



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, December 15, 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 second meeting in the month of December on the 15th 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 the Monty Warner Leadership Team. The Clerk, James M. Reishman, 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

SMITH
WARE**

**CLOUSER
DODRILL
HARRISON
KNAUFF
MINARDI
REISHMAN
SALISBURY
SNODGRASS
WHITE**

With twenty-seven 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.

COMMUNICATIONS

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: WAYFINDING COMMISSION

DATE: DECEMBER 15, 2014

I recommend that Beth Loflin, 1507 Dogwood Road, Charleston, WV 25314 be appointed to the Wayfinding Commission, with an initial term to expire September 1, 2015. She is the Municipal Beautification representative on Wayfinding.

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

Councilman Harrison moved to approve the appointment. Councilman Lane seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the appointment confirmed.

REPORTS OF COMMITTEES

COMMITTEE ON PARKING FACILITIES

Councilperson Bobby Reishman, Chairperson of the Council Committee on Parking Facilities, submitted the following report:

1. Your committee on Parking Facilities has had under consideration Bill No. 7637, and reports the same to Council with the recommendation that the bill do pass.

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 regarding the management of and regulations governing city-owned lots and buildings.

WHEREAS, the parking lot east of the Union Building on Kanawha Boulevard (the "Union Building Parking Lot") has been subject to a long term lease since 1985 (the "Lease"); and

WHEREAS, the Lease expires January 1, 2015, and the City does not wish to renew the Lease, opting instead to incorporate the Union Building Parking Lot into the City's Parking System; and

WHEREAS, once incorporated into the Parking System on January 1, 2015, the City shall offer reserved spots in the Union Building Parking Lot at a rate of \$70.00 per month; and

WHEREAS, after the Union Building Parking Lot is incorporated in the City's Parking System, the Parking System shall offer reserved spots to the individuals and/or entities currently parking in said lot where practicable.

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

That, Chapter 114, Article VII, Division 2, Section 114-602 of the Code of the City of Charleston is hereby amended and re-enacted to read as follows:

Sec. 114-602. - Management of and regulations governing city-owned lots and buildings.

(a) All parking lots and buildings owned or operated by the city shall be operated under the control and management of the parking facilities committee, who are hereby authorized to promulgate rules and regulations governing such usage not inconsistent herewith. It shall be unlawful for any person to park any motor vehicle or other conveyance so as to occupy or use space in such parking lots of buildings without making payment of the appropriate fees or charges therefor as hereinafter provided. Motor vehicles shall be parked, placed, handled and driven into, from, in and on such parking lots in accordance with the applicable laws and ordinances of the city relative to traffic upon the streets in the city, and in accordance with the rules and regulations respecting usage of such parking lots which are adopted and promulgated by the parking facilities committee, and in accordance with the directions, instructions and order of the official city attendants of each of such lots stationed thereon. It shall be unlawful for any person or vehicle to block any driveway or passageway in or upon such parking lots or buildings, or for persons to leave or park cars therein contrary to the applicable ordinances, rules and regulations and instructions of attendants, as aforesaid, or without paying the required rental fees.

(b) The rental fees for each separate usage of any single parking space on any parking lot not specifically set forth below shall be at the rate of \$3.00 per day.

(c) The rental fees for each separate usage for any single parking space in the civic center parking building north and south and on the surface parking lots adjacent to the Charleston Civic Center shall be as follows:

(1) 6:00 a.m. through 5:00 p.m.

Less than one hour\$1.00

One to two hours2.00

Two to three hours3.00

Daytime maximum3.00

(2) 5:00 p.m. through 6:00 a.m.

Less than one hour2.00

One to two hours3.00

Two to three hours3.00

Daytime maximum3.00

(3) Events (pre-charge)3.00

(4) Civic Center North, per month (exclusive of event parking)25.00

(d) The rental fee for each separate usage of any single metered parking space in parking lot owned by the city behind city hall shall be \$0.25 for 36 minutes. The rental fee for each separate usage of any single metered parking space in the lot behind the municipal auditorium shall be \$0.50 per hour and the rental fee for each unmetered parking space in the lot behind the municipal auditorium shall be \$30.00 per calendar month, provided that the fee for each unmetered parking space leased on a monthly basis after July 1, 2000 shall be \$40.00 per calendar month. The rental fee for each separate usage single metered parking space in a city-owned off-street parking lot, not otherwise expressly set forth in this bill, shall be at rate of \$0.25 per hour. The rental for each separate usage of any fee boxed parking space in a city-owned off-street parking lot, not otherwise expressly set forth in this section, shall be at a rate of \$1.00 per calendar day, excluding Sunday and legal holidays. The rental fee for each separate usage of any spaces in the Summers Street alley shall be \$75.00 per month plus a \$10.00 activation fee.

(e) Reserved parking at the West Side lot "C", located off Indiana Avenue as shown on the map attached to Bill No. 7215, which is incorporated herein by reference, shall be at a rate of \$35.00 per month plus a \$10.00 activation fee. The reserved rate shall apply to any space properly signed that is not otherwise made available for metered parking on the West Side lot "C." All other spaces on lots "A" and "B" shall be metered spaces only providing for hourly parking for customers patronizing local businesses.

(f) Event parking at the Morris Street and Smith Street lots shall be at a rate of \$3.00 per event. The rental for each separate usage of any space that is not otherwise made available for metered parking in the Morris Street lot shall be \$40.00 per month plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at

the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate. The rental for each separate usage of any space that is not otherwise made available for metered parking in the Smith Street lot shall be \$30.00 per month plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate.

(g) Parking shall be provided for city employees on the top floor of Building No. 5. The city shall pay the parking system \$60.00 per month per employee. The city manager shall report quarterly to the parking facilities committee the number of employees and the allocation of parking spaces; council parking, 27 permits at \$2.00 per day, an average of one day per week for 48 weeks. The parking system director shall make available to members of council, parking spaces in the Shanklin parking facility on or about 6:00 p.m. for attending meetings of council or its committee under the same terms and conditions as the director makes available to city employees.

(h) Civic center event parking in lots A, B, C, D, and E, as shown on the map attached to Bill No. 7215 and incorporated herein by reference, shall be at a rate of \$3.00 per event. Any or all of lots A, B, C, D, and E may be leased to merchants or business associations for mutually agreed upon covenants; provided, that such groups do not impose parking fees upon the general public for parking privileges. Any such leases shall be subject to the approval of the city council's parking facilities committee.

(i) Parking shall be provided for state employees on the top two floors of Building No. 2 for \$35.00 per month per employee.

(j) The rental fee for each separate usage of any space on the uncovered rooftop floor of Building No. 1 shall be at the rate of \$45.00 per month plus a \$10.00 activation fee.

(k) Except as set forth in subsections (g) (i) and (j), above, the rental fees for each separate usage of any single parking space in any parking building constructed or operated by the city, other than fees for parking buildings otherwise expressly set forth in this section shall be as follows:

(1) 6:00 a.m. to 10:00 p.m.

Hourly parking rate, per hour\$1.00

Maximum, per day 5.00

Building No. 6 (Summers Street Parking Garage):

5:00 p.m. to 4:00 a.m.

Monday through Saturday2.00

(2) Monthly non-reserve space parking, per month60.00

(3) Reserve space parking, per month70.00

Plus one time activation cost10.00

(4) Service fee, monthly service fee charged to all accounts if paid after the tenth of the month15.00

(5) Deposit for each monthly card10.00

Additional charge for each lost or destroyed card10.00

(6) Events per-charge:

For pre-approved events or activities scheduled for more than four hours and/or beginning before 5:00 p.m.4.00

For pre-approved events or activities scheduled for less than four hours and beginning after 5:00 p.m.3.00

(7) The movie parking rates for Building No. 2 are controlled by the lease agreement with Greater Huntington cinemas on file with the city manager's office.

(l) Removal of any vehicle from any parking lot shall terminate the right of the user for that vehicle created by prior payment of rental fees. No vehicle shall be reparked on any city parking lot on the same day except upon payment of rental fees hereinabove provided.

(m) If on or before November 15, 2001, and November 15, of each succeeding year thereafter, the city council, upon recommendation of the parking facilities committee, adopts a resolution calling for the same, the city shall provide for two-hour non-ticket parking at the on-street metered parking spaces for each Saturday in the following December; provided that each vehicle parked at a meter in excess of two hours will be ticketed and the penalty shall be \$25.00.

(n) The parking facilities committee may by resolution adopt short term parking promotions when it determines that such promotions will enhance the use of the parking system and will not have an adverse effect on the revenue of the parking system.

(o) No parking space shall be sold or occupied, except by the payment of the appropriate additional rental fees, for a longer period of time than those stated in this section.

(p) Beginning January 1, 2015, event parking at the Union Building Parking Lot, located between Kanawha Boulevard and the Kanawha River just east of the Union Building, shall be at a rate of \$3.00 per event. The monthly rental rate for each parking space at the Union Building Parking Lot shall be at a rate of \$70.00 per month, plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking. Where reasonable and practicable, individuals and entities entitled to park at the Union Building Parking Lot prior to January 1, 2015, will be given an opportunity to continue to rent a spot in said lot before those spots are offered to individuals or entities that did not have the right to park in said lot prior to January 1, 2015.

The bill will be voted upon under the Finance section. Received and Filed.

COMMITTEE ON FINANCE

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

1. Your committee on Finance has had under consideration Bill No. 7637, and reports the same to Council with the recommendation that the bill do pass.

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 regarding the management of and regulations governing city-owned lots and buildings.

WHEREAS, the parking lot east of the Union Building on Kanawha Boulevard (the "Union Building Parking Lot") has been subject to a long term lease since 1985 (the "Lease"); and

WHEREAS, the Lease expires January 1, 2015, and the City does not wish to renew the Lease, opting instead to incorporate the Union Building Parking Lot into the City's Parking System; and

WHEREAS, once incorporated into the Parking System on January 1, 2015, the City shall offer reserved spots in the Union Building Parking Lot at a rate of \$70.00 per month; and

WHEREAS, after the Union Building Parking Lot is incorporated in the City's Parking System, the Parking System shall offer reserved spots to the individuals and/or entities currently parking in said lot where practicable.

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

That, Chapter 114, Article VII, Division 2, Section 114-602 of the Code of the City of Charleston is hereby amended and re-enacted to read as follows:

Sec. 114-602. - Management of and regulations governing city-owned lots and buildings.

(a) All parking lots and buildings owned or operated by the city shall be operated under the control and management of the parking facilities committee, who are hereby authorized to promulgate rules and regulations governing such usage not inconsistent herewith. It shall be unlawful for any person to park any motor vehicle or other conveyance so as to occupy or use space in such parking lots of buildings without making payment of the appropriate fees or charges therefor as hereinafter provided. Motor vehicles shall be parked, placed, handled and driven into, from, in and on such parking lots in accordance with the applicable laws and ordinances of the city relative to traffic upon the streets in the city, and in accordance with the rules and regulations respecting usage of such parking lots which are adopted and promulgated by the parking facilities committee, and in accordance with the directions, instructions and order of the official city attendants of each of such lots stationed thereon. It shall be unlawful for any person or vehicle to block any driveway or passageway in or upon such parking lots or buildings, or for persons to leave or park cars therein contrary to the applicable ordinances, rules and regulations and instructions of attendants, as aforesaid, or without paying the required rental fees.

(b) The rental fees for each separate usage of any single parking space on any parking lot not specifically set forth below shall be at the rate of \$3.00 per day.

(c) The rental fees for each separate usage for any single parking space in the civic center parking building north and south and on the surface parking lots adjacent to the Charleston Civic Center shall be as follows:

(1) 6:00 a.m. through 5:00 p.m.

Less than one hour\$1.00

One to two hours2.00

Two to three hours3.00

Daytime maximum3.00

(2) 5:00 p.m. through 6:00 a.m.

Less than one hour2.00

One to two hours3.00

Two to three hours3.00

Daytime maximum3.00

(3) Events (pre-charge)3.00

(4) Civic Center North, per month (exclusive of event parking)25.00

(d) The rental fee for each separate usage of any single metered parking space in parking lot owned by the city behind city hall shall be \$0.25 for 36 minutes. The rental fee for each separate usage of any single metered parking space in the lot behind the municipal auditorium shall be \$0.50 per hour and the rental fee for each unmetered parking space in the lot behind the municipal auditorium shall be \$30.00 per calendar month, provided that the fee for each unmetered parking space leased on a monthly basis after July 1, 2000 shall be \$40.00 per calendar month. The rental fee for each separate usage single metered parking space in a city-owned off-street parking lot, not otherwise expressly set forth in this bill, shall be at rate of \$0.25 per hour. The rental for each separate usage of any fee boxed parking space in a city-owned off-street parking lot, not otherwise expressly set forth in this section, shall be at a rate of \$1.00 per calendar day, excluding Sunday and legal holidays. The rental fee for each separate usage of any spaces in the Summers Street alley shall be \$75.00 per month plus a \$10.00 activation fee.

(e) Reserved parking at the West Side lot "C", located off Indiana Avenue as shown on the map attached to Bill No. 7215, which is incorporated herein by reference, shall be at a rate of \$35.00 per month plus a \$10.00 activation fee. The reserved rate shall apply to any space properly signed that is not otherwise made available for metered parking on the West Side lot "C." All other spaces on lots "A" and "B" shall be metered spaces only providing for hourly parking for customers patronizing local businesses.

(f) Event parking at the Morris Street and Smith Street lots shall be at a rate of \$3.00 per event. The rental for each separate usage of any space that is not otherwise made available for metered parking in the Morris Street lot shall be \$40.00 per month plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate. The rental for each separate usage of any space that is not otherwise made available for metered parking in the Smith Street lot shall be \$30.00 per month plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking on a first come first served basis and subject to the event parking rate.

(g) Parking shall be provided for city employees on the top floor of Building No. 5. The city shall pay the parking system \$60.00 per month per employee. The city manager shall report quarterly to the parking facilities committee the number of employees and the allocation of parking spaces; council parking, 27 permits at \$2.00

per day, an average of one day per week for 48 weeks. The parking system director shall make available to members of council, parking spaces in the Shanklin parking facility on or about 6:00 p.m. for attending meetings of council or its committee under the same terms and conditions as the director makes available to city employees.

(h) Civic center event parking in lots A, B, C, D, and E, as shown on the map attached to Bill No. 7215 and incorporated herein by reference, shall be at a rate of \$3.00 per event. Any or all of lots A, B, C, D, and E may be leased to merchants or business associations for mutually agreed upon covenants; provided, that such groups do not impose parking fees upon the general public for parking privileges. Any such leases shall be subject to the approval of the city council's parking facilities committee.

(i) Parking shall be provided for state employees on the top two floors of Building No. 2 for \$35.00 per month per employee.

(j) The rental fee for each separate usage of any space on the uncovered rooftop floor of Building No. 1 shall be at the rate of \$45.00 per month plus a \$10.00 activation fee.

(k) Except as set forth in subsections (g) (i) and (j), above, the rental fees for each separate usage of any single parking space in any parking building constructed or operated by the city, other than fees for parking buildings otherwise expressly set forth in this section shall be as follows:

(1) 6:00 a.m. to 10:00 p.m.

Hourly parking rate, per hour\$1.00

Maximum, per day 5.00

Building No. 6 (Summers Street Parking Garage):

5:00 p.m. to 4:00 a.m.

Monday through Saturday2.00

(2) Monthly non-reserve space parking, per month60.00

(3) Reserve space parking, per month70.00

Plus one time activation cost10.00

(4) Service fee, monthly service fee charged to all accounts if paid after the tenth of the month15.00

(5) Deposit for each monthly card10.00

Additional charge for each lost or destroyed card10.00

(6) Events per-charge:

For pre-approved events or activities scheduled for more than four hours and/or beginning before 5:00 p.m.4.00

For pre-approved events or activities scheduled for less than four hours and beginning after 5:00 p.m.3.00

(7) The movie parking rates for Building No. 2 are controlled by the lease agreement with Greater Huntington cinemas on file with the city manager's office.

(l) Removal of any vehicle from any parking lot shall terminate the right of the user for that vehicle created by prior payment of rental fees. No vehicle shall be reparked on any city parking lot on the same day except upon payment of rental fees hereinabove provided.

(m) If on or before November 15, 2001, and November 15, of each succeeding year thereafter, the city council, upon recommendation of the parking facilities committee, adopts a resolution calling for the same, the city shall provide for two-hour non-ticket parking at the on-street metered parking spaces for each Saturday in the following December; provided that each vehicle parked at a meter in excess of two hours will be ticketed and the penalty shall be \$25.00.

(n) The parking facilities committee may by resolution adopt short term parking promotions when it determines that such promotions will enhance the use of the parking system and will not have an adverse effect on the revenue of the parking system.

(o) No parking space shall be sold or occupied, except by the payment of the appropriate additional rental fees, for a longer period of time than those stated in this section.

(p) Beginning January 1, 2015, event parking at the Union Building Parking Lot, located between Kanawha Boulevard and the Kanawha River just east of the Union Building, shall be at a rate of \$3.00 per event. The monthly rental rate for each parking space at the Union Building Parking Lot shall be at a rate of \$70.00 per month, plus a \$10.00 activation fee; provided, any such rented space which is unoccupied at the commencement of an event parking period shall be available for event parking. Where reasonable and practicable, individuals and entities entitled to park at the Union Building Parking Lot prior to January 1, 2015, will be given an opportunity to continue to rent a spot in said lot before those spots are offered to individuals or entities that did not have the right to park in said lot prior to January 1, 2015.

Councilman Reishman moved to pass Bill No. 7637. Councilman Lane seconded the motion. The Mayor opened the floor for discussion of the bill.

There was no discussion regarding the bill in question.

A roll call was taken:

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

NAYS: Kirk, Smith

ABSENT: Russell

With a majority vote recorded thereon as voting in the affirmative the Mayor declared Bill No. 7637, adopted.

2. Your committee on Finance has had under consideration Bill No. 7642, and reports the same to Council with the recommendation that the resolution do pass.

Bill No. 7642 - - A Bill and order determining the necessity for continuance of additional levies for the fiscal years beginning July 1, 2015, July 1, 2016, July 1, 2017, and July 1, 2018, for current general governmental expenses, and providing for submission to the voters within the City of Charleston of the question of a continuance of the additional levy at the primary election to be held on March 7, 2015.

Providing for the continuance of the levy rate, providing for publication of notice of the election to authorize the additional levy; providing for application of the primary election laws to such primary election, authorizing the City Clerk to furnish election officials with proper election supplies and make publication of this ordinance, delivery of this ordinance to the Ballot Commissioners and the printing of the ballots; providing the form of the official ballot; providing for the use of electronic voting devices; providing for the voting precincts and determining those entitled to vote; authorizing the City Clerk to prepare for Council's approval a list of persons to serve as Commissioner and Clerk; and providing for three members of Council of the City of Charleston to be appointed as a Select Committee to perform all necessary functions including, but not limited to, a canvass of the votes cast in the election.

WHEREAS, after full information and consideration thereof, the Council of the City of Charleston, West Virginia, is of the opinion and finds that the maximum levies for current expenses for the general fund purposes of said City authorized to be laid by the provisions of Section 14, Chapter 11, Article 8 of the Code of West Virginia, 1931, as amended, will not provide sufficient funds for the four fiscal years which begin, respectively, on the first day of July 2015, 2016, 2017, 2018, and to cover expenditures properly payable from said funds, including expenditures for the purpose hereinafter set out, and having ascertained that the amounts hereinafter shown, in excess of the amount raised by regular levies, will be needed by the said City of Charleston during each of said four fiscal years for the purpose as follows, and that such levies constitute a continuance of the additional levies heretofore provided for the years beginning respectively on the first day of July 2015, 2016, 2017, and 2018, and that an election should be held pursuant to the provisions of Section 16 and 17 of Article 8, Chapter 11 of the Code of West Virginia, 1931, as amended; therefore,

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

(1) The purpose for which additional funds are needed by said City for each of the four fiscal years beginning July 1, 2015, July 1, 2016, July 1, 2017, and July 1, 2018, are current, general governmental expenses.

(2) The amounts considered necessary for each of said purposes for each fiscal year beginning on the date indicated are as follows:

July 1, 2015

For current, general governmental expenses	\$4,775,504
TOTAL EXPENDITURES	\$4,775,504
Allowance for delinquent taxes and shrinkage (7.5%)	\$ 382,184
TOTAL AMOUNT OF ADDITIONAL LEVY	\$5,157,688

July 1, 2016

For current, general governmental expenses	\$4,775,504
TOTAL EXPENDITURES	\$4,775,504
Allowance for delinquent taxes and shrinkage (7.5%)	\$ 382,184
TOTAL AMOUNT OF ADDITIONAL LEVY	\$5,157,688

July 1, 2017

For current, general governmental expenses	\$4,775,504
TOTAL EXPENDITURES	\$4,775,504
Allowance for delinquent taxes and shrinkage (7.5%)	\$ 382,184
TOTAL AMOUNT OF ADDITIONAL LEVY	\$5,157,688

July 1, 2018

For current, general governmental expenses	\$4,775,504
TOTAL EXPENDITURES	\$4,775,504
Allowance for delinquent taxes and shrinkage (7.5%)	\$ 382,184
TOTAL AMOUNT OF ADDITIONAL LEVY	\$5,157,688

(3) The total amount necessary to carry out the above purposes for each year, after making reasonable allowance for uncollected taxes and shrinkage as above set forth is \$4,775,504

(4) The separate and aggregate assessed valuation in each class of taxable property within the said City of Charleston is as follows:

Class I	\$ - 0 -
Class II	\$1,289,465,519
Class III	\$ - 0-
Class IV	\$1,918,730,446
Aggregate	\$3,208,195,965

(5a) The proposed additional rate of levy in cents per \$100 assessed valuation on each class of property within the said City of Charleston for the fiscal years beginning July 1, 2015, July 1, 2016, July 1, 2017, and July 1, 2018, is as follows:

Class I	\$ 5.03 cents/\$100
Class II	\$10.06 cents/\$100
Class IV	\$20.12 cents/\$100

(5b) Provided that in the event the separate and aggregate assessed evaluations of each class of taxable property within the City of Charleston increases during the term of the special levy, the levy rate may be adjusted so that the projected gross tax revenue will not exceed 95% of the previous year's projected gross tax revenue. An increase in the aggregate assessed valuation of each class of taxable property due to new construction or improvements to existing real property, including beginning recovery of natural resources and newly acquired personal property shall not be included in calculating the new tax levy for the purposes of this section.

(6) The years which the additional levies shall apply if authorized by the votes, are the fiscal years beginning July 1, 2015, July 1, 2016, July 1, 2017, and July 1, 2018.

(7) The Council of the City of Charleston declares that it will not issue bonds under the provisions of Section 16, Article 8, Chapter 11, of the West Virginia Code of 1931, as amended, on approval of the voters of the proposed additional levy.

(8) The Council of the City of Charleston finds that additional levies were heretofore authorized by the voters of the City of Charleston and have been in effect for the fiscal years beginning July 1, 2011, July 1, 2012, and July 1, 2013, and July 1, 2014, and that the additional levies proposed by this ordinance constitute as continuation of such additional levies for the fiscal years beginning July 1, 2015, July 1, 2016, July 1, 2017, and July 1, 2018.

(9) The question of such additional levies shall be submitted to the voters within the City of Charleston, West Virginia, at the primary election to be held in said City on the 7th day of

March 2015.

(10) Notice of the election to authorize the additional levy shall be given by publication of this ordinance and order at least once each week for two successive weeks, both publications to occur within fourteen (14) consecutive days, next preceding the date of the election, in the Charleston Gazette and the Charleston Daily Mail, two newspapers of the general circulation but of different politics published in the City of Charleston, West Virginia.

(11) All provisions of the laws concerning primary elections shall apply so far as they are applicable to the holding of said election and the ascertainment of the results thereof except that the number of election officials necessary to properly conduct such election is hereby determined to be three commissioners and two clerks. The City Clerk is hereby authorized and directed to acquire and furnish officials with proper election supplies including but not limited to, ballots, poll books and tally sheets, make publication of this ordinance and order and of the ballot, and to do any and all things necessary and proper attendant to said primary election, including but not limited to, the performance of primary election duties imposed by law upon Clerks of the Circuit Courts in relation to primary elections, and shall furnish and deliver a certified copy of this ordinance and order to the Ballot Commissioners of the County of Kanawha, who shall take the same and provide for the printing of ballots, in accordance with the provisions of law, as made and provided, and with the provisions of this ordinance and order.

(12) That portion of the ballot to be used in said election to authorize the additional levy shall be in the form substantially as follows:

“An Election to authorize the continuation of additional levies for the years beginning July 1, 2015, July 1, 2016, July 1, 2017, and July 1, 2018, for the purpose of providing additional funds annually during such years for current, general governmental expenses according to the order and ordinance of the Council of the City of Charleston passed and adopted at its meeting on the 15th day of December, 2014.”

“The additional levies shall be on Class I property 5.03 cents; and on Class II property 10.06 cents; and on Class IV property 20.12 cents; all per \$100 assessed valuation.”

“Provided that in the event the separate and aggregate assessed valuations of each class of taxable property within the City of Charleston increases during the term of the special levy, the levy rate may be adjusted so that the projected gross tax will not exceed 95% of the previous years projected gross tax revenue. An increase in the aggregate assessed valuation of each class of taxable property due to new construction or improvements to existing real property, including beginning recovery of natural resources, and newly acquired personal property shall not be included in calculating the new tax levy for purposes of this section.”

_____ FOR THE LEVIES

_____ AGAINST THE LEVIES

INSTRUCTION TO THE VOTER: Those favoring and wish to vote for the proposed continuance of additional levies shall punch the hole before “FOR THE LEVIES”, those opposing and wish to vote against the proposed continuance of additional levies shall punch the hole before “AGAINST THE LEVIES.”

(13) Electronic voting devices shall be used in said special election. The City Clerk is hereby authorized and directed to arrange for the rental of a sufficient number of electronic devices for each voting precinct from the County Commission of Kanawha County, West Virginia, and make sure other arrangements as are necessary incident to the use thereof.

(14) The voting precincts within the City of Charleston as now existing and as established by the County Commission of Kanawha County, West Virginia, shall be and the same are hereby designated as the voting precincts for such election and the registration of voters and the use of registration law of the State, and the City of Charleston hereby adopts the registration list of Kanawha County as to precincts and as to persons within the limits of the City of Charleston entitled to vote, as amended and corrected according to law as the official registration list of said City of Charleston to be used as such election on the said 7th day of March 2015, and all persons who would be qualified to vote in the primary election shall be qualified to vote for or against said additional levies in said election.

(15) The City Clerk is authorized and directed to prepare for the Council’s approval of a list of persons to serve as commissioners and clerks for the various precincts in the City of Charleston to hold and conduct the said election on March 7, 2015.

(16) The Select Committee of Council of the City of Charleston shall convene as a Board of Canvassers of said election at the Kanawha County Voters Registrar’s Office in said City at 10 a.m. on the 13th day of March 2015, to canvass the returns of the election. The Council of the City of Charleston shall convene at its regular meeting to be held in Council Chambers of the City Hall in said City at 7:00 p.m. on the 16th day of March 2015, to certify the returns of said election, as required by law.

Councilman Reishman moved to pass Bill No. 7642. Councilman Lane seconded the motion. The Mayor opened the floor for discussion of the bill.

There was no discussion regarding the bill in question.

A roll call was taken:

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

NAYS: Kirk, Smith

ABSENT: Russell

With a majority vote recorded thereon as voting in the affirmative the Mayor declared Bill No. 7642, adopted.

3. Your committee on Finance has had under consideration Resolution No. 535-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 535-14: “Authorizing the Mayor and Chief of Police to execute and enter into a Subgrant Recipient Agreement with Appalachia High Intensity Drug Trafficking Area (“HIDTA”) for funds to be awarded to the Metro Drug Enforcement Network Team (“MDENT”) from the United States Office of National Drug Control Policy (“ONDCP”) in the total amount of \$149,000.00. The 2015 calendar year funds are designated for purchase of evidence and information (\$20,000); overtime for seven (7) officers at \$17,000 each (\$119,000); and overtime for four (4) part-time interdiction officers at \$2,500 each (\$10,000).”

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

That the Mayor and Chief of Police are hereby authorized and directed to execute and enter into a Subgrant Recipient Agreement with Appalachia High Intensity Drug Trafficking Area (“HIDTA”) for funds to be awarded to the Metro Drug Enforcement Network Team (“MDENT”) from the United States Office of National Drug Control Policy (“ONDCP”) in the total amount of \$149,000.00. The 2015 calendar year funds are designated for purchase of evidence and information (\$20,000); overtime for seven (7) officers at \$17,000 each (\$119,000); and overtime for four (4) part-time interdiction officers at \$2,500 each (\$10,000).

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 535-14 adopted.

4. Your committee on Finance has had under consideration Resolution No. 536-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 536-14 : “Authorizing the Mayor to sign and submit all related documents for the change of scope for Community Participation Grant Program 13LEDA0450, Charleston East End Main Street. The grant (\$2,000) was initially awarded to be used to enable the Charleston East End Main Street Program to continue the facade grant program for businesses located in Charleston East End. The project would include exterior painting, landscaping, signage and other exterior improvements consistent with the theme of the area.

The Charleston East End Main Street requests a change in scope because the original project is currently being fully funded by CURA and they believe the funds could be used for other district development initiatives. The Charleston East End Main Street is currently working with a local marketing firm/web developer to design and launch Charleston’s first district-wide smartphone application that will have three

main focuses: A Historic Walking Tour, A Public Art Tour and member business guide. This application is GPS-based and will allow residents, tourists, visitors and business owners to access any landmark or business throughout the district and provide instant access to YELP reviews, Facebook pages, websites and more. This project is one of many EEMS strives to further cohesively brand district as a central arts and culture hub of Charleston with a unique flavor you can't find anywhere else.”

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

That the Mayor is hereby authorized and directed to sign and submit all related documents for Community Participation Grant Program 13LEDA0450 Charleston East End Main Street. The grant (\$2,000) was initially awarded to be used to enable the Charleston East End Main Street Program to continue the facade grant program for businesses located in Charleston East End. The project would include exterior painting, landscaping, signage and other exterior improvements consistent with the theme of the area.

The Charleston East End Main Street requests a change in scope to because the original project is currently being fully funded by CURA and they believe the funds could be used for other district development initiatives. The Charleston East End Main Street is currently working with a local Marketing firm/web developer to design and launch Charleston's first district-wide smartphone application that will have three main focuses: A Historic Walking Tour, A Public Art Tour and member business guide. This application is GPS-based and will allow residents, tourists, visitors and business owners to access any landmark or business throughout the district and provide instant access to YELP reviews, Facebook pages, websites and more. This project is one of many EEMS strives to further cohesively brand district as a central arts and culture hub of Charleston with a unique flavor you can't find anywhere else.

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 536-14 adopted.

5. Your committee on Finance has had under consideration Resolution No. 537-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 537-14: “A Resolution authorizing and directing the Finance Director to establish Fund 017, Project West Invest, a Special Revenue Fund, to account for revenues received from contributions, grants, or other available sources of funding and for expenditures as administered and recommended by the Mayor's Office of Economic and Community Development and approved by the Project West Invest governing board as may be necessary or convenient for the operation of Project West Invest.”

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

That the Finance Director is hereby authorized and directed to establish Fund 017, Project West Invest, a Special Revenue Fund, to account for revenues received from

contributions, grants, or other available sources of funding and for expenditures as administered and recommended by the Mayor's Office of Economic and Community Development and approved by the Project West Invest governing board as may be necessary or convenient for the operation of Project West Invest.

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 537-14 adopted.

REPORTS OF OFFICERS

1 . City Treasurer’s Report to City Council Month Ending November 2014.
Received and Filed.

2. Report of the City of Charleston, Municipal Court Financial Statements; November 2014.
Received and Filed.

NEW BILLS

Introduced by Council member Edward Talkington on December 15, 2014:

Bill No. 7644: “A BILL to establish a Restricted Use Area West Side of Charleston for the purpose of prohibiting the drilling into and the extraction of groundwater within the Restricted Use Area except for ground water monitoring and/or remediation.
Refer to Environmental And Recycling Committee.

ADJOURNMENT

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

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

ABSENT: Russell

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, January 5, 2015, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk