funds by City Council.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 416-08, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 417-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 417-08: “Authorizing the Mayor to apply for the FY 2008 Emergency Management Performance Grant (“EMPG”) through the West Virginia Division of Homeland Security and Emergency Management. This grant will assist the City in continuing and improving its emergency management response system and will reimburse the City 50% for most of the operating and other costs incurred by the Office of Emergency Services and Homeland Security.”

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

That the Mayor is hereby authorized and directed to apply for the FY 2008 Emergency Management Performance Grant (“EMPG”) through the West Virginia Division of Homeland Security and Emergency Management. This grant will assist the City in continuing and improving its emergency management response system and will reimburse the City 50% for most of the operating and other costs incurred by the Office of Emergency Services and Homeland Security.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 417-08, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 418-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 418-08: “Authorizing the Mayor to receive and administer Purdue Pharma funds, in the amount of \$120,156, from the Division of Criminal Justice Services. The funds will be utilized for MDENT operating expenses, vehicles, and 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 Purdue Pharma funds, in the amount of \$120,156, from the Division of Criminal Justice Services. The funds will be utilized for MDENT operating expenses, vehicles, and equipment.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 418-08, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 419-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 419-08: “Authorizing the Mayor to receive and administer funds from the Division of Criminal Justice Services, in the amount of \$56,000, providing for reimbursement for officers assigned to the MDENT Unit.”

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

That the Mayor is hereby authorized and directed to receive and administer funds from the Division of Criminal Justice Services, in the amount of \$56,000, providing for reimbursement for officers assigned to the MDENT Unit.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 419-08, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 420-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 420-08: “Authorizing the Mayor to enter into a Grant Contract Agreement with the Division of Criminal Justice Services to receive and administer grant funds in the maximum amount of \$50,809 to provide for Prevention

Resources Officers (PROs) at Stonewall Jackson Middle School and Capital High School.”

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 Grant Contract Agreement with the Division of Criminal Justice Services to receive and administer grant funds in the maximum amount of \$50,809 to provide for Prevention Resources Officers (PROs) at Stonewall Jackson Middle School and Capital High School.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 420-08, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 421-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 421-08: “Authorizing the Mayor to enter into an Agreement with Lloyd’s Electronics, in the amount of \$106,607.00, for purchase of a new Radio System for the Charleston Police Department and MDENT. The system includes 10 portable radios, \$21,860.50; 14 mobile radios, \$57,073.80; base unit, \$4,832.50; and repeater station, \$16,993.15; plus two year warranty agreement and software, \$5,747.05.”

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 Lloyd’s Electronics, in the amount of \$106,607.00, for purchase of a new Radio System for the Charleston Police Department and MDENT. The system includes 10 portable radios, \$21,860.50; 14 mobile radios, \$57,073.80; base unit, \$4,832.50; and repeater station, \$16,993.15, plus two year warranty agreement and software, \$5,747.05.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 421-08, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 422-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 422-08: “Authorizing the Mayor to sign a renewal agreement with Safety National Casualty Corporation/Commercial Insurance Services in the amount of \$138,949.04 for the City’s Excess Workers’ Compensation insurance for the period July 1, 2008 to June 30, 2009.”

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 Casualty Corporation/Commercial Insurance Services in the amount of \$138,949.04 for the City's Excess Workers' Compensation insurance for the period July 1, 2008 to June 30, 2009.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 422-08, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 423-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 423-08 : "Approving settlement of pending litigation, captioned *James Jones v. City of Charleston*, Civil Action No. 03-C-2735, Circuit Court of Kanawha County W.Va., Judge Jennifer Bailey Walker, in the amount of \$50,000.00 and authorizing the Mayor to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiffs of all claims stemming from his employment with or termination from the City of Charleston."

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

That the City Council for the City of Charleston hereby approves settlement of pending litigation, captioned *James Jones v. City of Charleston*, Civil Action No. 03-C-2735, Circuit Court of Kanawha County W.Va., Judge Jennifer Bailey Walker, in the amount of \$50,000.00 and authorizing the Mayor to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiffs of all claims stemming from his employment with or termination from the City of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 423-08, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 424-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 424-08 : "Authorizing the Mayor to enter into an Agreement with Integrated Theater Systems, LTD, in the amount of \$117,809, for purchase of equipment and related materials for the Theatrical Lighting Renovation Project at the Municipal Auditorium."

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 Integrated Theater Systems, LTD, in the amount of \$117,809, for purchase of equipment and related materials for the Theatrical Lighting Renovation Project at the Municipal Auditorium.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 424-08, adopted.

12. Your Committee on Finance has had under consideration Resolution No. 425-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 425-08: “Authorizing the Mayor to enter into an Agreement with Progressive Electric, Inc., in the amount of \$125,000, for Installation of Equipment and Materials for the Theatrical Lighting Renovation Project at the Municipal Auditorium.”

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 Progressive Electric, Inc., in the amount of \$125,000, for Installation of Equipment and Materials for the Theatrical Lighting Renovation Project at the Municipal Auditorium.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 425-08, adopted.

13. Your Committee on Finance has had under consideration Bill No. 7335, and reports the same to Council with the recommendation that the Bill pass.

Bill No. 7335 -- A Bill prescribing a proposed schedule of modified and amended rates and rentals for the use of the services and facilities of the Municipal Auditorium and the Charleston Civic Center of the City of Charleston, West Virginia, and providing for a public hearing.

WHEREAS, under the provisions of Chapter Eight, Article Sixteen, Section Eighteen of the Code of the State of West Virginia, one thousand nine hundred thirty-nine, as amended, this Council is required to enact an ordinance setting forth a proposed schedule of the use of the services and facilities of the Municipal Auditorium and the Charleston Civic Center of the City of Charleston, West Virginia, and fixing a time and place of the public hearing on said proposed schedule;

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

Section 1. That the following proposed schedule of rates and rental for the use of the services and facilities of the Municipal Auditorium and the Charleston Civic Center of the City of Charleston, West Virginia, owned and operated by the City of Charleston, West Virginia, including any additions, extensions, or improvements proposed hereinafter constructed and acquired, if any by the City, is hereby established:

I. MUNICIPAL AUDITORIUM (3,483 permanent seats)

- A. Regular rate \$1150.00 per day or evening or 10% of gross admissions, after taxes, whichever is greater.
- B. Regular rehearsal \$600.00
- C. Cultural rate \$1,000.00
- D. Cultural rehearsal \$500.00
- E. Preceding rates include ONLY space, air conditioning and janitorial services.
- F. Qualified technicians, approved by the Center, are required for handling all lightings, sound and stage at the lessees cost.
- G. In addition to the charges set forth above a capital improvement fee will be imposed upon the event ticket price as follows:

\$0 - \$9.99 --	\$0
\$10.00 - \$19.99 --	\$.75
\$20.00 - \$39.99 --	\$1.25
\$40.00 – \$59.99	\$1.75
\$60.00 – and up --	\$2.00

A fee of \$50.00 will be imposed for all full day rentals not qualifying under ticket fees.

- H. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Municipal Auditorium. Such special fund to be established by the City.

II. COLISEUM (seats up to 13,500 concerts, 12,500 basketball)

\$4,000.00

- A. Regular rental rate (all usage except gross those qualifying under B., C., D., E., F., G., or H.) per day or evening or 12% of admissions, after taxes, which ever is greater.

\$2,000.00

- B. Local charitable and cultural events as approved by the Civic Center / Auditorium Board. per day or evening.

\$500.00

\$1,200.00

- C. Local High School Basketball games. \$275.00 or 50% of the first , whichever is greater plus 10%

	of gross receipts after taxes
	\$1,500.00
	\$650.00
	\$1,400.00
D. High School doubleheaders (team not of same school)	or 50% of the first \$1,000.00, whichever is greater, plus 10% of gross receipts after taxes \$1,500.00
E. Junior Varsity High School as a preliminary game	\$100.00
F. Local College Basketball games	\$1,250.00 or 10% of gross receipts after taxes, whichever is greater
G. College preliminary games of same school	\$250.00
H. Exhibit Shows (using floor space)	\$3,000.00

All rates are for space rentals and include heat, air conditioning, lights and janitorial services.

I. In addition to the charges set forth above a capital improvement fee will be imposed upon the event ticket price as follows:

\$0 - \$9.99 --	\$0
\$10.00 - \$19.99 --	.75
\$20.00 - \$39.99 --	\$1.25
\$40.00 - \$59.99	\$1.75
\$60.00 - and up	\$2.00

J. all receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center. Such special fund to be established by the City.

III. MEETING ROOMS - - COLISEUM

A.		
	Parlor A	(1,469 sq. ft.) \$200.00
	Parlor B	(1,320 sq. ft.) \$200.00
	Parlor C	(1,320 sq. ft.) \$200.00
	Parlor D	(2,700 sq. ft.) \$300.00
	VIP Lounge	(870 sq. ft.) \$150.00

Preceding rates on Meeting Rooms include heat, air conditioning, lights and janitorial services.

B. In addition to the charges set forth above, a capital improvement fee of \$5.00 will be imposed upon the rental rate. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center.

IV. EXHIBITION HALL

		\$3,250
A. Grand Hall	(50,806 sq. ft.)	Daily Rate or 12% of gross ticket sales after taxes
		\$1,200
B. North or South Hall	(19,285 sq. ft.)	or 12% of gross ticket sales after taxes
C. West Hall I or II	(5,767 sq. ft.)	\$425 or 12% of gross ticket sales after taxes
D. WV Rooms		
Room 103	(1,012 sq. ft.)	\$90.00
Room 104	(2,534 sq. ft.)	\$165.00
Room 105	(3,120 sq. ft.)	\$375.00
Room 103 – 105	(6,666 sq. ft.)	\$600.00
E. Conference Rooms		
Room 202	(971 sq. ft.)	\$225.00
Room 203	(971 sq. ft.)	\$225.00
Room 204	(971 sq. ft.)	\$225.00
Room 205	(971 sq. ft.)	\$225.00
Room 202 – 205	(3,884 sq. ft.)	\$750.00
Room 206	(1,271 sq. ft.)	\$150.00
Room 207	(502 sq. ft.)	\$70.00
Room 208	(502 sq. ft.)	\$70.00
Room 209	(502 sq. ft.)	\$70.00
Room 207 – 209	(1,506 sq. ft.)	\$150.00

All rates are for space rentals and include heat, air conditioning, lights and janitorial services.

F. In addition to the charges set forth above a capital improvement fee in accordance with the following schedule will be imposed upon the rental

rate:

Coliseum	-	\$50.00 (for rental not qualifying under ticket fees)
Grand Hall	-	\$50.00
North or South Hall	-	\$25.00
West Hall I or II	-	\$25.00
West Virginia Rooms	-	\$ 5.00 each
Conference Rooms	-	\$ 5.00 each

G. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center.

V. CIVIC THEATER (750 permanent seats)

- | | |
|-----------------------|---|
| A. Regular rate | \$600.00 per day or evening or 10% gross admissions, after taxes, whichever is greater. |
| B. Regular rehearsal | \$300.00 |
| C. Cultural rate | \$300.00 |
| D. Cultural rehearsal | \$125.00 |
| E. Meeting rate | \$450.00 (less than four consecutive hours, no access to stage) |
- F. Above rates include ONLY space, heating, air conditioning and janitorial services.
- G. Qualified technicians, approved by the Center, are required for handling all lighting, sound and staging at the lessees cost.
- H. In addition to the charges set forth above, a capital improvement fee of \$25.00 will be imposed upon the rental rate for the full rental or cultural performances only. All receipts from this capital improvement fee shall be dedicated to a special fund to be used solely for capital improvements at the Charleston Civic Center.

Section 2.

- A. The fees used to establish the Capital Improvement Funds for the Charleston Civic Center (CCC) and the Municipal Auditorium (MA) are to be used to fund CCC and MA building improvements and renovations, repairs and

replacements of equipment or mechanical systems that are not normally provided in regular operation budgets. Items costing less than \$15,000.00 will be funded from ordinary operating budget unless they are unexpected. The funds are not to be used fund ordinary maintenance and repairs. The funds are not considered to be in lieu of ordinary maintenance and Capital Improvements item traditionally included in the CCC and MA budgets.

- B. Special arrangements and exceptional conditions, which call for a different fee being charged than what is specified in the ordinance, can be negotiated by the Manager subject to Board approval.

Section 3. All other rates, fees, rentals and other charges incidental to the operation of said facilities shall be set and approved by the Civic Center/Auditorium Board, pursuant to the provisions of Chapter Two, Article Seven, Section One hundred fifty-eight of the Code of the City of Charleston, one thousand nine hundred and seventy-five, as amended.

Section 4. That a public hearing concerning such schedule of rates, fees, rentals and other charges for the use of services and facilities of said Municipal Auditorium and Charleston Civic Center of the City of Charleston, West Virginia, is hereby called for at July 21, 2008 in the Council Chambers, City Hall, using or proposing to use such services and facilities and all other parties interested in such schedules of rates, fees, rentals or other charges for the use of the services and facilities of the said Municipal Auditorium and Charleston Civic Center of the City of Charleston, and argument or evidence for or against the enactment of said proposed schedule of rates, fees, rentals and enact said schedule of rates, fees, rentals and other charges as set forth about together with any changes or modifications, if any deemed necessary or advisable by this Council.

Section 5. That the Clerk of the City of Charleston, West Virginia, be and is hereby authorized and directed to publish this ordinance and appropriate notice of said public hearing pursuant to the provisions of Chapter Eight, Article Sixteen, Section Eighteen of the Code of West Virginia, one thousand nine hundred thirty-nine, as amended.

Section 6. That this ordinance and the rates set forth herein, shall take effect on July 26, 2008 .

Section 7. All ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby expressly repealed.

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

YEAS: Burton, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins,

Kirk, Knauff, Lane, Lanham, Miller, Payne, Reed, Reishman, Russell , Salisbury, Sheets, Smith, Talkington, Ware , Weintraub, White, Mayor Jones.

ABSENT: Jones

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7335, passed.

NEW BILLS

Introduced by Council Members David Higgins, Bobby Reishman, Mary Jean Davis, Harry Deitzler, Will Hanna, Jack Harrison, Tom Lane, Kasey Russell, Jerry Ware on July 21, 2008:

Bill No.7337: A BILL to enact Chapter 3 – Municipal Home Rule, Article I, Sections 3-1, 3-2 and 3-3 for the purpose of establishing a Chapter in the Municipal Code of the City of Charleston for all new ordinances resulting from the City of Charleston’s participation in the West Virginia Municipal Home Rule Pilot Program.
Refer to Rules and Ordinance Committee.

Introduced by Council Members David Higgins, Bobby Reishman, Mary Jean Davis, Harry Deitzler, Will Hanna, Jack Harrison, Tom Lane, Kasey Russell, Jerry Ware on July 21, 2008:

Bill No. 7338: A BILL to enact Chapter 3, Article II, Section 3-10 of the Municipal Code of the City of Charleston for the purpose of allowing the publication of limited information regarding persons or businesses with delinquent B&O taxes and/or City service fees.
Refer to Rules and Ordinance Committee.

Introduced by Council Members David Higgins, Bobby Reishman, Mary Jean Davis, Harry Deitzler, Will Hanna, Jack Harrison, Tom Lane, Kasey Russell, Jerry Ware on July 21, 2008:

Bill No. 7339: A BILL to enact Chapter 3, Article II, Section 3-12 allowing the City of Charleston to enter into contractual or other agreements with other jurisdictions via resolution.
Refer to Rules and Ordinance Committee.

Introduced by Council Members David Higgins, Bobby Reishman, Mary Jean Davis, Harry Deitzler, Will Hanna, Jack Harrison, Tom Lane, Kasey Russell, Jerry Ware on July 21, 2008:

Bill No. 7340: A BILL to enact Chapter 3, Article II, Section 3-13 of the Municipal Code of the City of Charleston for the purpose of allowing the conveyance of City property to non-profit organizations without public auction, and for less than fair market value.
Refer to Rules and Ordinance Committee.

Introduced by Council Members David Higgins, Bobby Reishman, Mary Jean Davis, Harry Deitzler, Will Hanna, Jack Harrison, Tom Lane, Kasey Russell, Jerry Ware on July 21, 2008:

Bill No. 7341: A BILL to enact Chapter 3, Article II, Section 3-14 of the Municipal Code

of the City of Charleston for the purpose of allowing the conveyance of City property for fair market value, and without public auction when the primary purpose of such conveyance is to facilitate economic development within the City and/or to provide necessary and convenient resources for the benefit of its citizenry.
Refer to Rules and Ordinance Committee.

ROLL CALL

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

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

ABSENT: Jones

At 8:15 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, August 4, 2008, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk