



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, November 11, 2014

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Danny Jones
Mayor

James M. Reishman
City Clerk

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of November on the 3rd day, in the year 2014, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Harrison and the Pledge of Allegiance was led by Councilman Nichols. The Honorable James M. Reishman, City Clerk, called the roll of members and it was found that there were present at the time:

**BURKA
DAVIS
EALY
HOOVER
LANE
NICHOLS
RICHARDSON
SHEETS
TALKINGTON
MAYOR JONES**

**BURTON
DENEALT
HAAS
KIRK
MILLER
PERSINGER
RUSSELL
SMITH
WARE**

**DODRILL
HARRISON
KNAUFF
MINARDI
REISHMAN

SNODGRASS
WHITE**

With twenty-six members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

PUBLIC SPEAKERS

1. Greg Sayre of Liberty Lane in Charleston, WV came to speak about Recycling and WV Recycling Services.

CLAIMS

1. A claim of Mitchell Copen, 136 Emily St., Charleston, WV; alleges damage to property.
Referred to City Solicitor.

REPORTS OF COMMITTEES

COMMITTEE ON PLANNING

Councilperson Mary Jean Davis, Chairperson of the Council Committee on Planning, submitted the following report:

1. Your committee on Planning has had under consideration the attached street naming and reports the same to Council with the recommendation that the street naming do pass.

Your Committee on Planning has had under consideration a request to name a private street that connects Mountaineer Boulevard to Terry Road to Marshall Way attached hereto and made a part thereof.

Your Committee finds the request complies with the E911 Addressing Regulations and reports the same to Council with the recommendation that the drive be named Marshall Way.

Council lady Davis moved to approve the Street Naming. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the street name confirmed.

COMMITTEE ON ORDINANCE AND RULES

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

1. Your committee on Ordinance and Rules has had under consideration Bill No. 7632, and reports the same to Council with the recommendation that the bill do pass.

Bill No.7632 A BILL to amend and re-enact Section 10-171 of the Code of the City of Charleston to provide that disabled persons in possession of a Class Y Crossbow Permit may participate in the Urban Deer Hunt subject to the requirements of Section 10-171 and regulations thereunder.

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

That Section 10-171, as amended, of the Code of The City of Charleston are hereby amended and re-enacted to read as follows:

Sec. 10-171. Urban deer management.

(a) *Urban hunting conditions.* An urban deer hunt shall be lawful in the City of Charleston only under the following conditions:

- (1) Hunting shall be by permit only issued under the terms of this chapter.
- (2) The hunt shall be for deer only.
- (3) Subject to the limited exemption in Section (a)(17) herein, Only bows and arrows may be used.
- (4) 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.
- (5) All deer harvested must be legally checked at an official game checking station and reported to the city.
- (6) No hunting may take place within 150 feet of a dwelling or other occupied building.
- (7) No hunting shall take place closer than 500 feet from the property boundary of school property which contains a school building. For purposes of this section "school" means a public school or private school during periods when students are in attendance or participating in school activities.
- (8) 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 and any applicable state permit.
- (9) The transportation of a deer carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.
- (10) All West Virginia hunting rules and regulations apply to hunting within the city.
- (11) 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.
- (12) All hunting shall be conducted from an elevated portable tree stand that is at least ten 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 or, if applicable, bolts to the interior of the property.
- (13) Hunting may take place on tracts of five contiguous acres or more and within a sufficient distance from the boundary that an arrow cannot reasonably travel outside the permitted tract. Each tract must be approved by the city manager.
- (14) A property owner can designate and limit other persons allowed to hunt his or her land with a permit.
- (15) The city will be responsible to dispose of any wounded deer or deer carcass found on non-permitted property.

- (16) Hunting shall be allowed during the maximum time period permitted under state law and regulations promulgated by the West Virginia Division of Natural Resources for an urban deer hunt.
- (17) Persons possessing a valid Class Y Crossbow Permit in compliance with State Law, including, but not limited to, the requirements of W. Va. Code § 20-2-42w, and any amendments thereto, may use a crossbow to participate in the urban deer hunt so long as the Class Y Permit holder complies with all other requirements of this Section 10-171, and any regulations adopted hereunder.
- (b) *Permits.*
- (1) 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 and, if applicable, all additional statutes, regulations and rules for use of a crossbow by a person with a valid Class Y Permit. The city may impose additional requirements for a hunting permit and may limit the number of permits to be issued.
- (2) The city may charge an administrative fee for permits not to exceed \$25.00 per permit.
- (3) The city manager is hereby authorized ~~(t)~~ to promulgate reasonable rules and regulations including, but not limited to: (i) the setting of license fees to regulate bow hunting; and (ii) to selecting the tracts to be authorized for hunting as permitted herein; and (iii) promoting safety and facilitating the goals of urban deer management.
- (4) The city shall post the location of tracts approved for hunting on its website.
- (c) *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.
- (d) *Violations.* In addition to any penalties for violations of state hunting laws or regulations, any person violating this Section or the rules and regulations promulgated pursuant to this section shall be guilty of a misdemeanor and subject to the general penalties as provided in Section 1-8 of this Code.

Councilman Lane moved to pass Bill No. 7632. Councilman Ware seconded the motion. The Mayor opened the floor for discussion of the Bill.

Councilman Harrison spoke in opposition of the bill, based on the fact that when the City first introduced and enacted the Urban Deer Hunt it was solely for the management of deer population within the city limits. It was not meant for the “sport” of hunting.

Councilman Lane spoke in favor of the bill, stating that it is completely safe, and allows disabled citizens to participate in the program.

A roll call was taken:

YEAS: Burka, Burton, Deneault, Haas, Hoover, Kirk, Knauff, Lane, Miller, Nichols, Persinger, Reishman, Richardson, Russell, Sheets, Talkington, Ware, Jones

NAYS: Davis, Dodrill, Ealy, Harrison, Minardi, Smith, Snodgrass, White

ABSENT: Clowser, Salisbury

With a majority vote recorded thereon as voting in the affirmative the Mayor declared Bill 7632, adopted.

2. Your committee on Ordinance and Rules has had under consideration Bill No. 7636, and reports the same to Council with the recommendation that the bill do pass.

A BILL amending and re-enacting Chapter 18, Article XXIV, Division 1, Sections 18-1173 and 18-1177, and Chapter 18, Article XXIV, Division, 2, Section 18-1185 of the Code of the City of Charleston to clarify when a residential rental license is required and to revise the license term.

(This Bill will be voted on under the Finance Section of the meeting)
RECEIVED AND FILED.

COMMITTEE ON FINANCE

Councilperson Robert Reishman, Chairperson of the Council Committee on Finance, submitted the following reports:

3. Your committee on Finance has had under consideration Bill No. 7633, and reports the same to Council with the recommendation that the resolution do pass, with the following amendments:
 1. On line 76, strike the date July 1, 2015, and replace it with the date September 30, 2015.
 2. On line 76, after the substituted date of September 30, 2015, (See No. 1 above) add the following:

“During the period of October 1 through October 31, 2015, or at such other time as the city treasurer receives the quarterly remittance from the State Tax Department representing collections for the period of June, July, and August, 2015, sixty percent (60%) of the revenues received from the taxes imposed by this chapter, including interest and additions to tax, shall be deposited in the City Sales and Use Tax Fund and forty percent (40%) of the revenues shall be deposited in the Uniform Pensions Reserve Fund.”
 3. On line 76, after the word “Beginning” strike the date July 1, 2015, and replace it with the date November 1, 2015.
 4. Beginning on line 101 and continuing on to line 102, strike the words “as a result of electing”, and replace with the words “for those members who have retired after election of”.

Bill No. 7633: An ordinance amending Sections 111-3, 111-4, 111-14 and 111-15 of

Chapter 111 of the Code of the City of Charleston increasing the rate of the municipal sales and use tax and creating the Uniform Pensions Reserve Fund, a special revenue fund dedicated to police and fire pension obligations.

WHEREAS, on April 19, 2013, pursuant to the initial Municipal Home Rule Pilot Program under W. Va. Code § 8-1-5a (2007), the Municipal Home Rule Board approved an amendment to the City of Charleston Home Rule Plan authorizing the City of Charleston (“City”) to enact a consumer sales tax and use tax without the limiting restrictions of W. Va. Code § 8-13C-1 *et seq.*; and

WHEREAS, on May 20, 2013, the City lawfully enacted its consumers sales and use tax by ordinance and designated a rate of one-half of one percent; and

WHEREAS, the City’s consumers sales and use taxes have been collected by vendors and paid by taxpayers since October 1, 2013, and revenues from those taxes have been deposited in a special revenue fund, known as the “City Sales and Use Tax Fund”, dedicated to financing improvements to the Charleston Convention and Civic Center or for other related/subsequent economic development or public safety projects. The “City Sales and Use Tax Fund” is not part of the general revenues of the City; and

WHEREAS, the City has determined that it is in the best interest of the City to increase the sales and use tax rate to one percent to help defray the mounting obligations for police and fire pensions that are threatening the City’s ability: to provide essential services at a level necessary to accomplish the objectives to be served by an expansion, improvement and rehabilitation of the Charleston Convention and Civic Center; to operate and maintain the expansion and improvements to the Charleston Convention and Civic Center; to attract more residents and visitors to the City; and to facilitate economic development and growth within the City; and

WHEREAS, pursuant to the W. Va. Code § 8-1-5a, as amended, ordinances enacted by the four participating municipalities in the initial Home Rule Pilot Program are authorized to remain in effect (W. Va. Code § 8-1-5a(b)), but any amendment thereto must be approved by the Municipal Home Rule Board consistent with the procedures set forth in W. Va. Code § 8-1-5a(i);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLESTON THAT:

Sections 111-3, 111-4, 111-14 and 111-15 of Chapter 111 of the Code of the City of Charleston are hereby amended to read as follows:

Chapter 111. CONSUMERS SALES AND USE TAXES

Section 111-3. Imposition of consumers sales and service tax.

For the privilege of selling tangible personal property or customer software and for the privilege of furnishing certain selected services, a vendor doing business in this city shall collect from the purchaser the taxes imposed by this section and pay the amount of taxes collected to the tax commissioner at the same time and in the same manner as the consumers sales and service tax imposed by article fifteen, chapter eleven of the Code of West Virginia, 1931, as amended. The rate of tax shall be one-half of one percent of the sales price, as defined in section two, article fifteen-b, chapter eleven of the Code of West Virginia, 1931, as amended, of the tangible personal property, custom software or taxable service purchased: Provided, That for sales of tangible personal property, custom software and taxable services made on and after July 1, 2015, the rate of tax imposed by this section shall be one percent of the sales price.

Section 111-4. Imposition of use tax.

An excise tax is hereby levied and imposed on the use in this city of tangible personal property, custom software and the results of taxable services, to be collected and paid to the tax commissioner as agent for the city in the same manner that state use tax is collected under article fifteen-a and article fifteen-b, chapter eleven of the Code of West Virginia, 1931, as amended. The rate of tax shall be one-half of one percent of the purchase price, as defined in article fifteen-b, chapter eleven of the Code of West Virginia, of the tangible personal property, custom software or taxable service used within the city: Provided, That for tangible personal property, custom software and the results of taxable service used in the City of Charleston on and after July 1, 2015, the rate of tax imposed by this section shall be one percent of the purchase price.

Section 111-14. Deposit of taxes collected in special revenue funds.

(a) The special revenue fund in the City treasury previously established, designated and known as the City Sales and Use Tax Fund is hereby continued. There is hereby established a second special revenue fund in the city treasury, which shall be designated and known as the city sales and use tax fund Uniform Pensions Reserve Fund. The City Sales and Use Tax Fund shall consist of (1) continue to receive all revenues received from collection of the city's sales and use taxes, including any interest, additions to tax and penalties deposited with the city treasurer; until July 1 September 30, 2015. ; During the period of October 1 through October 31, 2015, or at such other time as the city treasurer receives the quarterly remittance from the State Tax Department representing collections for the period of June, July, and August, 2015, sixty percent (60%) of the revenues received from the taxes imposed by this chapter, including interest and additions to tax, shall be deposited in the City Sales and Use Tax Fund and forty percent (40%) of the revenues shall be deposited in the Uniform Pensions Reserve Fund. Beginning July 1 November 1, 2015, one-half (50%) of the revenues received from the taxes imposed by this chapter, including interest and

additions to tax, shall be deposited in the City Sales and Use Tax Fund and the second half (50%) of the revenues shall be deposited in the Uniform Pensions Reserve Fund. Additionally, there shall be deposited in each Fund: (2)(1) all appropriations to the particular fund; (3)(2) all interest earned from investment of the particular fund; and (4)(3) any gifts, grants or contributions received and placed by the city into the eCity sSales and uUse tTax accountFund or the Uniform Pensions Reserve Fund. Revenues in the eCity sSales and uUse tTax fFund and the Uniform Pensions Reserve Fund shall not be treated by any person to be a as general revenue of the city. Revenues in the eCity sSales and uUse tTax fFund shall be disbursed in the manner and consistent with the priorities set forth for in subsection (b) below. Revenues in the Uniform Pensions Reserve Fund shall be disbursed in the manner and consistent with the priorities set forth in subsection (c) below.

(b) Revenues in the eCity sSales and uUse tTax fFund shall be used: (i) first, to satisfy the debt service requirements each fiscal year on any bonds issued by, or other obligations incurred by, the City, from time to time, including any refunding bonds, to finance improvements to the Charleston Convention and Civic Center and for any other economic development or public safety projects, including the funding of any reserve funds relating to any such bonds or other obligations, and/or to make lease payments which secure bonds issued to finance improvements to such convention and civic center or other economic development projects; and (ii) second, after providing for payment of first priority items, any unencumbered revenue in the eCity sSales and uUse tTax fFund may periodically be transferred as necessary or convenient to the city's general revenue account.

(c) Revenues in the Uniform Pensions Reserve Fund shall be used: (i) first, to satisfy the balance of the benefit obligations imposed and assumed by the City on a pay-as-you-go basis for those members who have retired after election of as a result of electing the conservation method set forth in W.Va. Code 8-22-20(f) after first applying the member contributions and premium tax proceeds not required to be retained in the closed trusts pursuant to W.Va. Code 8-22-20(f)(2), and any other dedicated or designated income sources as authorized by law, to any such obligations; (ii) second, after providing for payment of first priority items, to satisfy the city's obligations to the Municipal Police Officers and Firefighters Retirement System for the new members hired after adoption of the conservation method as provided by W.Va. Code 8-22-20(f)(3) and 8-22a-1, et. seq.; and (iii) third, at such time as the actuarial report required by W.Va. Code 8-22-20(f) indicates no actuarial deficiency in the closed municipal policemen's or firemen's pension and relief funds, and after providing for payment of first and second priority items and normal costs as contemplated by W.Va. Code 8-22-20(f)(4), any remaining and unencumbered revenues may be transferred as necessary or convenient to the city's general revenue account; *Provided:* nothing herein shall preclude transfers from the Uniform Pensions Reserve Fund into the city's general revenue account or any other fund or account from time to time in such amounts as may be necessary or convenient to facilitate the payment of obligations or to accomplish the

purposes herein, so long as consistent with the priorities set forth in this subsection.

Section 111-15. Effective date.

~~The ordinance from which this chapter derives shall take effect from its adoption by city council as provided in Section 41 of the charter of this city. By ordinance, the City suspended the collection of the sales and use taxes until the State Tax Commissioner could provide appropriate notice and lawfully collect the sales and use taxes on behalf of the City. The State Tax Commissioner began collection of the sales and use taxes authorized by this chapter on October 1, 2013. Upon its adoption, the City attorney shall forthwith provide the tax commissioner with a certified copy of this ordinance along with a description of the boundaries of the city, the nine-digit zip codes for addresses located within the boundaries of the city and such other information as the tax commissioner may need to administer, collect and enforce the taxes imposed by this chapter. Notwithstanding the fact that the ordinance from which this chapter derives is effective upon its adoption, collection by vendors of the taxes imposed by this chapter and payment of those taxes by purchasers is initially suspended and shall begin and first apply to sales and purchases made on and after the first day of the calendar quarter that begins at least 60 days after the tax commissioner first notifies vendors, as provided in W. Va. Code § 11-15B-35, of the adoption of this ordinance and their obligation to collect and remit the taxes imposed by this chapter, except that both collection and payment of the tax on sales made by catalogue is initially suspended and shall first apply to sales and purchases made by catalogue on and after the first day of the calendar quarter that begins at least 120 days after vendors making catalogue sales are first notified, as provided in W. Va. Code § 11-15B-35, of the adoption the ordinance from which this chapter derives and their obligation to collect and remit the taxes imposed by this chapter. All businesses selling tangible personal property or furnishing services subject to the tax imposed by this chapter on and after the first day of the calendar quarter on which collection begins shall, on and after that day, collect and remit the taxes imposed by this chapter whether or not they received notice from the tax commissioner under W. Va. Code § 11-15B-35.~~

This chapter was adopted by City Council on May 20, 2013 and took effect from its adoption by city council as provided in Section 41 of the charter of this city. By ordinance, the City suspended the collection of the sales and use taxes until the State Tax Commissioner could provide appropriate notice and lawfully collect the sales and use taxes on behalf of the City. The State Tax Commissioner began collection of the sales and use taxes authorized by this chapter on October 1, 2013. Upon its adoption, the City attorney shall forthwith provide the tax commissioner with a certified copy of this ordinance along with a description of the boundaries of the city, the nine-digit zip codes for addresses located within the boundaries of the city and such other information as the tax commissioner may need to administer, collect and enforce the taxes imposed by this chapter. Notwithstanding the fact that the ordinance from which this chapter derives is effective upon its adoption, collection by vendors of the taxes imposed by this chapter and payment of those taxes by purchasers is initially suspended and shall begin and first apply to sales and purchases made on and after the first day of the calendar quarter that begins at least 60 days after the tax commissioner first notifies vendors, as provided in W. Va. Code § 11-15B-35, of the adoption of this ordinance and their obligation to collect and remit the taxes imposed by this chapter, except that both collection and payment of the tax on sales made by catalogue is initially suspended and shall first apply to sales and purchases made by catalogue on and after the first day of the calendar quarter that begins at least 120 days after vendors making catalogue sales are first notified, as provided in W. Va. Code § 11-15B-35, of the adoption the ordinance from which this chapter derives and their obligation to collect and remit the taxes imposed by this chapter. All businesses selling tangible personal property or furnishing services subject to the tax imposed by this chapter on and after the first day of the calendar quarter on which collection begins shall, on and after that day, collect and remit the taxes imposed by this chapter whether or not they received notice from the tax commissioner under W. Va. Code § 11-15B-35.

BE IT FURTHER ORDAINED that this ordinance amending Sections 111-3, 111-4, 111-14 and 111-15 of Chapter 111 of the Code of the City of Charleston shall take effect from its adoption as provided in Section 41 of the charter of this City subject to the internal effective dates specified in this ordinance. Upon its adoption, the City Attorney shall forthwith provide the West Virginia State Tax Commissioner with a certified copy of this ordinance and the administration of the City is hereby authorized and directed to take all necessary action to implement the provisions of this ordinance.

A roll call was taken:

YEAS: Burka, Burton, Davis, Deneault, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Reishman, Richardson, Russell, Talkington, Ware, White, Jones

NAYS: Dodrill, Knauff, Minardi, Nichols, Persinger, Sheets, Smith, Snodgrass

ABSENT: Clowser, Salisbury

With a majority vote recorded thereon as voting in the affirmative the Mayor declared Bill 7633, adopted.

2. Your committee on Finance has had under consideration Resolution No. 509-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 509-14: “Authorizing the Finance Director to establish an agency fund number 907, City of Charleston Fee Collection Account, to receive receipts from credit card payments for fire, refuse, and sewer fees. These receipts will subsequently be remitted to the Sanitary Board on a daily basis to be posted to the appropriate accounts for the respective fee. After posting of the receipt of payment to the accounting system for the appropriate fire, refuse, or sewer fee account, the Sanitary Board will remit to the City the total amount due for that day for fire and refuse fee collections. Upon receipt of the check from the Sanitary Board, the fire and refuse fee collections will be recognized as revenue in the General Fund for fire fees and Solid Waste fund for refuse fees. This agency fund, a fiduciary fund, is used only to report credit card collections for fire, refuse, and sewer fee payments. These collections are held by this government in a purely custodial capacity until subsequent remittance to the Sanitary Board.”

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

That the Finance Director is hereby authorized and directed to establish an agency fund number 907, City of Charleston Fee Collection Account, to receive receipts from credit card payments for fire, refuse, and sewer fees. These receipts will subsequently be remitted to the Sanitary Board on a daily basis to be posted to the appropriate accounts for the respective fee. After posting of the receipt of payment to the accounting system for the appropriate fire, refuse, or sewer fee account, the Sanitary Board will remit to the City the total amount due for that day for fire and refuse fee collections. Upon receipt of the check from the Sanitary Board, the fire and refuse fee collections will be recognized as revenue in the General Fund for fire fees and Solid Waste fund for refuse fees. This agency fund, a fiduciary fund, is used only to report credit card collections for fire, refuse, and sewer fee payments. These collections are held by this government in a purely custodial capacity until subsequent remittance to the Sanitary Board.

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 509-14 adopted.

3. Your committee on Finance has had under consideration Resolution No. 510-14, and reports the same to Council with the recommendation that the resolution do pass.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA AUTHORIZING THE FILING OF A CIVIL ACTION FOR THE CONDEMNATION OF PROPERTY FOR A SANITARY SEWER EASEMENT NECESSARY FOR THE SANITARY BOARD OF THE CITY OF CHARLESTON, WEST VIRGINIA TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE SANITARY SEWER FACILITIES

WHEREAS, the Sanitary Board of the City of Charleston, West Virginia (the “Sanitary Board”) has presented a Resolution requesting the City Council of the City of Charleston, West Virginia to authorize the City of Charleston to file a civil action in the Circuit Court of Kanawha County for the condemnation of property for a sanitary sewer easement necessary for the Sanitary Board to construct, install, operate and maintain a sanitary sewer mainline of approximately 452 feet, necessary for the continued reliability of the sanitary sewer collection and transportation system and necessary for the health and welfare of the citizens of the City of Charleston (the “Project”);

WHEREAS, the Sanitary Board has sought an easement from the affected property owners and has been refused;

WHEREAS, the Sanitary Board has no choice but to request the City of Charleston to authorize the filing of a civil action for the acquisition, pursuant to the City of Charleston’s power of eminent domain, of certain property interests in order to obtain the necessary sewer easement for the Project; now, therefore,

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

Section 1. To accomplish construction of the sanitary sewer replacement Project necessary for the continued reliability of the sanitary sewer collection and transportation system and necessary for the health and welfare of the citizens of the City of Charleston, the Sanitary Board must obtain an easement across and through certain property as set forth on Exhibit A to this Resolution.

Section 2. The Sanitary Board requests the Council of the City of Charleston to authorize the City of Charleston, on behalf of and by and through the Sanitary Board and its counsel to file a civil action for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A and to take such other and further action as may be reasonably necessary to acquire the property rights for the easement necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sanitary sewer lines and appurtenances thereto.

Section 3. The Council of the City of Charleston hereby authorizes the City of Charleston, on behalf of and by and through the Sanitary Board and its counsel to file a civil action for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A as needed and to take such other and further action as may be reasonably necessary to acquire the property rights for an easement necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sanitary sewer lines and appurtenances thereto.

Exhibit A

Easement to be Condemned for the Sanitary Board Replacement Project

October 30, 2014

<u>Tax Map/Parcel</u>	<u>Owner Name/Type of Easement</u>
Charleston West 4/172	F. Alfred Sines, Jr. /Permanent

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 509-14 adopted.

4. Your committee on Finance has had under consideration Resolution No. 511-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 511-14: “Authorizing the City’s option to extend the Agreement with PAPCO for the purchase of E-10 Gasoline and Diesel Fuel, approved by City Council on December 2, 2013, Resolution No. 384-13, and per terms of the Agreement and confirmed by PAPCO, revise the price of E-10 Gasoline from \$2.7614 to a fixed price of \$2.6614 per gallon and Diesel Fuel from \$3.0589 to a fixed price of \$3.0089 per gallon. The extension period will run for one (1) additional year from November 21, 2014 to November 20, 2015.”

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

That the City’s option to extend the Agreement with PAPCO for the purchase of E-10 Gasoline and Diesel Fuel, approved by City Council on December 2, 2013, Resolution No. 384-13, and per terms of the Agreement and confirmed by PAPCO, revise the price of E-10 Gasoline from \$2.7614 to a fixed price of \$2.6614 per gallon and Diesel Fuel from \$3.0589 to a fixed price of \$3.0089 per gallon, is hereby approved. The extension period will run for one (1) additional year from November 21, 2014 to November 20, 2015.

To be charged to Account No. 001-754-00-000-3-343, Equipment Maintenance—Gas, Oil & Tires

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 511-14 adopted.

5. Your committee on Finance has had under consideration Resolution No. 512-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 512-14: “Authorizing honorariums to design teams in exchange for ownership of intellectual property rights in relation to the Civic Center Expansion and Renovation project as follows: subject to meeting the requirements specified in the Request for Proposals, One Hundred Thousand Dollars (\$100,000) to each of the Second and Third Place Design/Build Teams and also to the First Place Design/Build Team in the event the City rejects all three of the short-listed contest proposals.”

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

That honorariums to design teams in exchange for ownership of intellectual property rights in relation to the Civic Center Expansion and Renovation project as follows:

subject to meeting the requirements specified in the Request for Proposals, One Hundred Thousand Dollars (\$100,000) to each of the Second and Third Place Design/Build Teams and also to the First Place Design/Build Team in the event the City rejects all three of the short-listed contest proposals, is hereby approved.

To be charged to Fund 025 – Consumer Sales and Use Tax, Civic Center

Councilman Reishman moved to approve the Resolution. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 512-14 adopted. (*DODRILL – NO*)

6. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that the committee report do pass.

A bid submitted by Finley Fire Equipment Co., Inc., in the amount of \$30,370.00, for purchase of five (5) air mask systems to be used by the Charleston Fire Department.

To be charged to Account No.001-976-00-706-4-459, Fire—Capital Outlay, Equipment

Councilman Reishman moved to approve the Committee Report. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Committee Report, Adopted.

7. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that the committee report do pass.

A bid submitted by Acorn Technologies, in the amount of \$31,752.00, for purchase of two (2) SAN Servers for the Information Systems Department.

To be charged to Account No. 001-975-00-439-4-459, IS—Capital Outlay, Equipment

Councilman Reishman moved to approve the Committee Report. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Committee Report, Adopted.

Councilperson Robert Reishman, Chairperson of the Council Committee on Finance, submitted the following reports:

4. Your committee on Finance has had under consideration Bill No. 7633, and reports the same to Council with the recommendation that the resolution do pass, with the following amendments:

Bill No. 7636 - A BILL amending and re-enacting Chapter 18, Article XXIV, Division 1, Sections 18-1173 and 18-1177, and Chapter 18, Article XXIV, Division, 2, Section 18-1185 of the Code of the City of Charleston to clarify when a residential rental license is required and to revise the license term.

WHEREAS, Division 1, Article XXIV, of Chapter 18 of the Code of the City of Charleston requires, among other things, that owners of residential property to be rented or leased within the City must be obtain a residential rental license for that specific property registry, so the City can assure that rental housing in the city is maintained in a good, safe, and sanitary condition, to ensure that all rental units meet all applicable building, fire, health, safety and zoning codes, and to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property within the city; and

WHEREAS, the City has encountered instances where individuals are advertising or holding out residential properties for rent or lease within the City, but not obtaining the required residential rental license; and

WHEREAS, the City Council for the City of Charleston wishes to tighten and clarify the language of Section 18-1173 to explicitly indicate that an owner must obtain a residential rental license for that property prior to holding out or advertising that property as available for rent or lease; and

WHEREAS, the Council of the City of Charleston has determined that it is in the best interest of the City and would ease administration of the residential rental registration program to amend the term of residential rental licenses from the City's fiscal year (July 1 through June 30) to a calendar year (January 1 through December 31).

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

That, Chapter 18, Article XXIV, Division 1, Sections 18-1173 and 18-1177 of the Code of the City of Charleston are hereby amended and re-enacted to read as follows:

Sec. 18-1173. Residential rental license required.

On July 1, 2010 and thereafter, it shall be unlawful for any owner to lease or rent, or hold out for rent or lease by advertisement or otherwise, a rental unit located within the city without possession of a valid residential rental license for that rental unit, authorized by the city and complying with all provisions of this article. The residential rental license requirement provided

for in this article shall be in addition to any general business license required in this article but no fee shall be charged for a residential rental license.

Sec. 18-1177. Residential rental license term and renewals.

(a) The effective date for a residential rental license shall be from ~~July 1~~ January 1 through ~~December 31~~ June 30 of each year. The owner shall apply for renewal each year prior to the expiration of the residential rental license by completing a renewal application on forms to be prescribed and furnished by the city collector.

(b) Any valid, properly issued residential rental license obtained prior to the passage of City of Charleston Bill No. 7636 shall remain valid until December 31, 2014.

Be it further ordained that, Chapter 18, Article XXIV, Division 2, Sections 18-1185 of the City of Charleston is hereby amended and re-enacted to read as follows:

Sec. 18-1185. Penalties.

(a) Any owner who leases or rents, or holds out for rent by advertisement or otherwise, a rental unit within the city without possession of a valid residential rental license for that rental unit, or who otherwise fails to comply with the requirements of this article shall be subject to a fine of not less than \$500.00 per rental unit. Each month the violation exists shall constitute a separate violation.

(b) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise, or other administrative sanctions.

(c) Violations of this article that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

(d) Violations of this article shall be adjudicated through the Municipal Court of Charleston, West Virginia.

With the question being on the adoption of the bill, the clerk called the roll.

A roll call was taken:

YEAS: Burka, Burton, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Knauff, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Sheets, Smith, Snodgrass, Talkington, Ware, White, Jones

ABSENT: Clowser, Salisbury

With a majority vote recorded thereon as voting in the affirmative the Mayor declared Bill 7636, adopted.

NEW BILLS

Introduced by Council member Joe Deneault on November 3, 2014:

Bill No. 7637 - A BILL amending and re-enacting Chapter 114, Article VII, Division 2, Section 114-602 of the Code of the City of Charleston to regarding the management and regulations governing city-owned lots and buildings

Refer to Finance and Streets and Traffic Committee.

Introduced by Council member Joe Deneault on November 3, 2014:

Bill No. 7638 - A BILL amending and re-enacting Chapter 114, Article II, Division 3, Section 114-123 of the Code of the City of Charleston to regarding the use of immobilizing vehicles on the basis of unpaid City issued parking tickets.

Refer to Finance and Streets and Traffic Committee

ADJOURNMENT

The Honorable James M. Reishman, City Clerk, called the closing roll call:

YEAS: Burka, Burton, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Knauff, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Sheets, Smith, Snodgrass, Talkington, Ware, White, Jones

ABSENT: Clowser, Salisbury

At 7:40 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 17, 2014, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk