



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, April 21, 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 third meeting in the month of April on the 21st 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 members of the Christian Leadership Academy. 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

HOOVER
LANE
NICHOLS
RICHARDSON
SHEETS
TALKINGTON
MAYOR JONES**

**BURTON
DENEALT
HAAS
KIRK
MILLER
PERSINGER
RUSSELL
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.

PUBLIC SPEAKERS

1. Lisa Tackett of the Vineyard Foundation came and spoke about the Senior Games.
2. Rebecca Newhouse of the Susan G. Komen Foundation spoke in reference to Bill Number 7616.
3. Courtney Crabtree of Girls on the Run also spoke about Bill Number 7616.

SWEARING IN FIRE CHIEF

Assistant Fire Chief Michael Shaffer was promoted and sworn in as the Fire Chief.

CLAIMS

1. A claim of Stacy Acree, 704 Lindytown Road, Twilight, WV; alleges damage to vehicle.
Referred to City Solicitor
2. A claim of Tamara Gaal, 4201 Kanawha Ave., Charleston, WV; alleges damage to property.
Referred to City Solicitor
3. A claim of Courtney Johnson, 126 Goff Mountain Rd. Apt #15, Cross Lanes, WV; alleges damage to vehicle.
Referred to City Solicitor
4. A claim of Christopher Meehan, 25 Currituck St., Bunker Hill, WV; alleges damage to vehicle.
Referred to City Solicitor
5. A claim of Jennifer Morris, 229 Sunset Drive, Charleston, WV; alleges damage to vehicle.
Referred to City Solicitor

COMMUNICATIONS

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: APRIL 21, 2014

I recommend that Gary Chernenko, 1516 Autumn Road, and Charleston, WV 25314 to be reappointed to the Charleston Convention and Visitors Bureau, with a said term to expire February 17, 2017

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

Jack Harrison moved to approve the appointment, Tom Lane seconded the motion. With the majority of the voting being in the affirmative, the appointment was confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: APRIL 21, 2014

I recommend that Harry F. Bell, Jr., 30 Capital Street, Charleston, WV 25301, be appointed to the Charleston Convention and Visitors Bureau, with a said term to expire February 17, 2017. He is replacing Jim Buckalew.

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

Jack Harrison moved to approve the appointment, Tom Lane seconded the motion. With the majority of the voting being in the affirmative, the appointment was confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: APRIL 21, 2014

I recommend that Steve Lemmerman, 200 Lee Street, East, Charleston, WV 25301, be reappointed to the Charleston Convention and Visitors Bureau, with a said term to expire February 17, 2017.

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

Jack Harrison moved to approve the appointment, Tom Lane seconded the motion. With the majority of the voting being in the affirmative, the appointment was confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: APRIL 21, 2014

I recommend that Greg Bolles, 200 Hotel Circle, Charleston, WV 25311, be reappointed to the Charleston Convention and Visitors Bureau, with a said term to expire February 17, 2017.

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

Jack Harrison moved to approve the appointment, Tom Lane seconded the motion. With the majority of the voting being in the affirmative, the appointment was confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON HISTORIC LANDMARKS COMMISSION

DATE: APRIL 21, 2014

I recommend that Adam Krason, 222 Lee Street, West, Charleston, WV 25302 be appointed to the Charleston Historic Landmarks Commission, with a said term to expire September 1, 2014. He is replacing Jody Connell.

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

Jack Harrison moved to approve the appointment, Tom Lane seconded the motion. With the majority of the voting being in the affirmative, the appointment was confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: APRIL 21, 2014

I recommend that Mark Cherry, 300 Court Street, Charleston, WV 25301, be appointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 2017.

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

Jack Harrison moved to approve the appointment, Tom Lane seconded the motion. With the majority of the voting being in the affirmative, the appointment was confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CHARLESTON CONVENTION & VISITORS BUREAU

DATE: APRIL 21, 2014

I recommend that Judy Wellington, P O Box 11808, Charleston, WV 25339, be reappointed to the Charleston Convention & Visitors Bureau, with a said term to expire February 17, 2017.

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

Jack Harrison moved to approve the appointment, Tom Lane seconded the motion. With the majority of the voting being in the affirmative, the appointment was confirmed.

**TO: JAMES REISHMAN
CITY CLERK**

**FROM: DANNY JONES
MAYOR**

RE: CITY COUNCIL COMMITTEE ON REDISTRICTING

DATE: APRIL 21, 2014

I am appointing Joe Deneault to the Committee on Redistricting. He is replacing Mike Stajduhar.

Received and Filed.

REPORTS OF COMMITTEES

COMMITTEE ON PARKS AND RECREATION

Councilperson Susie Salisbury, Chairperson of the Council Committee on Parks and Recreation, submitted the following report:

1. Your committee on Parks and Recreation has had under consideration Committee Substitute for Bill No. 7616, and reports the same to Council with the recommendation that the bill do pass.

A Committee Substitute for Bill No. 7616- A BILL to amend Chapter 82, Article IV, Section 82-125 of the Code of the City of Charleston, relating to fees for use of City owned recreational facilities, and to enact Chapter 82, Article IV, Section 82-128, of the Code of the City of Charleston, relating to distance runs and walks within the City of Charleston.

WHEREAS, Section 82-125 of the Code of the City of Charleston sets forth the fees due for the use of City recreation centers, including swimming pools; and

WHEREAS, the use of many of the facilities, including all the swimming pools, is now free of charge for the citizens of Charleston; and

WHEREAS, Section 82-125 is outdated and no longer reflects current practice; and

WHEREAS, the popularity of 5k and 10k walks within the City, and the amounts of City resources necessary to be able to stage these events, including police and street department personnel, have been steadily increasing; and

WHEREAS, the City has been providing the resources necessary to stage walk and running events without reimbursement of the expense; and

WHEREAS, the City wants to continue to promote health and fitness through runs and walks within the City, but needs to mitigate the expense of doing so by establishing minimal fees for these events; and

WHEREAS, in order to mitigate the impact of fees on smaller events, the Parks and Recreation Committee will promulgate rules and a process whereby applicants can petition the Committee for a waiver of part or all of the fee;

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

That Chapter 82, Article IV, Section 82-125 of the Code of the City of Charleston, relating to fees for use of City owned recreational facilities is hereby amended, and Chapter 82, Article IV, Section 82-128, of the Code of the City of Charleston, relating to distance runs and walks within the City of Charleston is hereby enacted, all to read as follows:

ARTICLE IV. PUBLIC USE OF PARKS AND RECREATIONAL FACILITIES**Sec. 82-125. Schedule of Fees.**

Rental and fee schedule for the use of recreation facilities and equipment [is as follows]:

- (1) For use private use, exclusive of the general public, of the North Charleston Community Center, Martin Luther King Jr., Community Center, Kanawha City Community Center, Roosevelt Neighborhood Center:

Gymnasium per hour	\$ 25.00
Meeting room, full space /per hour	20.00
Arts and crafts room, per hour	10.00
Swimming pool fees, 13 years and up	1.50
12 years and under	1.00
Senior citizens over 65	1.00
Swimming pool rental, per two hours	50.00

- (2) Cato Park Golf Course:

Daily nine holes	\$ 6.00
Unlimited play	8.00
Daily senior citizens unlimited, per round for replay	34.00
Schools, practice or matches	4.00

~~Club house:~~

full space /per hour	25.00
Half space /per hour	15.00

~~Swimming pool fees:~~

13 years and up	1.50
12 years and under	1.00
Senior citizens over 65	1.00

~~Swimming pool season pass:~~

~~12 years and under 15.00~~

~~13 years and up 25.00~~

~~Family pass 75.00~~

~~Senior citizen over 65 10.00~~

~~Swimming pool rental, per two hours 60.00~~

~~(3) Neighborhood centers, per hour 5.00~~

~~(4) Vandalia swimming pool fees:~~

~~13 years and up 1.50~~

~~12 years and under 1.00~~

~~Senior citizens over 65 1.00~~

~~Rental, per hour 20.00~~

~~(5) For use exclusive use of Tennis courts,~~

~~per/hour/court~~

~~\$ 42.00~~

~~Leisure reservations, per/hour/court 42.00~~

~~School reservations, per/hour/court 42.00~~

~~Tournaments, per/hour/court 0.50 1.00~~

~~Other organizations, per/hour/court 0.50~~

~~Additional fee per hour
per court with lights 1.00~~

~~(6) Watt Powell Stadium:~~

~~Rental (nonprofit) 50.00~~

~~With lights 100.00~~

~~Rental (profit) 200.00~~

~~Plus 20 percent of gross~~

~~(7) King Community Center:~~

~~Gymnasium, per hour 25.00~~

~~Meeting room 20.00~~

~~Full space, per hour 10.00~~

~~Half space, per hour 10.00~~

~~Art and craft room, per hour 10.00~~

~~Youth lounge, per hour 10.00~~

~~Kitchen, per hour 5.00~~

~~Swimming pool fees:~~

~~13 years and up 1.50~~

~~12 years and under 1.00~~

~~Senior citizens over 65 1.00~~

~~(8) Kanawha City Community Center:~~

~~Swimming pool fees:~~

~~13 years and up 1.50~~

~~12 years and under 1.00~~

~~Senior citizens over 65 1.00~~

~~(9) Season Pass, North Charleston, King, Kanawha City and Vandalia Swimming Pools~~

~~12 years and under 10.00~~

~~13 years and over 20.00~~

~~Senior citizens over 65 10.00~~

~~Family pass 50.00~~

~~(10) All-pools pass, all ages 33.00~~

~~(414) Haddad Riverfront Park:~~

~~Private rental of entire park\$100.00 per hour* (2 hr. minimum to maximum charge of \$800.00 for entire day. Rental time includes set-up and tear-down if renter requires exclusion of general public during this time)~~

~~Damage deposit for private rental\$250.00 (refundable if no damage occurs. However, deposit is forfeited if rental is canceled less than 20 days prior to rental date)~~

~~(425) Magic Island Park:~~

~~Private rental of entire park\$100.00 per hour* (2 hr. minimum to maximum charge of \$800.00 for entire day. Rental time includes set-up and tear-down if renter requires exclusion of general public during this time)~~

~~Damage deposit for private rental250.00 (refundable if no damage occurs. However, deposit is forfeited if rental is canceled less than 20 days prior to rental date)~~

~~Reservation of volleyball courts10.00 per reservation court.~~

~~*Fee includes normal, daily park maintenance. Should special set-up, clean-up, or other efforts be necessary, the rate will be \$20.00 per hour per employee. These fees will be negotiated as part of the reservation process, and will be fully disclosed to renters prior to completing rental agreement.~~

~~**Such arrangement pertain to all rental of each park, except for the purposes of commercial concert entertainment. In such cases, rental agreements shall be negotiated by the parks and recreation/public grounds director, with such contract presented for city council approval prior to confirmation.~~

(6) Portable Stage: The portable stage measuring 24' x 20' may be rented at a rate of \$500 per day.

For purposes of this section, events ~~sponsored or co-sponsored~~produced or originated by the City of Charleston are specifically exempted from payment of rental fees, damage deposits, or other charges listed in this amendment.

Sec. 82-128. Race Courses.

- (a) In order to safely and efficiently accommodate the increasing number of recreational 5k and 10k runs and walks within the City of Charleston, the City shall establish and approve race courses for 5k, and 10k runs or walks. The Mayor or City Manager shall appoint an Events Coordinator who, upon advice and consultation with the City Manager and any other applicable committees or personnel, shall promulgate rules governing, and process applications for, the use of established and customized race courses.
- (b) The exclusive use of an established race course may be granted by City upon successful application to the Events Coordinator, and payment of a Five Hundred Dollar (\$500.00) fee. This fee shall guarantee the use of the approved course and the services of four (4) uniformed police officers for traffic control. Provided, however, that exclusive use of the Kanawha Boulevard course may be granted upon successful application to the Events Coordinator, and payment of a One Thousand Dollar (\$1,000.00) fee, plus a one dollar (\$1.00) fee per registered participant, which fees shall guarantee the use of said course and the services of eight (8) uniformed police officers for traffic control and services provided by the City's street department. Applicants may request a particular race course, but the availability of race courses may be dependent upon the number of participants in the event. Variations in the length, layout or other features of approved courses may be arranged with the Events Coordinator, however, additional fees may be charged if additional uniformed officers or other City resources are necessary to accommodate the variations. Exclusive use of any race course not previously established, but rather customized at the request of an applicant, may be granted upon successful application to the Events Coordinator, and payment of fees in an amount not less than Seven Hundred Fifty Dollars (\$750.00), to be determined by the Events Coordinator, on a case-by-case basis based on City resources necessary to safely accommodate a customized course.
- (c) A non-profit applicant may request from the Parks and Recreation Committee a waiver of any fee set forth in subsection (b) in accordance with the rules promulgated by the Events Coordinator. The Parks and Recreation Committee shall have the authority to waive fees, in whole or in part, in the maximum aggregate amount for all races of Twenty Thousand Dollars (\$20,000.000) per fiscal year or such other amount, more or less, as authorized by the General Fund Budget.
- (d) For the purposes of this section, events produced or originated by the City of Charleston are specifically exempted from payment of fees.

Councilman Salisbury moved that the Committee Report be adopted, but first be referred to Finance. The bill was referred to be voted upon under the Finance section of the Council Meeting.

COMMITTEE ON FINANCE

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

1. Your committee on Finance has had under consideration Resolution No. 439-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 439-14- Authorizing the Mayor to sign and submit Community Participation Grant Program information sheets and all related documents for four (4) agencies.

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 Community Participation Grant Program information sheets and all related documents for the following agencies:

Charleston Area Alliance	14LEDA0105	\$ 40,000
EnAct	14LEDA0104	\$ 5,000
Gabriel Project of WV	14LEDA0107	\$ 5,000
WV Humanities Council	14LEDA0106	\$ 3,000

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 439-14 adopted.

2. Your committee on Finance has had under consideration Resolution No. 440-14, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 440-14- Authorizing the Finance Director to establish Fund 216, Convention and Civic Center Project, a capital project fund, to account for capital improvements associated with the Charleston Convention and Civic Center Project to be financed with City sales and use tax revenues.

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 216, Convention and Civic Center Project, a capital project fund, to account for capital improvements associated with the Charleston Convention and Civic Center Project to be financed with City sales and use tax revenues.

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 440-14 adopted.

3. 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 Matheny Motor Truck Company, in the amount of \$98,220, for purchase of a 2015 Freightliner 108 Dump Truck to be used by the Street Department.

*To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equipment
(SunTrust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 4).*

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 the Committee Report adopted.

4. 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 Stephens Auto Center, in the amount of \$30,556.00, for purchase of a 2015 Model Ford Explorer for the City Manager's office. Once the new vehicle is received, the current vehicle in the City Manager's office will be assigned to the Human Resources office.

*To be charged to Account No. 001-975-00-412-4-459, City Manager—Capital Outlay, Equipment
(SunTrust Equipment Finance & Leasing Corporation, Lease Purchase Escrow Account No. 08673, Equipment Schedule 4).*

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 the Committee Report adopted.

5. Your committee on Finance has had under consideration the following Committee Report, and reports the same to Council that the Committee Report be adopted.

A bid submitted by Mountain State Computer and Network Solutions, in the amount of \$131,535.00, for purchase of 79 Dell Optiplex 9020 computers by the Information Systems Department for installation in various City Departments, and in keeping within

the City's ongoing program to update computer equipment on a regular basis.

To be charged to Account No. 001-975-00-439-4-459, I.S. Dept.—Capital Outlay, Equip.

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 the Committee Report Adopted.

6. Your committee on Finance has had under consideration the following Committee Report, and reports the same to Council that the Committee Report be adopted.

A proposal submitted by WatchGuard in the amount of \$29,125.00 for purchase of five (5) 4RE In-car Camera Systems for installation in patrol cruisers for the Charleston Police Department.

To be charged to Account No. 095-175-14-000-4-459, Police—2014 Highway Safety Grant

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 the Committee Report Adopted.

7. Your committee on Finance has had under consideration Committee Substitute for Bill No. 7616, and reports the same to Council that the Committee Report be adopted, as amended.

Bill No. 7616 (Committee Substitute), to amend Chapter 82, Article IV, Section 82-125 of the Code of the City of Charleston, relating to fees for use of City-owned recreational facilities, and to enact Chapter 22, Article IV, Section 82-128, of the Code of the City of Charleston, relating to distance runs and walks within the City of Charleston, amended as follows:

- On line 149, Sec. 82-128(b) is deleted in its entirety and replaced with the following:

“On or before October 1 of each year, the Events Coordinator shall establish and publish at least two 5k race courses for the next calendar year that can accommodate up to five hundred (500) participants and be coordinated with minimal effort, city resources, and community impact, in addition to a course along Kanawha Boulevard. The exclusive use of an established race course may be granted by City upon successful application to the Events Coordinator, and payment by a non-profit group of a Five Hundred Dollar (\$500.00) fee. This fee shall guarantee the use of the approved course. Provided, however, that exclusive use of the Kanawha Boulevard course may

be granted upon successful application to the Events Coordinator, and payment by a non-profit group of a Two Thousand Two Hundred Dollar (\$2,200.00) fee. Applicants may request a particular race course, but the availability of race courses may be dependent upon the number of participants in the event. Variations in the length, layout or other features of approved courses may be arranged with the Events Coordinator, however, additional fees may be charged if additional uniformed officers or other City resources are necessary to accommodate the variations. Exclusive use of any race course not previously established, but rather customized at the request of a non-profit applicant, or any course requested by a for profit organization whether established or customized, may be granted upon successful application to the Events Coordinator, and payment of fees in an amount not less than the costs anticipated to be incurred by the City, as determined by the Events Coordinator on a case-by-case basis to safely accommodate a customized course.

- On line 172, Sec.82-128(c) is deleted in its entirety and replace with the following:

“The fees provided for in this section shall be waived for an event scheduled during the 2014 calendar year for any non-profit group that held a similar event in size and scope during the 2013 calendar year.”

Councilman Reishman moved to approve the amendment. Councilman Lane seconded the motion. The question being on the passage of the amendments. A voice vote was taken, the amendments passed unanimously.

The Clerk read the amended Bill:

A Committee Substitute for Bill No. 7616- A BILL to amend Chapter 82, Article IV, Section 82-125 of the Code of the City of Charleston, relating to fees for use of City owned recreational facilities, and to enact Chapter 82, Article IV, Section 82-128, of the Code of the City of Charleston, relating to distance runs and walks within the City of Charleston.

WHEREAS, Section 82-125 of the Code of the City of Charleston sets forth the fees due for the use of City recreation centers, including swimming pools; and

WHEREAS, the use of many of the facilities, including all the swimming pools, is now free of charge for the citizens of Charleston; and

WHEREAS, Section 82-125 is outdated and no longer reflects current practice; and

WHEREAS, the popularity of 5k and 10k walks within the City, and the amounts of City resources necessary to be able to stage these events, including police and street department personnel, have been steadily increasing; and

WHEREAS, the City has been providing the resources necessary to stage walk and running events without reimbursement of the expense; and

WHEREAS, the City wants to continue to promote health and fitness through runs and walks within the City, but needs to mitigate the expense of doing so by establishing minimal fees for these events; and

WHEREAS, in order to mitigate the impact of fees on smaller events, the Parks and Recreation Committee will promulgate rules and a process whereby applicants can petition the Committee for a waiver of part or all of the fee;

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

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ARTICLE IV. PUBLIC USE OF PARKS AND RECREATIONAL FACILITIES

Sec. 82-125. Schedule of Fees.

Rental and fee schedule for the use of recreation facilities and equipment [is as follows]:

- (1) For use private use, exclusive of the general public, of the North Charleston Community Center, Martin Luther King Jr., Community Center, Kanawha City Community Center, Roosevelt Neighborhood Center:

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Meeting room, full space /per hour	20.00
Arts and crafts room, per hour	10.00
Swimming pool fees, 13 years and up	1.50
12 years and under	1.00
Senior citizens over 65	1.00
Swimming pool rental, per two hours	50.00

- (2) Cato Park Golf Course:

Daily nine holes	\$ 6.00
Unlimited play	8.00
Daily senior citizens unlimited, per round for replay	34.00
Schools, practice or matches	4.00
Club house:	

~~full space/per hour 25.00~~

~~Half space/per hour 15.00~~

~~Swimming pool fees:~~

~~13 years and up 1.50~~

~~12 years and under 1.00~~

~~Senior citizens over 65 1.00~~

~~Swimming pool season pass:~~

~~12 years and under 15.00~~

~~13 years and up 25.00~~

~~Family pass 75.00~~

~~Senior citizen over 65 10.00~~

~~Swimming pool rental, per two hours 60.00~~

~~(3) Neighborhood centers, per hour 5.00~~

~~(4) Vandalia swimming pool fees:~~

~~13 years and up 1.50~~

~~12 years and under 1.00~~

~~Senior citizens over 65 1.00~~

~~Rental, per hour 20.00~~

~~(5) For use exclusive use of Tennis courts,~~

~~per/hour/court \$ 42.00~~

~~Leisure reservations, per/hour/court 42.00~~

~~School reservations, per/hour/court 42.00~~

~~Tournaments, per/hour/court 0.50 1.00~~

~~Other organizations, per/hour/court 0.50~~

~~Additional fee per hour
per court with lights 1.00~~

~~(6) Watt Powell Stadium:~~

~~Rental (nonprofit) 50.00~~

~~With lights 100.00~~

~~Rental (profit) 200.00~~

~~Plus 20 percent of gross~~

~~(7) King Community Center:~~

~~Gymnasium, per hour 25.00~~

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~~Full space, per hour 10.00~~

~~Half space, per hour 10.00~~

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~~Kitchen, per hour 5.00~~

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~~Family pass 50.00~~

~~(10) All pools pass, all ages 33.00~~

~~(414) Haddad Riverfront Park:~~

~~Private rental of entire park\$100.00 per hour* (2 hr. minimum to maximum charge of \$800.00 for entire day. Rental time includes set-up and tear-down if renter requires exclusion of general public during this time)~~

~~Damage deposit for private rental\$250.00 (refundable if no damage occurs. However, deposit is forfeited if rental is canceled less than 20 days prior to rental date)~~

~~(425) Magic Island Park:~~

Private rental of entire park\$100.00 per hour* (2 hr. minimum to maximum charge of \$800.00 for entire day. Rental time includes set-up and tear-down if renter requires exclusion of general public during this time)

Damage deposit for private rental250.00 (refundable if no damage occurs. However, deposit is forfeited if rental is canceled less than 20 days prior to rental date)

Reservation of volleyball courts10.00 per ~~reservation~~court.

*Fee includes normal, daily park maintenance. Should special set-up, clean-up, or other efforts be necessary, the rate will be \$20.00 per hour per employee. These fees will be negotiated as part of the reservation process, and will be fully disclosed to renters prior to completing rental agreement.

**Such arrangement pertain to all rental of each park, except for the purposes of commercial concert entertainment. In such cases, rental agreements shall be negotiated by the parks and recreation/~~public grounds~~ director, with such contract presented for city council approval prior to confirmation.

(6) Portable Stage: The portable stage measuring 24' x 20' may be rented at a rate of \$500 per day.

For purposes of this section, events ~~sponsored or co-sponsored~~produced or originated by the City of Charleston are specifically exempted from payment of rental fees, damage deposits, or other charges listed in this amendment.

Sec. 82-128. Race Courses.

- (e) In order to safely and efficiently accommodate the increasing number of recreational 5k and 10k runs and walks within the City of Charleston, the City shall establish and approve race courses for 5k, and 10k runs or walks. The Mayor or City Manager shall appoint an Events Coordinator who, upon advice and consultation with the City Manager and any other applicable committees or personnel, shall promulgate rules governing, and process applications for, the use of established and customized race courses.
- (f) On or before October 1 of each year, the Events Coordinator shall establish and publish at least two 5k race courses for the next calendar year that can accommodate up to five hundred (500) participants and be coordinated with minimal effort, city resources, and community impact, in addition to a course along Kanawha Boulevard. The exclusive use of an established race course may be granted by City upon successful application to the Events Coordinator, and payment by a non-profit group of a Five Hundred Dollar (\$500.00) fee. This fee shall guarantee the use of the approved course and the services of four (4) uniformed police officers for traffic control. Provided, however, that exclusive use of the Kanawha Boulevard course may be granted upon successful application to the Events Coordinator, and payment by a non-profit group of a One Two Thousand Two Hundred Dollar (\$1,000.00 \$2,200.00) fee, plus a one dollar (\$1.00) fee per registered participant, which fees shall guarantee the use of said course and the services of eight (8) uniformed police officers for traffic control and services provided by the City's street department. Applicants may request a particular race course, but the availability of race courses may be dependent upon the number of participants in the event. Variations in the length, layout or other features of approved courses may be arranged with the Events Coordinator, however, additional fees may be charged if additional uniformed officers or other City resources are necessary to accommodate the variations. Exclusive use of any race course not previously established, but rather customized at the request of an non-profit applicant, or any course requested by a for profit organization whether established or customized, may be granted upon successful application to the Events Coordinator, and payment of fees in an amount not less

~~than Seven Hundred Fifty Dollars (\$750.00), the costs anticipated to be incurred by the City, as to be determined by the Events Coordinator, on a case-by-case basis, based on City resources necessary to safely accommodate a customized course.~~

~~(g) A non-profit applicant may request from the Parks and Recreation Committee a waiver of any fee set forth in subsection (b) in accordance with the rules promulgated by the Events Coordinator. The Parks and Recreation Committee shall have the authority to waive fees, in whole or in part, in the maximum aggregate amount for all races of Twenty Thousand Dollars (\$20,000.00) per fiscal year or such other amount, more or less, as authorized by the General Fund Budget. The fees provided for in this section shall be waived for an event scheduled during the 2014 calendar year for any non-profit group that held a similar event in size and scope during the 2013 calendar year.~~

(h) For the purposes of this section, events produced or originated by the City of Charleston are specifically exempted from payment of fees.

Councilman Reishman moved to pass Bill No. 7616, as amended. Councilman Lane seconded the motion. The Mayor opened the floor for discussion of the amended Bill.

Council Lady Snodgrass made a motion to table the Bill. Councilman Knauff seconded the motion.

A roll call was taken to Table the Bill:

YEAS: Burka, Burton, Davis, Dodrill, Hoover, Kirk, Knauff, Lane, Minardi, Persinger, Sheets, Smith, Snodgrass, Ware, White

NAYS: Clowser, Deneault, Haas, Harrison, Miller, Nichols, Reishman, Richardson, Russell, Salisbury, Talkington, Jones

ABSENT: Ealy

With a majority vote recorded thereon as voting in the affirmative the Mayor declared Bill 7616, TABLED.

Tom Lane motioned that Committee Substitute for Bill No. 7616, amended, be referred back to the Parks and Recreation Committee. Councilman Ware seconded that motion. A voice vote was taken, and with a unanimous vote in the affirmative, the Bill was referred back to the Parks and Recreation Committee.

8. Your committee on Finance has had under consideration Bill No. 7618, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7618 - A Bill authorizing the City of Charleston and the Mayor of said City to sell for and on behalf of The Sanitary Board of the City of Charleston, a municipal utility, those certain Lots Nos. 59 and 60 of Standard Addition situated on Hanna Drive by way of public auction for a minimum price of Eleven Thousand Dollars (\$11,000).

WHEREAS, by deed dated August 30, 1954, recorded in the office of the Clerk of the County Commission of Kanawha County, West Virginia in Deed Book 1104, at page 317, the City of Charleston holds title to those certain tracts of land containing more than 80 acres, including Lots Nos. 59 and 60 of Standard Addition to the City of Charleston, which properties were acquired by the City for and on behalf

of The Sanitary Board of the City of Charleston, which municipal utility negotiated for the purchase of and paid the entire purchase price in consideration for said properties to be used for sanitary sewer related purposes;

WHEREAS, The Sanitary Board of the City of Charleston has determined that the said Lots Nos. 59 and 60 of Standard Addition are no longer used by or needed by the municipal utility and that it has no immediate or foreseen need for the said lots and finds it expedient that said lots should be sold and the proceeds of such sale be used in its budget;

WHEREAS, the City of Charleston has determined that it has no immediate or foreseen need for the lots and that the sale of said lots and the use of the proceeds from said sale by The Sanitary Board of the City of Charleston outweighs the needs and benefit of the City's continuing ownership of said lots;

WHEREAS, the City and The Sanitary Board of the City of Charleston desire to retain the oil, gas, and mineral rights of said lots;

WHEREAS, the fair market value of said lots of surface land has been determined by appraisal to be \$8,000, which constitutes adequate consideration for such property, and expenses of the public auction of said lots are expected to be \$3,000, and The Sanitary Board of the City of Charleston is not willing to sell the said lots for an amount less than \$11,000;

WHEREAS, pursuant to West Virginia Code § 8-12-18(b), the City of Charleston is empowered and authorized to sell said Lots Nos. 59 and 60 by public auction for a minimum of \$11,000, with the sale proceeds to be paid to The Sanitary Board of the City of Charleston, West Virginia, and to direct The Sanitary Board of the City of Charleston, acting by and through its General Manager or designee, to sell said Lots Nos. 59 and 60 by public auction for a minimum of \$11,000, which sale proceeds will be paid to The Sanitary Board of the City of Charleston, West Virginia; and,

WHEREAS, The Sanitary Board of the City of Charleston, acting by or through its General Manager or designee, is hereby directed to publish, as a Class II legal advertisement, a description of the property to be sold at public auction along with the time and place of the sale, and terms thereof, in compliance with state law.

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

1. Those certain lots or parcels of land situate and fronting on Hanna Drive, described as Lots Nos. 59 and 60 as shown on map entitled, "Standard Addition to Charleston," dated September, 1920, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia in Map Book 5, at page 64, and located in North Charleston District, in the City of Charleston, Kanawha County, State of West Virginia, are approved for sale and authorized to be sold and conveyed by The City of Charleston, acting for and on behalf of The Sanitary Board of the City of Charleston, West Virginia. The lots are all of Tax Parcel 54, Tax Map 83 of Charleston North District.

2. That the above-described lots or parcels of land are approved to be sold, transferred and conveyed by the City of Charleston acting by and through The Sanitary Board of the City of Charleston, acting by and through its General Manager or designee, by way of public auction, for no less than \$11,000, retaining the oil, gas, and/or other mineral rights thereto. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a quitclaim deed conveying

and relinquishing all right, title, interest and ownership rights and interests of any kind of the City of Charleston and The Sanitary Board of the City of Charleston, in and to the aforesaid lots or parcels of land to the successor purchaser of said lots at said public auction, as is where is and subject to a reservation of the oil, gas, and mineral rights therein.

That this Ordinance is to become effective immediately upon passage.

Councilman Reishman moved to approve the Bill. Councilman Lane seconded the motion. The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, nays – 0, absent- 0, as follows:

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

With a unanimous vote recorded thereon as voting in the affirmative the Mayor declared Bill 7618 adopted.

REPORTS OF OFFICERS

1 . Report of the City of Charleston Payroll Variance Analysis; February and March, 2014.

Received and Filed.

2. City Treasurer’s Report to City Council Month Ending March 2014.

Received and Filed.

NEW BILLS

1. Introduced by Council members Edward Talkington and Kasey Russell on April 21, 2014:

Bill No. 7621 - A BILL to amend and re-enact Section 98-5 of Article I, Chapter 98 of the Charleston Municipal Code and Divisions 1-6 of Article II, Chapter 98 of the Charleston Municipal Code, entitled “Solid Waste,” to establish a single source separation and recycling policy.

Referred to the Environmental and Recycling Committee and Ordinance and Rules Committee

ADJOURNMENT

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

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

ABSENT: Ealy

At 7:58 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, May 5, 2014, at 7:00 p.m., in the Council Chamber in City Hall.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk