



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

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, June 18, 2018

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Danny Jones  
Mayor**

**JB Akers  
City Clerk**

**CALL TO ORDER**

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The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of June on the 18<sup>th</sup> day, in the year 2018, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilmember Richardson and the Pledge of Allegiance was led by Councilmember Faegre. The Honorable Clerk, JB Akers, called the roll of members and it was found that there were present at the time:

**BURKA  
CHESTNUT  
EALY  
HARRISON  
JONES  
MINARDI  
REISHMAN  
SMITH  
TALKINGTON**

**BURTON  
CLOWSER  
FAEGRE  
HOOVER  
KING  
OVERSTREET  
RICHARDSON  
SNODGRASS  
WARE**

**CEPERLEY  
DAVIS  
HAAS  
IRELAND  
  
SALISBURY  
STEELE  
MAYOR JONES**

With twenty-five 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***

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1. Lisa Tackett – spoke on behalf of the Vineyard Foundation
2. Danny Forinash – spoke on behalf of Grow With Google

***CLAIMS***

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1. A claim of Tyrome Thomas, 199 Lovell Drive, Charleston, WV; alleges personal injury.  
Refer to City Solicitor.

**MISCELLANEOUS RESOLUTIONS**

1.

Resolution of Council No. 074-18

Introduced in Council: June 18, 2018

Mary Jean Davis, Tom Lane, Jack Harrison, Bobby Reishman, Becky Ceperley, Karan Ireland, Andy Richardson, Jerry Ware, Rev. James D. Ealy, Rutha Chestnut, Mary Beth Hoover, Keeley Steele, Susie Salisbury, Brent Burton, Sam Minardi, Bruce King, Rick Burka and Mike Clowser

**WHEREAS:** During the past 29 years that Dr. Edwin H. Welch has been President of the University of Charleston, the institution has been strengthened, the campus has been transformed, and UC has become Charleston’s university, playing vital roles in our City’s economic, educational, cultural and recreational landscape; and

**WHEREAS:** As the UC mission has been refined and the campus has expanded, Dr. Welch and his leadership team have worked closely with the City Council and administration on several projects, including the purchase of Watt Powell Park that made Appalachian Power Park a reality, improvement of what is now the UC softball field at the Kanawha City Recreation Center, PharmUC’s very effective partnership with the City’s employee health clinic, hundreds of events that have brought tens of thousands of people to our City and, most recently, the pending creation of the Welch Athletic Complex; and

**WHEREAS:** Dr. Janet Welch has added greatly to our community’s culture of empowering local and regional artists through the creation of the Erma Byrd Gallery and many other initiatives on campus that have featured women and West Virginians with positive impacts well beyond the University’s campus; and

**WHEREAS:** With their strong partnership in leadership at UC, Drs. Ed and Janet Welch have emphasized a welcome spirit of hospitality, on campus and beyond, through which approximately 10,000 students have come to the University of Charleston, and thus, the City of Charleston from throughout the nation and world; and

**WHEREAS:** For nearly three decades, the Welches have encouraged, supported and cheered on UC’s student athletes toward excellence and teamwork in both the classroom and competition, culminating in our City’s first NCAA National Championship, won by the 2017 men’s soccer team; and

**WHEREAS:** The University’s growing emphasis on innovation – including incorporation of innovation into every field of study – makes UC the front door to our City in our collective efforts to attract and keep young creatives and innovators who are vital to the future of Charleston; and

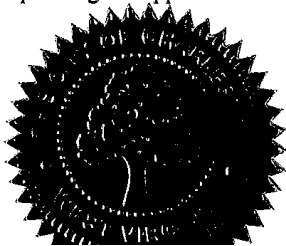
**WHEREAS:** Drs. Ed and Janet Welch have chosen to live in Charleston during their retirement from UC – right next to the Welch Athletic Complex – so our greater community will continue to benefit from their experience, wisdom, and passion for the University and our City, we hope, for decades to come.

**Therefore be it resolved by The Council and Mayor of The City of Charleston, West Virginia:**

That we, the elected leaders of Charleston, do hereby recognize the many accomplishments of

**Drs. Ed and Janet Welch**

over 29 years of dedicated, visionary and innovative leadership at the University of Charleston and, as a direct result, our City as a whole. We join thousands of students, faculty, staff, alumni, and friends in expressing our appreciation for their decades of service and leadership within our greater community.



\_\_\_\_\_  
Danny Jones  
Mayor

\_\_\_\_\_  
Mary Jean Davis, Co-Chair  
UC - City of Charleston Collaboration Committee

**PROCLAMATIONS**

1.

**EXECUTIVE DEPARTMENT**  
**CITY OF CHARLESTON**  
**PROCLAMATION**  
**By the Mayor**

**WHEREAS:** The month of June 2018 has been declared Alzheimer’s and Brain Awareness Month to help spread global awareness of the Alzheimer’s Association’s vision of imagining a world without Alzheimer’s disease; and

**WHEREAS:** The summer solstice, June 21, 2018 has been declared The Longest Day, with teams around the world coming together to participate in an activity they love or activity loved by those affected by Alzheimer’s to raise funds and awareness for care and support while advancing research toward the first survivor of Alzheimer’s; and

**WHEREAS:** In recognition of the 38,000 West Virginians living with Alzheimer’s disease and their 106,000 caregivers, it is fitting that we designate June 2018 as Alzheimer’s and Brain Awareness Month. Alzheimer’s is a family disease impacting West Virginia spouses, partners, children, siblings and other relatives who provide unpaid assistance to a loved one; and

**WHEREAS:** West Virginia caregivers devote 121 million total hours of unpaid care to family members valued at over \$1.5 billion; and


**WHEREAS:** Alzheimer’s disease is the only disease among the top ten causes of death in the United States that cannot be prevented, cured or even slowed.

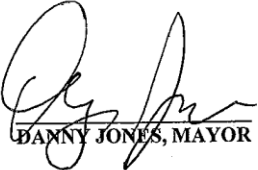
**NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby proclaim June 2018 as:**

**Alzheimer’s and Brain Awareness Month**

in the City of Charleston, West Virginia, and urge all citizens to wear purple and share why they go purple to help the Alzheimer’s Association raise awareness and advance Alzheimer’s care, support and research.

**IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 15<sup>th</sup> day of June, 2018.**



  
**DANNY JONES, MAYOR**

The Mayor presented the Proclamation to Councilmember King, Morgan Young and Nicole Nesmith.

**REPORTS OF COMMITTEES**

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**COMMITTEE ON STREETS AND TRAFFIC**

Councilmember Hoover, Chair of the Council Committee on Streets and Traffic, submitted the following reports:

1. Your committee on Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7784 do pass.

Bill No. 7784 - A Bill to establish a 15 MPH Speed Limit on Moorland Drive from Oakridge Drive to End of Moorland Drive and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. 15 MPH Speed Limit on Moorland Drive from Oakridge Drive to End of Moorland Drive

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover moved to approve the Bill. Councilmember Ware seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, King, Minardi, Overstreet, Reishman, Richardson Salisbury, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Lane, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7784 passed.

2. Your committee on Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7785 do pass as amended.

Bill No. 7785 Amended - A Bill to establish a two-hour limit parking zone along the east side of Michigan Avenue from a point 30 feet from the intersection of Kanawha Boulevard, E. ~~W~~ to the intersection of Quarrier Street and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith. Be it Ordained by the Council of the City of Charleston, West Virginia:

Section 1. A Two-Hour limit parking zone along the east side of Michigan Avenue from a point 30 feet from the intersection of Kanawha Boulevard, E. ~~W~~ to the intersection of Quarrier Street.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover moved to approve the Bill. Councilmember Ware seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, King, Minardi, Overstreet, Reishman, Richardson Salisbury, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Lane, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7785 passed as amended.

## **COMMITTEE ON FINANCE**

Councilmember Reishman, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 066-18 be adopted.

Resolution No. 066-18 - Authorizing approval of the FY 2018- 2019 Civic Center Budget as indicated on the attached list of accounts.

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

That the FY 2018- 2019 Civic Center Budget as indicated on the attached list of accounts is hereby approved.

Councilmember Reishman moved to approve the Resolution. Councilmember Ware seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, King, Minardi, Overstreet, Reishman, Richardson Salisbury, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Lane, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 066-18 adopted.



**CITY OF CHARLESTON**  
**Civic Center Budget**  
**Fiscal Year Ending June 30, 2019**

Schedule of Revenues

Account	Revenue Category	2016-17 Actual Received	2017-18 Council Approved	2017-18 Revisions (thru May)	2017-18 Revised Budget	2017-18 Received (thru May)	2018-19 Proposed
358-00-0302	Rent	1,074,411	862,000	-	862,000	754,021	1,150,000
358-00-0304	Commissions	246,669	225,000	-	225,000	124,905	150,000
358-00-0307	Parking - Buildings & Lots	98,592	130,500	-	130,500	90,741	100,000
358-00-0311	Distinctive Gourmet	492,401	300,000	-	300,000	9,957	300,000
358-00-0312	Patron Services	222,068	200,000	-	200,000	156,741	185,000
358-00-0313	Security	60,288	45,000	-	45,000	49,357	50,000
358-00-0314	Advertising	233,855	300,000	-	300,000	231,750	333,000
358-00-0315	Spotlight Rental	5,605	6,000	-	6,000	4,270	6,000
358-00-0316	Power Usage	55,919	54,000	-	54,000	52,713	55,000
358-00-0317	Table Covers/Drapes	33,187	31,000	-	31,000	16,235	20,000
358-00-0318	Rent - PA System	9,436	8,000	-	8,000	4,935	8,000
358-00-0319	Staging	12,974	11,000	-	11,000	7,070	9,000
358-00-0320	Booth Rental	78,083	64,000	-	64,000	45,181	60,000
358-00-0321	Interest	1,359	750	-	750	3,106	1,500
358-00-0322	Piano Rental	1,300	1,500	-	1,500	1,355	1,500
358-00-0323	Table Rental	31,027	26,000	-	26,000	17,831	26,000
358-00-0324	Miscellaneous	35,573	20,000	-	20,000	11,996	19,000
358-00-0325	Building Damages	-	2,000	-	2,000	-	2,000
358-00-0326	Telephone Rental	12,070	10,000	-	10,000	6,205	12,000
358-00-0327	Audio/Visual Equipment	154,153	115,000	-	115,000	64,853	130,000
358-00-0328	Teletix	-	1,000	-	1,000	-	1,000
358-00-0329	Carpet Rental	18,970	20,000	-	20,000	11,117	15,000
358-00-0330	Drayage	2,685	2,000	-	2,000	162	2,000
	<b>Total Operating Revenue</b>	<b>2,880,623</b>	<b>2,434,750</b>	<b>-</b>	<b>2,434,750</b>	<b>1,664,499</b>	<b>2,636,000</b>
358-00-0331	CC Capital Improvement Fee	81,914	-	-	-	42,084	-
358-00-0341	Trf In/Gen. Fund - Debt Svc	563,232	533,355	(43,662)	489,693	542,602	576,683
358-01-0341	Trf In/Gen. Fund - Health Care	238,169	211,928	-	211,928	283,955	269,906
358-02-0341	Trf In/Gen. Fund - Other	488,000	988,982	-	988,982	866,706	835,564
358-00-0342	Transfers In/Coal Severance	117,096	150,025	43,662	193,687	139,226	135,025
358-00-0343	Transfers In/Cap. Imp. Fund	233,071	-	8,900	8,900	22,713	-
358-00-0344	Transfers In/Cap. Cont.	-	-	-	-	-	-
358-00-0368	Transfers from Other Entities	-	-	-	-	-	-
358-00-0379	Gain/Loss from Sale of Assets	5,550	-	-	-	-	-
365-00-0000	Federal Grant Revenues	-	-	-	-	-	-
366-00-0000	State Grant Revenues	-	-	-	-	-	-
381-11-0000	Energy Rebates	15,103	-	-	-	18,265	100,000
	<b>Total Non-Operating Revenue</b>	<b>1,742,135</b>	<b>1,884,290</b>	<b>8,900</b>	<b>1,893,190</b>	<b>1,915,551</b>	<b>1,917,178</b>
	<b>Total Civic Center Revenue</b>	<b>\$ 4,622,758</b>	<b>\$ 4,319,040</b>	<b>\$ 8,900</b>	<b>\$ 4,327,940</b>	<b>\$ 3,580,049</b>	<b>\$ 4,553,178</b>

**CITY OF CHARLESTON**  
**Civic Center Budget**  
**Fiscal Year Ending June 30, 2019**

**Schedule of Expenses**

<b>402</b>	<b>Civic Center</b>						
<b>910</b>	<b>Administrative</b>						
<b>01</b>							
		<b>2016-17</b>	<b>2017-18</b>	<b>2017-18</b>	<b>2017-18</b>	<b>2017-18</b>	<b>2018-19</b>
		<b>Actual</b>	<b>Council</b>	<b>Revisions</b>	<b>Revised</b>	<b>Expended</b>	<b>Proposed</b>
		<b>Expended</b>	<b>Approved</b>	<b>(thru Apr)</b>	<b>Budget</b>	<b>(thru May)</b>	
	<b>Operating Expenses</b>						
<b>000-1</b>	<b>Personal Services</b>						
000-1-103	Salaries & Wages	1,297,870	1,340,533	-	1,340,533	1,125,069	1,564,953
000-1-104	FICA	94,157	102,551	-	102,551	81,686	119,719
000-1-105	Medical & Life Insurance	139,096	206,789	-	206,789	267,473	266,304
000-1-106	Retirement	126,157	123,809	-	123,809	100,672	121,995
000-1-111	Dental/Optical Insurance	8,886	11,248	-	11,248	6,603	14,072
000-1-112	Insurance - Payroll Deduction	(57,393)	(51,175)	-	(51,175)	(45,389)	(59,688)
001-1-113	OPEB - Current	20,000	20,000	-	20,000	20,000	20,000
000-1-114	OPEB - Long Term	392,663	630,000	-	630,000	-	630,000
	<b>Total Personal Services</b>	<b>2,021,436</b>	<b>2,383,755</b>	<b>-</b>	<b>2,383,755</b>	<b>1,556,113</b>	<b>2,677,356</b>
<b>000-2</b>	<b>Contractual Services</b>						
000-2-211	Telephone	34,892	42,240	-	42,240	35,552	42,240
000-2-212	Printing	9,305	8,000	-	8,000	7,726	8,000
000-2-213	Utilities	898,189	960,000	-	960,000	573,243	800,000
000-2-214	Travel	7,659	9,000	-	9,000	5,507	9,000
000-2-215	Maint. & Repair - Bldg/Ground	5,602	10,000	-	10,000	12,158	34,000
000-2-216	Maint. & Repair - Equipment	40,282	20,000	-	20,000	51,943	35,000
000-2-217	Maint. & Repair - Auto/Truck	-	-	-	-	-	-
000-2-218	Postage	498	700	-	700	120	700
000-2-219	Bldg. & Equipment Rents	161,059	130,000	-	130,000	66,008	100,000
000-2-220	Advertising/Legal Publications	6,321	25,000	-	25,000	5,724	45,000
000-2-221	Training	155	3,000	-	3,000	-	4,000
000-2-222	Dues & Subscriptions	4,395	2,400	-	2,400	2,491	2,400
000-2-226	Insurance - WC and UC	17,063	25,065	-	25,065	12,285	29,217
000-2-227	Insurance	66,852	65,000	-	65,000	55,269	64,165
000-2-230	Contracted Services	528,935	427,000	-	427,000	439,448	494,000
	<b>Total Contractual Services</b>	<b>1,781,206</b>	<b>1,727,405</b>	<b>-</b>	<b>1,727,405</b>	<b>1,267,473</b>	<b>1,667,722</b>
<b>000-3</b>	<b>Commodities</b>						
000-3-341	Material & Supplies	159,657	150,000	-	150,000	122,962	150,000
000-3-343	Gas, Oil & Tires	279	2,000	-	2,000	1,757	2,000
000-3-345	Uniforms	2,943	2,500	-	2,500	2,664	4,500
	<b>Total Commodities</b>	<b>162,879</b>	<b>154,500</b>	<b>-</b>	<b>154,500</b>	<b>127,384</b>	<b>156,500</b>
<b>000-4</b>	<b>Capital Outlay</b>						
000-4-458	Capital Outlay - Major Imp.	233,135	-	-	-	22,713	-
000-4-459	Capital Outlay - Equipment	-	-	8,900	8,900	-	-
000-4-461	Capital Outlay - Lease Purchase	-	-	-	-	-	-
000-4-465	Depreciation	668,060	398,886	-	398,886	414,738	3,946,397
	<b>Total Capital Outlay</b>		<b>398,886</b>	<b>8,900</b>	<b>407,786</b>	<b>437,451</b>	<b>3,946,397</b>
<b>000-5</b>	<b>Transfers &amp; Contributions</b>						
000-5-566	Transfers to Other Funds	82,125	-	-	-	37,689	-
	<b>Total Contributions</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>37,689</b>	<b>-</b>
	<b>Total Operating Expenses</b>	<b>\$ 3,965,521</b>	<b>\$ 4,664,546</b>	<b>\$ 8,900</b>	<b>\$ 4,673,446</b>	<b>\$ 3,426,109</b>	<b>\$ 8,447,975</b>

**CITY OF CHARLESTON**  
**Civic Center Budget**  
**Fiscal Year Ending June 30, 2019**

**Schedule of Expenses**

402 910 01	Civic Center Administrative						
		<b>2016-17</b>	<b>2017-18</b>	<b>2017-18</b>	<b>2017-18</b>	<b>2017-18</b>	<b>2018-19</b>
		<b>Actual</b>	<b>Council</b>	<b>Revisions</b>	<b>Revised</b>	<b>Expended</b>	<b>Proposed</b>
		<b>Expended</b>	<b>Approved</b>	<b>(thru May)</b>	<b>Budget</b>	<b>(thru May)</b>	<b>-</b>
<b>000-6</b>	<b>Non-Operating Expenses</b>						
000-6-670	Other Interest	-	-	-	-	-	-
000-6-671	Principal Maturities - Bonds	490,000	490,000	-	490,000	490,000	510,000
000-6-672	Interest on Bonds	201,104	188,580	-	188,580	150,994	166,800
001-6-672	Interest Bond Discount Amort.	30,107	30,108	-	30,108	25,090	30,108
000-6-674	Bond Service Charge	2,914	4,800	-	4,800	2,677	4,800
	<b>Total Non-Operating Expenses</b>	<b>724,124</b>	<b>713,488</b>	<b>-</b>	<b>713,488</b>	<b>668,761</b>	<b>711,708</b>
	<b>Total Expenses</b>	<b>\$ 4,689,646</b>	<b>\$ 5,378,034</b>	<b>\$ 8,900</b>	<b>\$ 5,386,934</b>	<b>\$ 4,094,870</b>	<b>\$ 9,159,683</b>

**CITY OF CHARLESTON**  
**Civic Center Budget**  
**Fiscal Year Ending June 30, 2019**

**Schedule of Cash**

	<b>Cash Basis</b>
Total Operating Revenues	2,636,000
Total Non-Operating Revenues	<u>1,917,178</u>
<b>Total System Revenues</b>	<b>4,553,178</b>
Total Operating Expenses (excl. depreciation, L/T OPEB))	3,871,578
Total Non-Operating Expenses (excl. bond discount amortization)	<u>681,600</u>
<b>Total System Expenses</b>	<b>4,553,178</b>
<b>Excess Revenues over Cash Expenses</b>	<b>(0)</b>

**CITY OF CHARLESTON**  
**Civic Center Budget**

**Fiscal Year Ending June 30, 2019**

**Civic Center Schedule of Authorized Positions**

CURRENT			PROPOSED		
Position	Grade/ Class	FY 18 # Emp	Position	Pay Grade	FY 19 # Emp
Executive Director	132	1	Executive Director	132	1
Assistant Director of Civic Center	124	1	Assistant Director of Civic Center	124	1
Sales and Marketing Manager	121	1	Sales and Marketing Manager	121	1
			Facility Superintendent	116	1
Business Manager Civic Center	115	1	Business Manager Civic Center	115	1
Mechanical Maintenance Supt.	114	1	Facility Maintenance Supervisor	114	1
			Senior Event Coordinator	114	1
Events Coordinator	112	1	Safety & Security Coordinator	112	1
			Events Coordinator	112	1
Box Office Manager	111	1	Technology Services Coordinator	113	1
Instrument Control Technician	111	1	Box Office Manager	111	1
Maintenance Technician	109	4	Engineering Assistant	111	1
Administrative Assistant I	109	1	Maintenance Technician	109	5
Office Support Specialist	107	1	Administrative Assistant I	109	1
Accounting Clerk	106	1	Office Support Specialist	107	1
Facility Support Technician	106	8	Accounting Clerk	106	1
Box Office Assistant	105	1	Facility Support Technician	106	7
			Box Office Assistant	105	1
<b>Total</b>		<u><u>24</u></u>			<u><u>28</u></u>

**CITY OF CHARLESTON**  
**Municipal Budget**

**Fiscal Year Ending June 30, 2019**

**Civic Center Schedule of Wages & Salaries**

CURRENT		PROPOSED	
Department/Wage Type	Amount	Department/Wage Type	Amount
<u>Civic Center (402)</u>		<u>Civic Center (402)</u>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	1,075,680	Regular Wages & Salaries	1,167,953
Irregular Part Time (IPT)	215,000	Irregular Part Time (IPT)	345,000
Overtime	49,853	Overtime	52,000
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u><u>1,340,533</u></u>		<u><u>1,564,953</u></u>

**CITY OF CHARLESTON**  
**Parking System Budget**  
**Fiscal Year Ending June 30, 2019**  
**Schedule of Revenues**

Revenue Category		2016-17 Actual Collected	2017-18 Council Approved	2017-18 Revisions (thru Apr)	2017-18 Revised Budget	2017-18 Collections (thru Apr)	2018-19 Proposed
<b>Parking Building Revenues</b>							
<b>Bldg. No. 1 - McFarland</b>							
343-01-0801	Daily	16,068	15,000	-	15,000	4,290	-
	Meter - SMART - Credit Card	-	-	-	-	-	-
	Meter - SMART - Park Mobile	-	-	-	-	-	-
	Meter - SMART - Coin	-	-	-	-	-	-
	Meter - Mechanical - Park Mobile	-	-	-	-	-	-
	Meter - Mechanical- Coin	-	-	-	-	-	5,000
343-01-0802	Monthly	358,850	362,000	-	362,000	280,388	314,000
343-01-0805	Commercial	149,307	150,000	-	150,000	123,090	150,000
343-01-0808	Special Rates	8,278	7,500	-	7,500	3,775	7,500
	<b>Total Building No. 1</b>	<b>532,503</b>	<b>534,500</b>	<b>-</b>	<b>534,500</b>	<b>411,543</b>	<b>476,500</b>
<b>Bldg. No. 2 - Washington</b>							
343-02-0801	Daily	47,722	50,000	-	50,000	45,105	-
	Meter - SMART - Credit Card	-	-	-	-	-	-
	Meter - SMART - Park Mobile	-	-	-	-	-	-
	Meter - SMART - Coin	-	-	-	-	-	-
	Meter - Mechanical - Park Mobile	-	-	-	-	-	-
	Meter - Mechanical- Coin	-	-	-	-	-	50,000
343-02-0802	Monthly	162,330	160,000	-	160,000	153,050	183,000
343-02-0803	Theatre Parking	13,750	14,000	-	14,000	12,500	-
343-02-0805	Commercial	75,974	76,000	-	76,000	63,327	76,000
343-02-0807	Theatre Override	48,658	65,000	-	65,000	32,324	65,000
343-02-0808	Special Rates	888	1,000	-	1,000	200	1,000
	<b>Total Building No. 2</b>	<b>349,323</b>	<b>366,000</b>	<b>-</b>	<b>366,000</b>	<b>306,505</b>	<b>375,000</b>
<b>Bldg. No. 5 - Shanklin</b>							
343-05-0801	Daily	64,480	65,000	-	65,000	37,207	-
	Meter - SMART - Credit Card	-	-	-	-	-	-
	Meter - SMART - Park Mobile	-	-	-	-	-	-
	Meter - SMART - Coin	-	-	-	-	-	-
	Meter - Mechanical - Park Mobile	-	-	-	-	-	-
	Meter - Mechanical- Coin	-	-	-	-	-	45,000
343-05-0802	Monthly	193,025	195,000	-	195,000	130,443	155,000
343-05-0808	Special Rates	103,148	100,000	-	100,000	83,619	100,000
	<b>Total Building No. 5</b>	<b>360,653</b>	<b>360,000</b>	<b>-</b>	<b>360,000</b>	<b>251,269</b>	<b>300,000</b>
<b>Bldg. No. 6 - Summers</b>							
343-06-0801	Daily	134,919	135,000	-	135,000	105,789	-
	Meter - SMART - Credit Card	-	-	-	-	-	-
	Meter - SMART - Park Mobile	-	-	-	-	-	-
	Meter - SMART - Coin	-	-	-	-	-	-
	Meter - Mechanical - Park Mobile	-	-	-	-	-	-
	Meter - Mechanical- Coin	-	-	-	-	-	140,000
343-06-0802	Monthly	491,553	495,000	-	495,000	402,966	540,000
343-06-0808	Special Rates	4,431	4,500	-	4,500	3,066	4,500
	<b>Total Building No. 6</b>	<b>630,903</b>	<b>634,500</b>	<b>-</b>	<b>634,500</b>	<b>511,821</b>	<b>684,500</b>
	<b>Total Building Revenues</b>	<b>1,873,381</b>	<b>1,895,000</b>	<b>-</b>	<b>1,895,000</b>	<b>1,480,138</b>	<b>1,836,000</b>

## CITY OF CHARLESTON

## Parking System Budget

Fiscal Year Ending June 30, 2019

## Schedule of Revenues

Revenue Category		2016-17 Actual Collected	2017-18 Council Approved	2017-18 Revisions (thru Apr)	2017-18 Revised Budget	2017-18 Collections (thru Apr)	2018-19 Proposed
<b>Other Parking Revenue</b>							
327-01-0000	Residential Permit Parking	5,400	5,200	-	5,200	5,500	5,500
342-00-0000	Meter - SMART - Credit Card	-	-	-	-	-	-
	Meter - SMART - Park Mobile	-	-	-	-	-	-
	Meter - SMART - Coin	-	-	-	-	-	-
	Meter - Mechanical - Park Mobile	-	-	-	-	-	-
	Meter - Mechanical- Coin	474,086	475,000	-	475,000	364,618	438,000
343-10-0000	Coupons	-	-	-	-	-	-
343-11-0000	Auditorium Lot (Spec. Ev.)	6,717	4,000	-	4,000	3,627	4,800
345-00-0002	Auditorium Lot (Monthly)	6,630	6,500	-	6,500	5,325	6,500
343-15-0000	Morris Square/Morris Street	40,264	45,000	-	45,000	25,170	40,000
343-16-0000	Old Farmers Market Lot	-	-	-	-	-	-
343-12-0000	Pennsylvania Ave. Lot	-	-	-	-	-	-
343-18-0000	West Side Parking Lot	-	-	-	-	-	-
343-14-0000	Smith Street Lot	600	-	-	-	-	-
343-20-0000	Union Building Parking Lot	33,370	35,000	-	35,000	25,020	33,000
345-00-0000	Rents/Concessions/Leases	79,640	80,000	-	80,000	60,450	80,000
320-00-0000	Police Fines/Court Costs	9,935	6,500	-	6,500	9,440	12,000
320-03-0000	Boot Fees	4,700	5,500	-	5,500	1,750	3,000
321-21-0000	Overtime Meter Violations	237,985	130,000	-	130,000	127,001	200,000
321-22-0000	All Other Parking Violations	216,767	265,000	-	265,000	168,909	203,000
321-23-0000	Warrants Payment Plan	-	-	-	-	-	-
381-00-0000	Reimbursements	-	-	-	-	-	-
381-11-0000	Energy Rebates	-	-	-	-	6,242	-
386-00-0000	Insurance Claims	-	-	-	-	-	-
391-00-0000	Recycling Revenue	-	-	-	-	-	-
399-00-0000	Miscellaneous Revenue	-	3,000	-	3,000	1,350	2,000
<b>Total Other Revenues</b>		<b>1,116,095</b>	<b>1,060,700</b>	<b>-</b>	<b>1,060,700</b>	<b>804,402</b>	<b>1,027,800</b>
<b>Total Operating Revenue</b>		<b>2,989,476</b>	<b>2,955,700</b>	<b>-</b>	<b>2,955,700</b>	<b>2,284,540</b>	<b>2,863,800</b>
<b>Non-Operating Revenue</b>							
322-00-0085	Transfers from Other Funds	336,606	-	-	-	-	-
365-00-0000	Federal Grants	-	-	-	-	-	-
380-00-0000	Interest on Investments	11,229	13,000	-	13,000	18,322	35,000
380-00-0001	Interest on MBC deposits	3,935	3,500	-	3,500	7,482	10,000
399-05-0000	Cash Over/Short	2,787	-	-	-	(100)	-
379-00-0000	Gain/(Loss) Sale of Assets	185	-	-	-	-	-
<b>Total Non-Operating Revenue</b>		<b>354,741</b>	<b>16,500</b>	<b>-</b>	<b>16,500</b>	<b>25,704</b>	<b>45,000</b>
<b>Total System Revenue</b>		<b>3,344,217</b>	<b>2,972,200</b>	<b>-</b>	<b>2,972,200</b>	<b>2,310,244</b>	<b>2,908,800</b>

## CITY OF CHARLESTON

Parking System Budget  
Fiscal Year Ending June 30, 2019

## Schedule of Expenses

406 571 00	Parking System Administrative	2016-17 Actual Expended	2017-18 Council Approved	2017-18 Revisions (thru Apr)	2017-18 Revised Budget	2017-18 Actual (thru Apr)	2018-19 Proposed
	<b>Personal Services</b>						
000-1-103	Salaries & Wages	820,473	804,099	-	804,099	536,773	653,833
000-1-104	FICA	58,220	61,514	-	61,514	38,080	50,018
000-1-105	Medical & Life Insurance	203,967	203,439	-	203,439	128,783	171,196
000-1-106	Retirement	88,132	90,372	-	90,372	54,358	60,283
000-1-111	Dental/Optical Insurance	12,962	11,617	-	11,617	10,253	9,046
000-1-112	Insurance - Payroll Deduction	(58,535)	(49,552)	-	(49,552)	(34,497)	(38,371)
000-1-113	OPEB-Current	40,000	40,000	-	40,000	-	40,000
000-1-114	OPEB-Long Term	369,559	300,000	-	300,000	-	375,000
	<b>Total Personal Services</b>	<b>1,534,779</b>	<b>1,461,489</b>	<b>-</b>	<b>1,461,489</b>	<b>733,751</b>	<b>1,321,005</b>
	<b>Contractual Services</b>						
000-2-211	Telephone	17,867	22,000	-	22,000	9,765	20,000
000-2-213	Utilities	190,234	190,000	-	190,000	147,482	200,000
000-2-214	Travel	5,249	7,500	-	7,500	-	7,500
000-2-215	Maint. & Repair - Bldg/Ground	103,631	100,000	-	100,000	68,641	100,000
000-2-216	Maint. & Repair - Equipment	19,435	25,000	-	25,000	19,794	25,000
000-2-217	Maint. & Repair - Auto/Truck	9,455	7,500	-	7,500	7,254	9,700
000-2-218	Postage	2	8,000	-	8,000	3,811	5,000
000-2-219	Bldg. & Equipment Rents	23,962	25,000	-	25,000	25,386	33,000
000-2-221	Training	3,508	5,000	-	5,000	-	5,000
000-2-222	Dues & Subscriptions	757	1,000	-	1,000	300	750
000-2-226	Insurance - WC and UC	17,744	35,212	-	35,212	10,783	18,845
000-2-227	Insurance	88,540	90,000	-	90,000	64,957	92,000
000-2-230	Contracted Services	121,888	180,000	-	180,000	151,676	180,000
000-2-237	Bank Fees - Lockbox	2,976	2,500	-	2,500	1,580	2,500
	Electronic Meter Fees	-	-	-	-	-	55,000
	<b>Total Contractual Services</b>	<b>605,248</b>	<b>698,712</b>	<b>-</b>	<b>698,712</b>	<b>511,430</b>	<b>754,295</b>
	<b>Commodities</b>						
000-3-341	Material & Supplies	48,899	50,000	-	50,000	29,547	50,000
000-3-343	Gas, Oil and Tires	12,020	10,000	-	10,000	6,495	8,000
000-3-345	Uniforms	7,518	10,000	-	10,000	6,189	7,500
	<b>Total Commodities</b>	<b>68,437</b>	<b>70,000</b>	<b>-</b>	<b>70,000</b>	<b>42,230</b>	<b>65,500</b>
	<b>Other</b>						
000-5-566	Transfers to Other Funds	975,000	500,000	-	500,000	808,845	713,000
	<b>Total Operating Expenses</b>	<b>3,183,463</b>	<b>2,730,201</b>	<b>-</b>	<b>2,730,201</b>	<b>2,096,256</b>	<b>2,853,800</b>
000-4-465	Depreciation	739,839	736,515	-	736,515	556,181	811,708
	<b>Total Operating Exp. &amp; Depreciation</b>	<b>3,923,302</b>	<b>3,466,716</b>	<b>-</b>	<b>3,466,716</b>	<b>2,652,436</b>	<b>3,665,508</b>
000-6-670	Other Interest	-	-	-	-	-	-
000-6-672	Amorization of Bond Disount	-	-	-	-	-	-
000-6-672	Interest on Bonds	-	-	-	-	-	-
000-6-674	Bond Service Charge	-	-	-	-	-	-
000-6-676	Bad Debts	-	-	-	-	-	-
	<b>Total Non-Operating Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>Total Expenses</b>	<b>3,923,302</b>	<b>3,466,716</b>	<b>-</b>	<b>3,466,716</b>	<b>2,652,436</b>	<b>3,665,508</b>

**CITY OF CHARLESTON**  
**Parking System Budget**  
**Fiscal Year Ending June 30, 2019**

		<b>Other Expenditures</b>					<b>2018-19</b>
<b>406</b>	<b>Parking System</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2017-18</b>	<b>2017-18</b>	<b>2017-18</b>	<b>2018-19</b>
<b>571</b>	<b>Administrative</b>	<b>Actual</b>	<b>Council</b>	<b>Revisions</b>	<b>Revised</b>	<b>Actual</b>	<b>Proposed</b>
<b>00</b>		<b>Expended</b>	<b>Approved</b>		<b>Budget</b>	<b>(thru Apr)</b>	
000-4-456	C/O - Land	-	-	-	-	-	-
000-4-458	C/O - Major Improvements	313,010	-	-	-	-	-
000-4-459	C/O - Equipment	26,162	542,000	-	542,000	17,467	55,000
000-4-461	C/O - Lease Purchase	-	-	-	-	-	-
	<b>Total Capital Outlays</b>	<b>339,172</b>	<b>542,000</b>	<b>-</b>	<b>542,000</b>	<b>17,467</b>	<b>55,000</b>
	<b>Total All Expenses &amp; Capital Outlay</b>	<b>4,262,474</b>	<b>4,008,716</b>	<b>-</b>	<b>4,008,716</b>	<b>2,669,904</b>	<b>3,720,508</b>

**CITY OF CHARLESTON**  
**Parking System Budget**  
**Fiscal Year Ending June 30, 2019**

**Schedule of Cash**

	<b>Cash Basis</b>
Total Operating Revenues	2,863,800
Total Non-Operating Revenues	45,000
<b>Total System Revenues</b>	<b>2,908,800</b>
Total Operating Expenses	2,853,800
Total Non-Operating Expenses	-
<b>Total System Cash Expenses</b>	<b>2,853,800</b>
<b>Excess Revenues over Cash Expenses</b>	<b>55,000</b>
<b>Other Cash Outflows:</b>	
Capital Outlay Expenditures	55,000
Principal on Debt Service	-
<b>Total Other Outflows</b>	<b>55,000</b>
<b>Total Cash Outflows</b>	<b>2,908,800</b>
<b>Net Cash Flow</b>	<b>(0)</b>



**CITY OF CHARLESTON**

**Parking System Budget  
Fiscal Year Ending June 30, 2019**

**Schedule of Capital Outlay Expenditures**

<b>Equipment</b>		
Parking Garage Sweeper		35,000
Parking Vehicle - replacement for Unit 609		<u>20,000</u>
<b>Total Equipment</b>		<b>55,000</b>
<b>Total Capital Outlay</b>		<b>55,000</b>

**CITY OF CHARLESTON**

**Parking System Budget**

**Parking System Schedule of Authorized Positions**

**Fiscal Year Ending June 30, 2019**

	<b>CURRENT</b>			<b>PROPOSED</b>	
<b>Position</b>	<b>Grade/ Class</b>	<b>FY 18 # Emp</b>	<b>Position</b>	<b>Pay Grade</b>	<b>FY 19 # Emp</b>
Deputy Director Parking Operations	119	1	Deputy Director Parking Operations	119	1
Lead Parking Technician	107	1	Lead Parking Technician	107	1
Lead Maintenance Worker	107	1	Lead Maintenance Worker	107	1
Lead Parking Enforcement Specialist	107	1	Lead Parking Enforcement Specialist	107	1
Parking Technician	105	14	Parking Technician	105	9
Meter Maintenance	105	1	Meter Maintenance	105	1
Parking Collection & Support Tech.	105	4	Parking Collection & Support Tech.	105	4
		<u>23</u>			<u>18</u>

**CITY OF CHARLESTON**

**Municipal Budget  
Fiscal Year Ending June 30, 2019**

**Parking System Schedule of Wages & Salaries**

	<b>CURRENT</b>		<b>PROPOSED</b>
<b>Department/Wage Type</b>	<b>Amount</b>	<b>Department/Wage Type</b>	<b>Amount</b>
<b><u>Parking System (406)</u></b>		<b><u>Parking System (406)</u></b>	
Elected Wages & Salaries	-	Elected Wages & Salaries	-
Regular Wages & Salaries	726,878	Regular Wages & Salaries	586,833
Irregular Part Time (IPT)	51,000	Irregular Part Time (IPT)	51,000
Overtime	26,221	Overtime	16,000
Pro-Pay	-	Pro-Pay	-
Tool Allowance	-	Tool Allowance	-
	<u>804,099</u>		<u>653,833</u>

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 067-18 be adopted.

Resolution No. 067-18 - Authorizing the Finance Director to amend the FY 2017- 2018 General Fund budget as indicated on the attached list of accounts.

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

That the Finance Director is hereby authorized and directed to amend the FY 2017- 2018 General Fund budget as indicated on the attached list of accounts.

**General Fund FY 2017-2018 Budget Amendment No. 11 - June 18, 2018**

Account No.	Department	Account Description	Amount
001 413 00 000 1 105	City Treasurer	Medical Expenses	10,000
001 414 00 000 1 105	City Collector	Medical Expenses	20,000
001 415 00 000 1 105	City Clerk	Medical Expenses	15,000
001 417 00 000 1 105	City Attorney	Medical Expenses	45,000
001 418 00 000 1 105	Accounting	Medical Expenses	20,000
001 501 00 000 2 230	Wellness Center	Contracted Services	30,000
001 566 00 000 1 105	Public Works Administration	Medical Expenses	20,000
001 567 00 000 1 105	Public Grounds	Medical Expenses	60,000
001 750 00 000 1 105	Street	Medical Expenses	40,000
001 800 00 000 1 105	Refuse & Recycling	Medical Expenses	250,000
001 910 00 000 1 105	Municipal Auditorium	Medical Expenses	10,000
001 910 01 000 5 566	Civic Center Support	Transfers to Other Funds	30,000
001 952 00 000 1 105	Spring Hill Cemetery	Medical Expenses	75,000
001 706 93 000 1 105	Fire	Medical Expenses Retirees	(625,000)

To adjust and reallocate various departmental expense accounts, principally due to overruns on medical costs.

Councilmember Reishman moved to approve the Resolution. Councilmember Ware seconded the motion. A roll call was taken:

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, King, Minardi, Overstreet, Reishman, Richardson Salisbury, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Lane, Persinger

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 067-18 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 068-18 be adopted.

Resolution No. 068-18 - Authorizing the Mayor or his designee to receive and administer \$10,000 from the Kanawha County Public Safety Grant Program for the Charleston Police Department. This money will be used to purchase cruiser gun racks, motorcycle lights and radio headsets.

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

That the Mayor or his designee is hereby authorized to receive and administer \$10,000 from the Kanawha County Public Safety Grant Program for the Charleston Police Department.

Councilmember Reishman moved to approve the Resolution. Councilmember Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 068-18 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 069-18 be adopted.

Resolution No. 069-18 - Authorizing the Mayor or City Manager to enter into a renewal agreement with Safety National Insurance Company/Commercial Insurance Service, at the rate of 0.6292% of wages, equating to a deposit premium of \$233,690.27 based on wages of \$36,937,643, for the City Excess Workers' Compensation Insurance for the period July 1, 2019 to June 30, 2019.

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

That the Mayor or City Manager is hereby authorized and directed to enter into a renewal agreement with Safety National Insurance Company/Commercial Insurance Service, at the rate of 0.6292% of wages, equating to a deposit premium of \$233,690.27 based on wages of \$36,937,643, for the City Excess Workers' Compensation Insurance for the period July 1, 2019 to June 30, 2019.

Councilmember Reishman moved to approve the Resolution. Councilmember Wae seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 069-18 adopted.

## Excess Workers' Compensation Insurance Quotation

7-1-2018/2019 Renewal

<b>CONTRACT TERMS</b>	<b>EXPIRING 2017-2018</b>	<b>RENEWAL QUOTE 2018-2019</b>
Based on Annual Payroll of:	\$35,275,708	\$36,937,643
Estimated Manual Premium	\$774,605	\$721,791
Employer's Liability Limit	\$1,000,000 Per Occurrence and Aggregate	\$1,000,000 Per Occurrence and Aggregate
Aggregate Excess Limit	\$1,000,000	\$1,000,000
Specific Excess Limit	Statutory	Statutory
Self-Insured Retention	\$600,000 All Other \$1,000,000 USLH	\$600,000 All Other \$1,000,000 USLH
Aggregate Loss Limit:	Same as Above	Same as Above
Aggregate Retention	305.00%	305.00%
Estimated Aggregate Retention	\$2,362,545	\$2,201,463
Premium Rate (per \$100 Payroll)	0.6292	0.6292
Deposit Premium	\$221,955	\$232,412
Term Minimum Premium	\$210,857	\$220,791
0.55% WV Surcharge	\$1,220.75	\$1,278.27
<b>Total Annual Premium (Incl. Tax)</b>	<b>\$223,175.75</b>	<b>\$233,690.27</b>

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 070-18 be adopted.

Resolution No. 070-18 - Authorizing the Mayor or his designee submit a grant application in the amount of \$4,000.00 to the West Virginia Office of Emergency Management and Homeland Security Grant Program to provide for purchase of Crowd Control Barriers. Matching funds are not required.

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

That the Mayor or his designee is hereby authorized and directed to submit a grant application in the amount of \$4,000.00 to the West Virginia Office of Emergency Management and Homeland Security Grant Program to provide for purchase of Crowd Control Barriers. Matching funds are not required.

Councilmember Reishman moved to approve the Resolution. Councilmember Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 070-18 adopted.

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 071-18 be adopted.

Resolution No. 071-18: Authorizing the Mayor or his designee submit a grant application in the amount of \$1,238,762.00 to the Department of Homeland Security/FEMA – Port Security Grant Program to provide for purchase of Fire and Police Boats. The City is required to provide a 25% match to supplement the grant funds comprised of training hours, yearly maintenance, fuel, and storage costs by each participating agency.

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

That the Mayor or his designee is hereby authorized and directed to submit a grant application in the amount of \$1,238,762.00 to the Department of Homeland Security/FEMA – Port Security Grant Program to provide for purchase of Fire and Police Boats. The City is required to provide a 25% match to supplement the grant funds comprised of training hours, yearly maintenance, fuel, and storage costs by each participating agency.

Councilmember Reishman moved to approve the Resolution. Councilmember Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 071-18 adopted.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 072-18 be adopted.

Resolution No. 072-18: Authorizing the City Manager or his designee to enter into an Agreement with Harry McDaniel Sculptor, for the design, fabrication, transportation, and installation of a kinetic sculpture to be installed at the Charleston Civic Center. The total cost for design, fabrication, transportation, and installation of the sculpture, selected by the Civic Center Public Art Committee, is \$30,000.00, \$20,000.00 of which will be provided to the City by the Briar Hills Garden Club.

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

That the City Manager or his designee is hereby authorized to enter into an Agreement with Harry McDaniel, Sculptor, for the design, fabrication, transportation, and installation of a kinetic sculpture to be installed at the Charleston Civic Center. The total cost for design, fabrication, transportation, and installation of the sculpture, selected by the Civic Center Public Art Committee, is \$30,000.00, \$20,000.00 of which will be provided to the City by the Briar Hills Garden Club.

Councilmember Reishman moved to approve the Resolution. Councilmember Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 072-18 adopted.



8. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 073-18 be adopted.

Resolution No. 073-18: A Resolution releasing the reversionary intent contained in the 2009 Equipment Transfer/Donation Agreement between the City of Charleston and the City of Nitro related to a 1984 Monark boat and trailer.

WHEREAS, in 2009, the Charleston Fire Department was in possession of a 1984 Monark boat and trailer for which it no longer had need; and

WHEREAS, in 2009, the City of Nitro expressed need for the boat; and

WHEREAS, in 2009, the Charleston City Council determined that transferring the boat to the city of Nitro to be utilized for a public purpose would result in an overall benefit to the public; and

WHEREAS, the 2009 Equipment Transfer/Donation Agreement between the City of Charleston and City of Nitro (attached hereto as Exhibit A) included a reverter clause prohibiting the City of Nitro from reselling or transferring ownership of the boat without notice to the City of Charleston and offering an opportunity for the City of Charleston to reclaim the boat; and

WHEREAS, the City of Nitro has determined that the boat has aged to a point where funds needed to maintain it in safe and working order exceed the value of the boat, and desires to sell the boat consistent with state and local laws (request attached hereto as Exhibit B); and

WHEREAS, the City has determined that it has no public use for the 34 year old boat, and that the value of the boat is de minimis;

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

That the City of Charleston hereby waives its reversionary interest and right under the 2009 Equipment Transfer/Donation Agreement between the City of Charleston and the City of Nitro for the return of a 1984 Monark boat with trailer from the City of Nitro, and hereby releases all interest in, or right or title to, the 1984 Monark boat.

Councilmember Reishman moved to approve the Resolution. Councilmember Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 073-18 adopted.



## Charleston Fire Department

808 Virginia Street, West  
Charleston, West Virginia 25302  
Telephone: (304) 348-8137 FAX: (304) 348-0731



### **CITY OF CHARLESTON EQUIPMENT TRANSFER/DONATION AGREEMENT**

This Equipment Transfer/Donation Agreement (hereinafter "Agreement") by and between the CITY OF CHARLESTON, (hereinafter "CITY"), and CITY OF NITRO, (hereinafter "RECIPIENT") is entered into as of October 21, 2009 (the Effective Date").

Whereas, the transfer of a 1984 Monark boat with trailer (collectively, the "Equipment") between public entities without consideration is authorized by W.Va. Code §1-5-3;

Whereas, the CITY is not currently utilizing the Equipment to be transferred, RECIPIENT has need for and will utilize the Equipment for a public purpose, and the transfer will result in an overall benefit to the public.

Therefore, RECIPIENT agrees to the transfer and receipt of the Equipment subject to the following:

1. Scope. This Agreement sets forth the terms and conditions for receipt and use of the Equipment by RECIPIENT. The Equipment is more fully described in Exhibit A hereto. This transfer does not constitute a sale of the Equipment.
2. Exclusion of Warranties. **THE EQUIPMENT TRANSFERRED UNDER THIS AGREEMENT IS PROVIDED "AS IS". CITY MAKES NO WARRANTIES, REPRESENTATIONS OR OTHER AGREEMENTS, EXPRESS OR IMPLIED, WITH RESPECT TO THE EQUIPMENT. ALL WARRANTIES, EXPRESS OR IMPLIED, ARE HEREBY DISCLAIMED, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF QUALITY, PERFORMANCE, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.**
3. Maintenance and Training. CITY shall have no obligation or responsibility whatsoever to provide maintenance for the Equipment, or training on the use of the Equipment.
4. Compliance with Laws. RECIPIENT shall obtain all licenses, permits and approvals required by all government entities applicable to the Equipment, and has complied with or shall comply with all applicable federal, state, and local

laws, regulations, statutes, and ordinances, now or hereafter enacted, related in any way to the receipt, possession and use of the Equipment.

5. No resale or use by/transfer to third party. RECIPIENT represents that it shall at all times maintain possession of the Equipment for its own use and agrees that the Equipment shall not be used by any other person or entity. RECIPIENT further acknowledges that the Equipment shall not be resold, remarketed or distributed or transferred to any other person or entity. If RECIPIENT discontinues use or desires to relinquish possession of Equipment, it shall immediately notify CITY of such intention, and shall return the Equipment upon the request of the CITY.

6. Temporary Reclamation of Equipment

RECIPIENT agrees that in the event CITY should have an absolute and necessary need for the use of EQUIPMENT, the City may temporarily reclaim EQUIPMENT for such period of time as need exists.

7. Limitation of Liability; assumption of all risk and liability by RECIPIENT. **RECIPIENT AGREES TO ACCEPT AND TO BE SOLELY RESPONSIBLE FOR THE EQUIPMENT, SUBJECT TO ANY AND ALL DEFECTS, WHETHER KNOWN OR UNKNOWN BY CITY OR RECIPIENT, AT THE TIME OF TRANSFER. BY ACCEPTING THE EQUIPMENT, RECIPIENT ASSUMES ALL RISK ASSOCIATED WITH THE EQUIPMENT AND AGREES TO BE SOLELY RESPONSIBLE FOR ALL LIABILITY RESULTING FROM THE USE OF OR RELATED IN ANY WAY TO THE EQUIPMENT. RECIPIENT ACKNOWLEDGES AND AGREES THAT, IN NO EVENT AND UNDER NO CIRCUMSTANCES SHALL CITY BE LIABLE FOR ANY LOSS OR DAMAGE INCURRED BY RECIPIENT OR ANY THIRD-PARTY RESULTING FROM THE USE OF OR RELATED IN ANY WAY TO THE EQUIPMENT, INCLUDING, BUT NOT LIMITED TO, INJURY OR DEATH TO ANY PERSON OR DAMAGE TO ANY PROPERTY, AND ANY SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, LOST PROFITS, LOSS OF USE, DELAYS OR ANY OTHER DIRECT OR INDIRECT DAMAGES OF ANY KIND WHATSOEVER.**

8. General.

8.1. Choice of Law. This Agreement shall be interpreted and construed in accordance with the laws of West Virginia, and the state and federal courts of West Virginia shall have exclusive jurisdiction and venue over any dispute hereunder.

8.2. No Waiver. No waiver of rights under this Agreement by either party shall constitute a subsequent waiver of this or any other right under this Agreement.

8.3. Assignment. This Agreement shall not be assigned or otherwise transferred by RECIPIENT.

8.4. Severability. In the event that any of the terms of this Agreement become or are declared to be illegal by any court of competent jurisdiction, such term(s) shall be null and void and shall be deemed deleted from this Agreement. All remaining terms of this Agreement shall remain in full force and effect.

8.5. Attorneys' Fees. In the event of a breach of this Agreement by RECIPIENT, RECIPIENT shall pay CITY any and all reasonable attorneys' fees and other costs and expenses incurred by CITY in connection with the enforcement of any provisions of this Agreement.

8.6. No Agency. Neither party has the right or authority to, and shall not, assume or create any obligation of any nature whatsoever on behalf of the other party or bind the other party in any respect whatsoever.

8.7. Entire Agreement. This Agreement is the entire agreement between the parties hereto concerning the subject matter hereof and replaces any prior oral or written communications between the parties. This Agreement may only be modified by a written document executed by the parties hereto.

IN WITNESS WHEREOF, the duly authorized representative of the RECIPIENT has caused this Agreement to be duly executed as of the date first written above.

RECIPIENT: City of Nitro, West Virginia

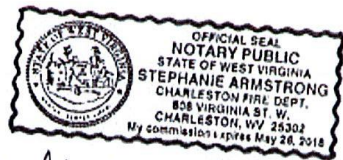
By: [Signature]

Its: [Signature]

CITY OF CHARLESTON:

By: [Signature]

Its: [Signature]



[Signature: Stephanie R. Armstrong]



## Nitro Fire Department

2009 20<sup>th</sup> St. Nitro, WV 25143 (304)-755-1431 [www.cityofnitro.org](http://www.cityofnitro.org)

June 5, 2018

To: City of Charleston

From: City of Nitro, Chief Jeff Elkins, Nitro FD

RE: Equipment Transfer/Donation

To Whom it may concern,

The City of Charleston and the City of Nitro entered into a Transfer/Donation Agreement (attached) on October 21, 2009. The agreement transferred a 1984 Monark boat from the Charleston Fire Department to the City of Nitro Fire Department. The agreement states under section 5 that when the RECIPIENT discontinues using the boat, it shall not be resold, but returned to the City of Charleston. Because of the boat age and costly maintenance needs, it has outlived its usefulness to the Nitro Fire Department.

If the City of Charleston determines that they do not want the boat returned, then the City of Nitro is requesting a written statement from the City of Charleston permitting the boat to be sold by the City of Nitro to help offset maintenance costs.

Best Regards,

Jeff Elkins

Nitro Fire Department Chief

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

A proposal submitted by Worldwide Equipment, Inc. in the amount of \$25,434.87, for purchase of a new motor for Unit 800/151 - 2012 International Packer Truck. This is a sole source purchase and this unit was scheduled for replacement in the FY 2019 budget. However, it will be removed from the Capital Outlay purchasing plan.

To be charged to Account No. 001-754-00-000-2-216, Equipment Maintenance – Maintenance and Repair, Equipment

Councilmember Reishman moved to approve the Committee Report. Councilmember Ware seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

***REPORTS OF OFFICERS***

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1. City Treasurer's Report to City Council Month Ending May, 2018.  
**Received and Filed.**
2. City of Charleston, WV – Financial Statements, for the eleven-month period ending May 31, 2018  
**Received and Filed.**

***NEW BILLS***

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NONE

***ADJOURNMENT***

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*The Clerk, JB Akers, called the closing roll call:*

YEAS: Burka, Burton, Ceperley, Chestnut, Clowser, Davis, Ealy, Faegre, Haas, Harrison, Hoover, Ireland, Jones, King, Minardi, Overstreet, Reishman, Richardson Salisbury, Smith, Snodgrass, Steele, Talkington, Ware, Mayor Jones

NAYS: NONE

ABSENT: Lane, Persinger

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, July 2, 2018, at 7:00 p.m., in the Council Chamber in City Hall.

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Danny Jones, Honorable Mayor

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JB Akers, City Clerk