

CHARLESTON CITY COUNCIL

Regular Meeting

January 6, 2020

at 7:00 PM



Council Chambers, Third Floor
City Hall, 501 Virginia St. E.
Charleston, WV

AGENDA

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. Claims 1-6-2020

PROCLAMATIONS

1. 1-6-2020

COMMUNICATIONS

1. 1-6-2020

REPORTS OF STANDING COMMITTEES

PLANNING, STREETS AND TRAFFIC

1. Honorary Street Name - Martin Luther King Jr. Way

FINANCE

1. Resolution No. 276-20 - Authorizing the release of any claims by the City in the pending litigation styled U.S. Bank National Association, as Trustee, as successor in interest to Bank of America, National Association, as successor by merger to LaSalle Bank National Association, as trustee for the registered holders of Bear Stearns Commercial Mortgage Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2007-TOP28 and Charleston Urban Renewal Authority and City of Charleston v. Charleston Town Center SPE, LLC and Charleston Town Center Company, Limited Partnership, Charleston Town Center Parking Limited Partnership, and The Bank of New York Mellon, as trustee for the Series 1996C Subordinate Capital Appreciation Parking Facility Refunding Bonds, Kanawha County Circuit Court Civil Action No. 17-C-1527.
2. Bill No. 7856 - A Bill granting StayLock Storage Acquisition I, LLC an easement in a portion of the fee or right-of-way of the City of Charleston in the 1300 block of Hansford Street for the purpose of operating, maintaining, repairing and replacing an existing skywalk connecting 1352 Hansford Street to 1347 Hansford Street.
3. Bill No. 7857 - A BILL to amend and reenact Section 110-311 of the Municipal Code of the City of Charleston, known as the "Public Utilities Tax," relating to updating and clarifying the ordinance to be consistent with current court precedent and allow for consistent application of the tax.
4. Bill No. 7858 - A Bill authorizing the release of an existing utility easement held by the City on property owned by Pingree 2000 Real Estate Holdings, LLC, in order to clear title of the property from an unused easement that has no public utilities and upon which a structure has already been built in exchange for consideration of five hundred dollars.

REPORTS OF OFFICERS

1. 1-6-2020

NEW BILLS

1. 1-6-2020

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD JANUARY 21, 2020 AT 7:00 P.M.

*THE AGENDA WAS AMENDED 1-2-2020

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk>**



AFFIDAVIT
City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

Holli Mobley, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 715 Randolph St

Telephone Number: 304-344-0994

and that on the 27th day of Nov., 2018 (2019) at approximately 12:30 am/pm
in the City of Charleston, West Virginia, he/she sustained

broken privacy fence

Nature Of Injury And/Or Damage

As A Result Of:

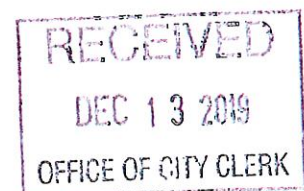
tree fell due to wind storm

As a result of which accident the Claimant, Holli Mobley, does hereby make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by him/her in the future.

Holli Mobley
Signature of Claimant

Taken, subscribed and sworn to before me this 11 day of December, 2019.
My commission expires 11-27-2023.

Leslie K. Farley
Notary Public





AFFIDAVIT
City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority, Virginia L Singleton, Claimant, whom after being first by me duly sworn, deposes and says:

That this affiant resides at: 2533 Larwood Dr Charleston, WV 25302-4330

Telephone Number: (304) 346-9801

And that on the 18th day of November, 2019, at approximately 7:00 am in the City of Charleston, West Virginia, she sustained:

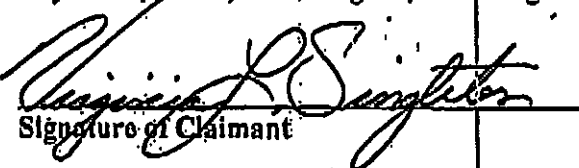
Damage to the driver front and rear tires at the intersection of Virginia and Tennessee avenues where work was being done on a large area of the roadway

Nature Of Injury And/Or Damage

As A Result Of

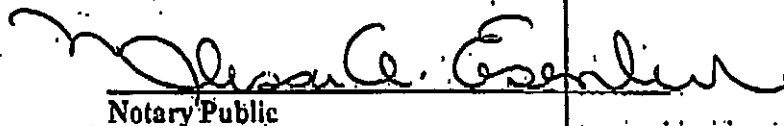
Hitting the area of roadway that was being worked on, my vehicle sustained two flat tires. This was on the driver front and rear. Not realizing that there was damage, I had gotten on Interstate 64 and was notified by the cars computer system that I had 16 lbs of air in the drivers rear tire and to pull off safely when I could do so. By the time I exited the Interstate and pulled into the Main Post Office facility it was down to 4lbs. I tried to inflate the tire but as it would approach 20lbs it would begin to leak out. The car had to be towed for repairs.

As a result of which accident the Claimant, Virginia L Singleton, does hereby make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by her in the future.


Signature of Claimant

Taken, subscribed and sworn to before me this 11 day of Dec, 2019.
My commission expires Dec 31, 2020

RECEIVED
DEC 11 2019
OFFICE OF CITY CLERK


Notary Public


OFFICIAL SEAL
STATE OF WEST VIRGINIA
NOTARY PUBLIC
Melissa A. Eisenhauer
Charleston Postal FCU
1000 Centre Way
Charleston, WV 25309
My Commission Expires Dec. 31, 2020



AFFIDAVIT
Charleston Sanitary Board



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority, **Russell A. Williams, Claimant**, who, after being first by me duly sworn, deposes and says:

That this affiant resides at: **1712 Loudon Heights Road, Charleston, WV 25314.**

Telephone Number: **(404) 579-9227**

and that on the _____ day of _____, 2018/2019, at approximately _____ am/pm in the City of Charleston, West Virginia, he/she sustained:

A leak/break in the water line in my yard

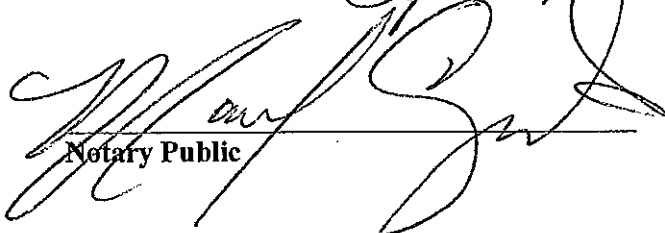
Nature Of Injury And/Or Damage

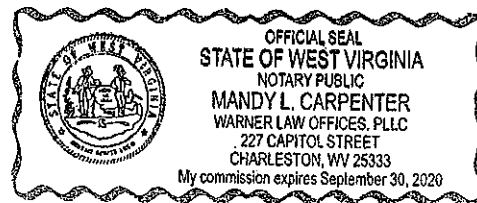
As A Result Of: **Ongoing CSB construction on the road adjacent to my home.**

As a result of which accident the **Claimant, Russell A. Williams**, does hereby make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by him/her in the future.

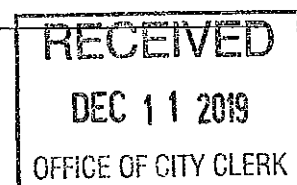

Signature of Claimant

Taken, subscribed and sworn to before me this 11th day of Dec., 2019.
My commission expires Sept. 30, 2020.


Notary Public



Names and Addresses of Witnesses to Accident:



CITY OF CHARLESTON
OFFICE OF THE MAYOR



**TO: MILES CARY
CITY CLERK**

**FROM: AMY SHULER GOODWIN
MAYOR**

A handwritten signature in blue ink, appearing to be "ASG", is written over the name "AMY SHULER GOODWIN".

RE: SPRING HILL CEMETERY PARK COMMISSION

DATE: JANUARY 6, 2020

I recommend Julie Bupp; P.F. Francke, III, M.D.; Bruce Turner; and Todd Morris be appointed to the Spring Hill Cemetery Park Commission. Julie Bupp is filling a vacant seat with her initial term expiring April 6, 2024. P.F. Francke, III, M.D. is replacing Otis O'Connor with his initial term expiring April 6, 2025. Bruce Turner is replacing Henry Battle with his initial term expiring April 6, 2025. Todd Morris is filling a vacant seat with his initial term expiring April 6, 2023.

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

ASG/mls

CITY OF CHARLESTON
OFFICE OF THE MAYOR



**TO: MILES CARY
CITY CLERK**

FROM: AMY SHULER GOODWIN 
MAYOR

RE: CHARLESTON BUILDING COMMISSION

DATE: JANUARY 6, 2020

I recommend Steve Rubin, 26 Brittany Woods, Charleston, WV 25314, be appointed to the Charleston Building Commission. Mr. Rubin is filling a vacant seat with his initial term expiring July 20, 2023.

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

ASG/mls



PLANNING, STREETS AND TRAFFIC COMMITTEE

Mary Beth Hoover, Chair

COMMITTEE REPORT

To: Miles Carey, City Clerk

From: Council's Committee on Planning, Streets and Traffic

Date: December 16, 2019

Subject: Street Name Change from Court Street to Martin Luther King Jr. Way

The Committee on Planning, Streets and Traffic has had under consideration:

A request to rename Court Street to Martin Luther King Jr. Way. The Committee finds the renaming complies with the E-911 Addressing Regulations and that it honors the life and legacy of an important civil rights Leader,

and reports the same to Council with the recommendation that Court Street remain the official street name and that Martin Luther King Jr. Way be approved as an honorary street and be signed as such.

ARSON
C. C. C.
B. C. C.
Becca C. C. C.

Mary Beth Hoover
Chair
Z. Z. Khan
Naomi Bays
W. R. R.
C. C. C.

Received
11/12/19.
SAB.

CITY OF CHARLESTON
WEST VIRGINIA



PLANNING DEPARTMENT

915 Quarrier St. Suite 1
Charleston, WV 25301

(304) 348-8105
(304) 348-8042 - fax

APPLICATION PACKET FOR A NEW STREET NAME

Your application for a new street name must be accompanied by a map which clearly delineates the street to be named and a petition signed by the property owners abutting the street.

Please choose one person as the spokesperson for your road/street. That person shall be responsible for collecting the required signatures and contact information for each resident on your street. This spokesperson shall be the contact person between the City of Charleston addressing coordinator and the residents of the street. He/she must also complete the Petition Contact Person section of the "Petition to Name a Street."

The proposed street name shall be agreed upon by the majority of all affected residents of the street/road. All residents must sign the "Petition to Name a Street" before submitting this Application for a new street name.

REQUEST TYPE (check all that apply)	Application Date: <u>10/11/19</u>
☐ New Street Name	☒ Public Street <u>Court Street.</u>
☐ Private Street	☐ Public Alley
☐ Private Alley	☐ Other: _____

YOUR STREET NAME RECOMMENDATION	
1. <u>MARTIN Luther King, Jr. Way</u>	3. <u>Martin Luther King, Jr. Blvd</u>
2. <u>Martin Luther King, Jr. St</u>	4. <u>Martin Luther King, Jr. Drive</u>
<i>The City of Charleston reserves the right to deny any road names that do not meet the adopted State standards.</i>	



CITY OF CHARLESTON, WEST VIRGINIA

PETITION TO NAME A STREET

Charleston, Kanawha County
West Virginia

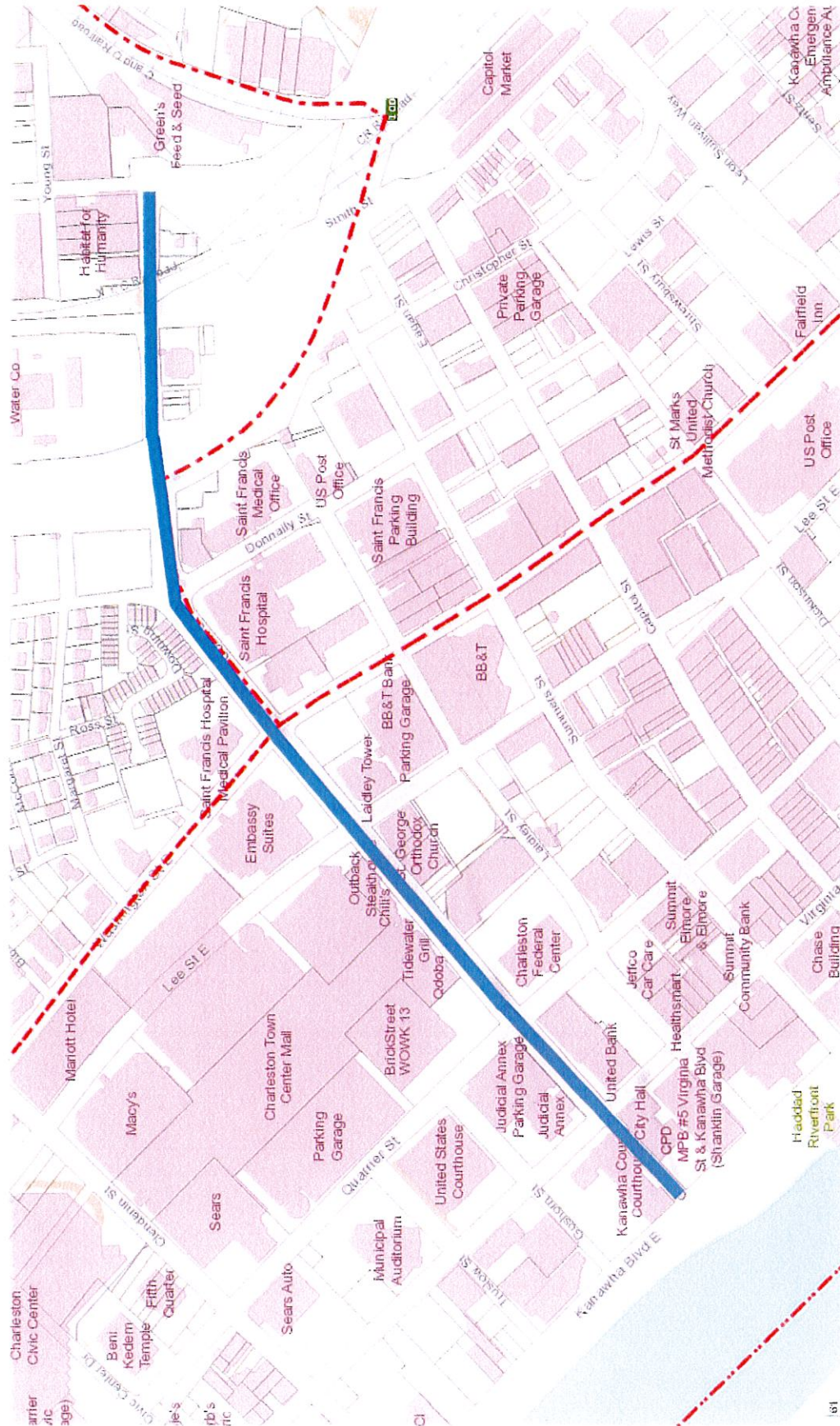
Official Use Only	
Date Petition Submitted	Valid Petition
_____	☐ Yes ☐ No
File Number: _____	
Community: _____	

Proposed Street Name: MARTIN Luther King, Jr. Way
Please print and include name suffix (Dr., Rd., Ln....) |

We, the undersigned property owners, having been informed of the proposal to name our street as noted above, support the filing of this petition. We understand that the primary purpose of this petition is simply to indicate that a significant level of interest in the proposed street name exists from those whose property would be affected by this street naming. We further understand that this petition is non-binding. It does not mandate that the Metro Emergency Operations Center hear the proposed street name request, nor does it guarantee if it is heard that it will be approved.

PETITION CONTACT PERSON			
<u>KATHERINE L. DOOLEY</u> Name of Property Owner (Print)		<u>[Signature]</u> Signature of Property Owner	
<u>204 Ariel Heights</u> Address		<u>Charleston, WV 25311</u> City, State, Zip	
<u>304-205-4440</u> Telephone (Home)	<u>304 346-4200</u> Telephone (Work)	<u>304-541-1393</u> Telephone (Mobile)	
<u>LT 11 Revised & LT 11A; Phase 1 Briarwood Est Sub</u> Physical Location of Property (Description)			<u>Deed Book 2790</u> <u>Deed Page 0980</u> <u>Parcel 8</u>
<u>10</u> Tax District	<u>57</u> Map	<u>20-10-0057-0003-0000</u> Parcel	
Return this Petition to: City of Charleston – Planning Department Addressing Coordinator 915 Quarrier St., Suite 1 Charleston, WV 25301			

Court Street proposed renaming to Martin Luther King Jr. Way



Resolution No. 276-20

Introduced in Council:

Adopted by Council:

January 6, 2020

Introduced by:

Referred to:

Bobby Reishman

Finance Committee

1 Resolution No. 276-20 - Authorizing the release of any claims by the City in the pending
2 litigation styled *U.S. Bank National Association, as Trustee, as successor in interest to Bank of*
3 *America, National Association, as successor by merger to LaSalle Bank National Association, as*
4 *trustee for the registered holders of Bear Stearns Commercial Mortgage Securities, Inc.,*
5 *Commercial Mortgage Pass-Through Certificates, Series 2007-TOP28 and Charleston Urban*
6 *Renewal Authority and City of Charleston v. Charleston Town Center SPE, LLC and Charleston*
7 *Town Center Company, Limited Partnership, Charleston Town Center Parking Limited*
8 *Partnership, and The Bank of New York Mellon, as trustee for the Series 1996C Subordinate*
9 *Capital Appreciation Parking Facility Refunding Bonds*, Kanawha County Circuit Court Civil
10 Action No. 17-C-1527.

11
12 Whereas, the City is an Intervenor in the above-referenced pending litigation, but has
13 not raised any claims of its own; and

14
15 Whereas, the pending litigation is scheduled for mediation on January 10, 2020; and

16
17 Whereas, in order to fully resolve the pending litigation, the parties are likely to request
18 a release of all claims by the City.

19
20 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

21
22 That the City Council hereby authorizes and approves the release of any claims by the City in
23 the pending litigation styled *U.S. Bank National Association, as Trustee, as successor in interest*
24 *to Bank of America, National Association, as successor by merger to LaSalle Bank National*
25 *Association, as trustee for the registered holders of Bear Stearns Commercial Mortgage*
26 *Securities, Inc., Commercial Mortgage Pass-Through Certificates, Series 2007-TOP28 and*
27 *Charleston Urban Renewal Authority and City of Charleston v. Charleston Town Center SPE, LLC*
28 *and Charleston Town Center Company, Limited Partnership, Charleston Town Center Parking*
29 *Limited Partnership, and The Bank of New York Mellon, as trustee for the Series 1996C*
30 *Subordinate Capital Appreciation Parking Facility Refunding Bonds*, Kanawha County Circuit
31 Court Civil Action No. 17-C-1527. The City Council authorizes the Mayor, City Manager, and City
32 Solicitor to take all necessary steps to resolve the pending litigation up to and including
33 providing a release of all claims by the City, provided that this resolution does not authorize

1 the payment of any City funds.

Bill No. 7856

Introduced in Council

Passed by Council

December 16, 2019

Introduced by

Referred to

Robert Sheets

Finance Committee

Bill No. 7856 - A Bill granting StayLock Storage Acquisition I, LLC ("StayLock Storage"), an easement in a portion of the fee or right-of-way of the City of Charleston in the 1300 block of Hansford Street for the purpose of operating, maintaining, repairing and replacing an existing skywalk connecting 1352 Hansford Street to 1347 Hansford Street, generally in conformance with the drawing attached as Exhibit A hereto.

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

Subject to the minimum terms and conditions contained herein,

(1) StayLock Storage, and its lessees, successors or assigns, are hereby granted an easement in a portion of the fee right-of-way for the purpose of operating, maintaining, repairing and replacing an existing skywalk, generally in conformance with the drawings which are attached hereto, incorporated herein, and made a part hereof. The easement is further defined to be 11 feet by 42 feet running between 1352 Hansford Street and 1347 Hansford Street containing approximately 462 square feet more or less; and

(2) StayLock Storage, its lessees, successors or assigns, shall indemnify, defend and save the City harmless from and against any damages to any person or property by reason of the operation, maintenance, repair or replacement of the skywalk by StayLock Storage, its lessees, successors and assigns; and

(3) StayLock Storage shall maintain general liability insurance in the minimum amount of \$1,000,000.00 and shall name City as an additional insured for purposes of the easement and the indemnity provisions specified in the easement agreement. All applicable policies shall provide primary coverage, shall reflect that StayLock Storage is responsible for any and all deductibles and shall otherwise be in such form and with such endorsements and riders as City shall reasonably specify; and

31 (4) Should there become a compelling public need for the area granted in the
32 easement, the parties agree to cooperate in good faith to reach a resolution regarding
33 removal, modification, or replacement of the skywalk without the necessity of
34 condemnation proceedings; and
35

36 (5) That upon review and approval by legal counsel for the City, and the City
37 Engineer of the City of Charleston, the Mayor or City Manager of the City of Charleston
38 are hereby authorized to execute an easement agreement and any other documents
39 related hereto for the purpose of granting an easement for the purpose of operating,
40 maintaining, repairing and replacing a skywalk and conditioned upon StayLock Storage,
41 and its lessees, successors or assigns, consistent with paragraphs 1, 2, 3, 4, and 5 of
42 this ordinance, and the payment of the appraised value of Seven Hundred and Forty
43 dollars and no cents (\$740.00).
44
45

DEED OF EASEMENT

THIS DEED OF EASEMENT is made and entered into this ____ day of _____, 2020, by and between THE CITY OF CHARLESTON, a West Virginia municipal corporation, party of the first part, hereinafter referred to as the “City”, and STAYLOCK STORAGE ACQUISITION I, LLC, party of the second part; hereinafter referred to as “StayLock Storage”;

WHEREAS, Bill No. ____, attached hereto as Exhibit 1 was duly passed by the City Council of the City of Charleston, West Virginia, on ____, 2020, granting an easement for use of the air rights above the City’s right-of-way between the buildings located at 1352 Hansford Street and 1347 Hansford Street in the City of Charleston for the purpose of operating, maintaining, repairing, and replacing an existing skywalk, subject to certain restrictions; and

WHEREAS, the easement for the existing skywalk is granted for the purposes of operating, maintaining, repairing, and replacing a skywalk above the City’s right-of-way between the buildings located at 1352 Hansford Street and 1347 Hansford Street; and

WHEREAS, the existing skywalk is more particularly located above a footprint defined to be 11 feet by 42 feet running between 1352 Hansford Street and 1347 Hansford Street containing approximately 462 square feet more or less; and

WHEREAS, Bill No. ____ authorized the Mayor or the City Manager of the City of Charleston to execute and acknowledge a proper deed granting an easement for the existing skywalk, subject to certain conditions, and including an easement to use so much of the City’s property as reasonably necessary to maintain, repair, and replace the existing skywalk;

NOW THEREFORE, WITNESSETH: That for and in consideration of the sum of **SEVEN HUNDRED FORTY DOLLARS (\$740.00)**, cash in hand paid, the receipt of which is hereby acknowledged, the party of the first part does hereby GRANT and CONVEY unto the

party of the second part its successors and assigns, a perpetual easement to use of the air rights above the City's right-of-way between the buildings located at 1352 Hansford Street and 1347 Hansford Street in the City of Charleston for the purpose of operating, maintaining, repairing and replacing an existing skywalk, which is more particularly located above a footprint defined to be 11 feet by 42 feet running between 1352 Hansford Street and 1347 Hansford Street and containing approximately 462 square feet more or less. The location of the easement is depicted in Exhibit A, which is part of Exhibit 1, attached hereto and incorporated herein.

The easement for the use granted herein is subject to the following conditions: 1) that the skywalk within the easement area will be subject to inspection and approval by the City Engineer or his or her designee; 2) that any repairing or replacement of the skywalk shall conform to all applicable Federal, State and City laws and be performed in a workmanlike manner in accordance with plans, drawings, and specifications subject to review and approval by the City Engineer; 3) that StayLock Storage, its lessees, successors, or assigns shall indemnify, defend, and hold harmless City from and against any claims for damage or injury to any person or property by reason of the operation, use, maintenance, repair or replacement of the skywalk by StayLock Storage, its lessees, successors, or assigns; 4) that, in the event that the skywalk ceases to comply with all applicable Federal, State and City laws and regulations, or the skywalk constructed in the easement area otherwise become unsafe and StayLock Storage or any successor owner fails after a reasonable notice and cure period to make all necessary repairs, the easement shall cease, terminate and be of no further effect, and StayLock Storage or the successor owner, as applicable, shall, upon receiving written notice from the City, immediately and at the expense of StayLock or the successor owner, as applicable, remove the skywalk from the City's air rights above the City property; and 5) in the event that the City should have a

substantial and compelling public need for the City property affected by the easement, the City and StayLock Storage shall cooperate in good faith to reach a resolution regarding removal, modification, or replacement of the skywalk without the necessity of condemnation proceedings. To the extent that the skywalk requires removal pursuant to 5) above, the City, at its expense, may remove the skywalk from the City's property, and this easement shall terminate.

DECLARATION OF CONSIDERATION OF VALUE: The City of Charleston declares that this conveyance is not subject to the West Virginia State Excise Tax on the privilege of transferring real estate for the reason that this is a conveyance from a political subdivision of the State of West Virginia.

WITNESSETH the following signatures:

THE CITY OF CHARLESTON,
a West Virginia municipal corporation,

ATTEST:

City Clerk

BY _____
Mayor/City Manager

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, to wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2020 by _____, the Mayor/City Manager of THE CITY OF CHARLESTON, a West Virginia municipal corporation, for and on behalf of said municipal corporation.

Notary Public

This instrument was prepared by:
Kevin Baker (WV Bar #10815), City Attorney, P.O. Box 2749, Charleston, WV 25330

November 12, 2019

Mr. Tom Good
Whirlwind Storage LLC
630 8th Avenue
Huntington, WV 25701

Re: Aerial Easement for Elevated Walkway between 1352 Hansford and 1347 Hansford
Street, Charleston, WV 25301

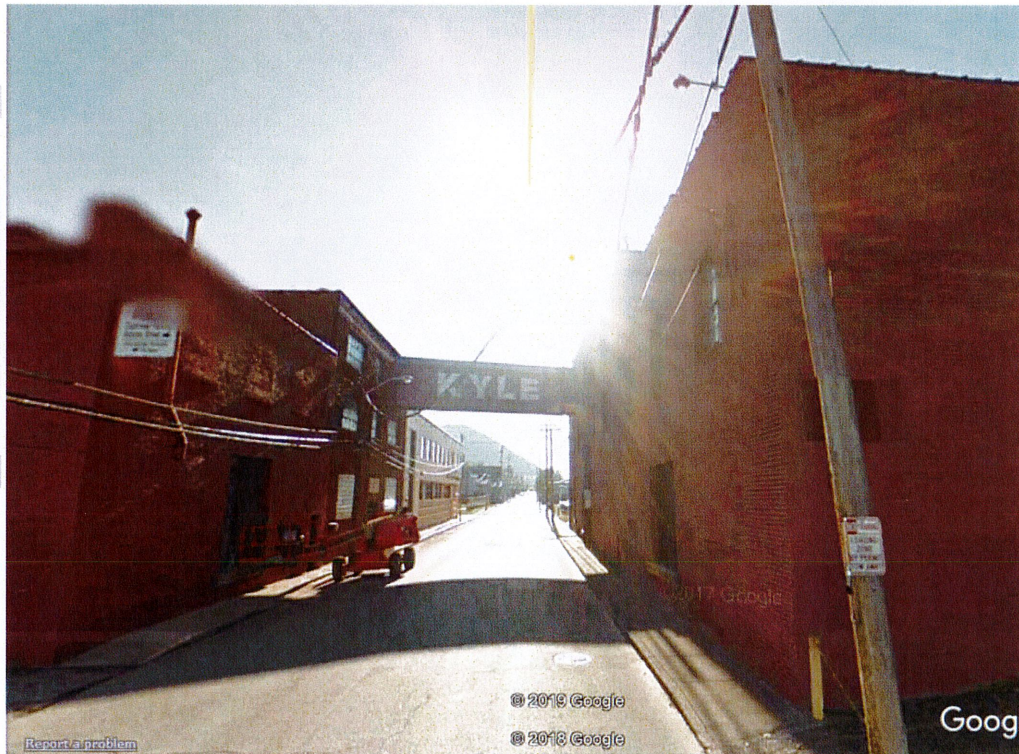
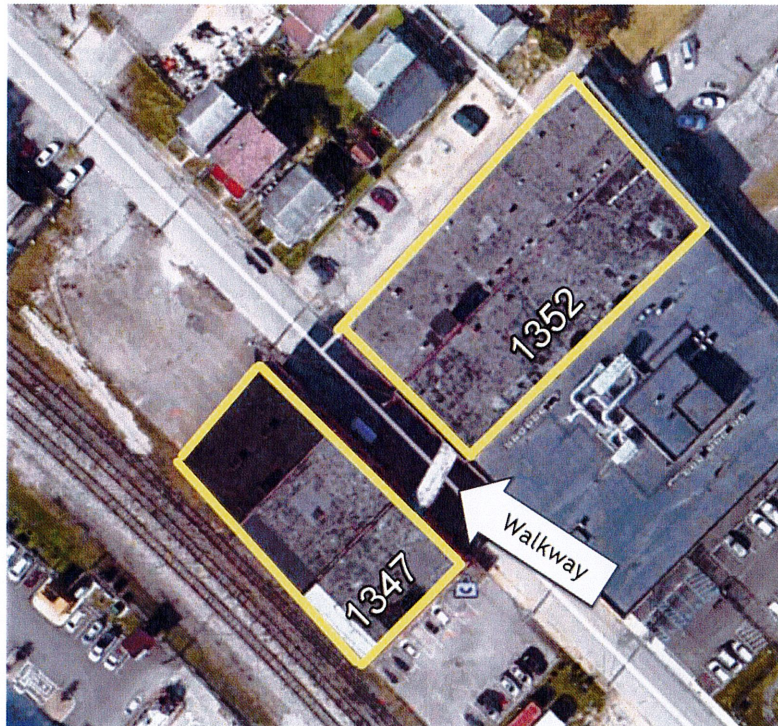
Dear Mr. Good:

This is to report to you and the City of Charleston my opinion of market value for the above easement to be conveyed by the City. The elevated walkway over Hansford Street between these two buildings has existed since the buildings were erected in the 1920's, but no formal easement exists.

You are my client in this assignment. You and the City are the intended users of this report. The intended use of this report is to provide a basis of exchange between you and the City.

I appraised the connected buildings a couple of times in the past, prior to your purchase of 11/3/2016. I also appraised two other easements related to 1352 Hansford Street as of March 23, 2017. The research and line of reasoning in that appraisal form the basis for this additional opinion. I did not conduct a new inspection for this appraisal. It is my understanding that you recently sold the buildings and need to clear up this title matter as part of an escrow agreement.

Description



The easement to be granted is a third story road crossing 24' x 42' or 462 SF. While there are several such walkways in Charleston, these property rights are not bought and sold on

a regular basis and value is totally dependent upon location and purpose. Theoretically the value is a percentage of underlying land value.

Value Estimate

In my 2017 appraisal I estimated the value of the fee simple sites adjoining the walkway to be on the order of \$6.50/SF. I most recently researched land sales in this neighborhood in May of this year. I found one new land sale, a 2-acre site at 915 Morris sold 5/10/2019 for \$8.95/SF. This site has superior location and access compared with the subject and so I think it confirms my 2017 opinion of the fee value.

I think market value for the subject walkway would be on the order of 25% of fee value or say \$1.60/SF. My estimate of the value of the property rights under consideration as of November 12, 2019 is 462 SF times \$1.60/SF or

SEVEN HUNDRED FORTY DOLLARS (\$740.00)

Certification

I certify that to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and they are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.

I appraised the adjacent properties for previous owners on a couple occasions in the past, but not within the last three years.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the Client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.

I relied upon my knowledge of the property from previous personal inspections.

No one provided significant real property appraisal assistance to me in the development of my analyses, opinions, and conclusions as reported herein.

The reader should consult my previous appraisal letter for a neighborhood description and market data.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Eugene M. Zdrojewski, Jr.", with a long horizontal flourish extending to the right.

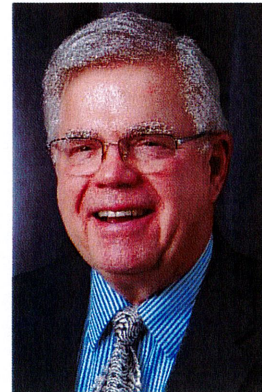
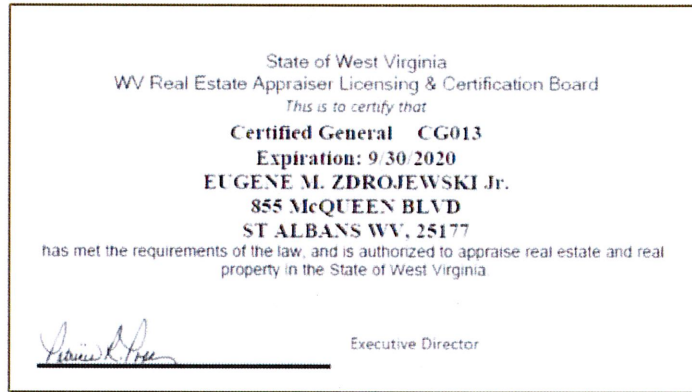
Eugene M. Zdrojewski, Jr.
WV Certified General Appraiser
Certificate No. CG013

QUALIFICATIONS – EUGENE M. (Gene) ZDROJEWSKI, JR.

West Virginia Certified General Real Estate Appraiser

Certificate No. CG013

Certificate granted in 1991 and continuously renewed through 2019-2020.



(Renewed annually by October 1st, upon completion of required continuing education and submission of annual license fee)

Address

Zdrojewski & Company
Real Estate Services
855 McQueen Boulevard
Saint Albans, West Virginia 25177-3752
Telephone: (304) 201-2221 (Land)
(304) 553-2396 (Mobile)
Website: www.zdrojewskiappraisals.com
Email: genez@zdrojewskiappraisals.com
emzappraiser@icloud.com

General Education

Bachelor of Science, Business Administration
West Virginia University, Morgantown, WV – 1968
Undergraduate Pilot Training, USAF, Laredo, TX – 1971

Appraisal Education

American Institute of Real Estate Appraisers Course I-A (Basic Principles) - 1972
AIREA Course I-B (Capitalization) - 1973
AIREA Course II (Urban Properties) - 1974
AIREA Course VI (Investment Analysis) - 1975
AIREA Course VII (Industrial Properties) – 1975
Society of Real Estate Appraisers Course 440 (Professional Practice) - 1990
WVAL&CB Appraisal Exam Review Course – 1991
Credit for SREA COURSES 101, 102 AND 201, by completing AIREA Courses I-A, I-B and II and having passed the SREA R-2 Exam – 1978
SREA Course 202 Applied Income Property Appraising (passed exam, did not attend) – 1988

Partial List of Seminars Attended

The Challenge of Measuring Economic Obsolescence – Soc. RE Appraisers – 1990
Data Confirmation & Verification Methods – Appraisal Institute - 1995
Regression Analysis – McKissock - 1996
The Appraisal of Shopping Centers - Mid-Atlantic School of Appraising - 1998
Analyzing Operating Expenses – Appraisal Institute – 2009
Appraisal Adjustment Development & Support Methodology – Paul Brown – 2014
Forecasting Revenue – Appraisal Institute – 2015
Appraisal of Fast Food Facilities – McKissock – 2015
Appraisal of Limited Service Hotels – McKissock – 2016
Appraisal of Owner-Occupied Commercial Properties – McKissock – 2017
Appraisal of Land Subject to Ground Leases – McKissock – 2017
Biennial USPAP Update (2018-2019 cycle) – McKissock – 2018
Limited Scope Appraisals and Appraisal Reports – McKissock – 2018
The Appraisal of 2-4 Unit Properties – McKissock – 2018
West Virginia Appraisal Law – Chico - 2019
Appraising Medical Offices – Appraisal Institute – 2019
Appraising Automobile Dealerships – Appraisal Institute - 2019

Experience Summary – 49 years in real estate, 48 years in appraisal

I have extensive experience appraising vacant land, special purpose properties, right of ways, commercial, industrial and investment properties for a variety of purposes and client types in many counties in West Virginia and border counties in Eastern Ohio, Eastern Kentucky and Southwest Virginia. (I now limit assignments to WV.)

Since 1981

Self Employed, Independent Fee Appraiser
Doing business as Zdrojewski & Company
Originally in Charleston and now located in Saint Albans, West Virginia

1971-1981

Self Employed, Independent Fee Appraiser
Associated with Estill & Greenlee, Inc. (Real Estate Brokerage Firm)
Charleston, West Virginia

1970-1971

Mortgage Loan Representative – Commercial and Insured Multi-family
Thomas & Hill, Inc. (Mortgage Banking Firm)
Charleston, West Virginia

Professional Affiliations

Kanawha Valley Board of Realtors
Parkersburg (WV) Area Association of Realtors
Huntington (WV) Board of Realtors
Beckley (WV) Board of Realtors
West Virginia Association of Realtors
National Association of Realtors
Realtor® Emeritus status 6/2016 by the National Association of Realtors for 40+ years of membership plus service as an MLS board member from 1985 to 1987

Subscription Data Sources

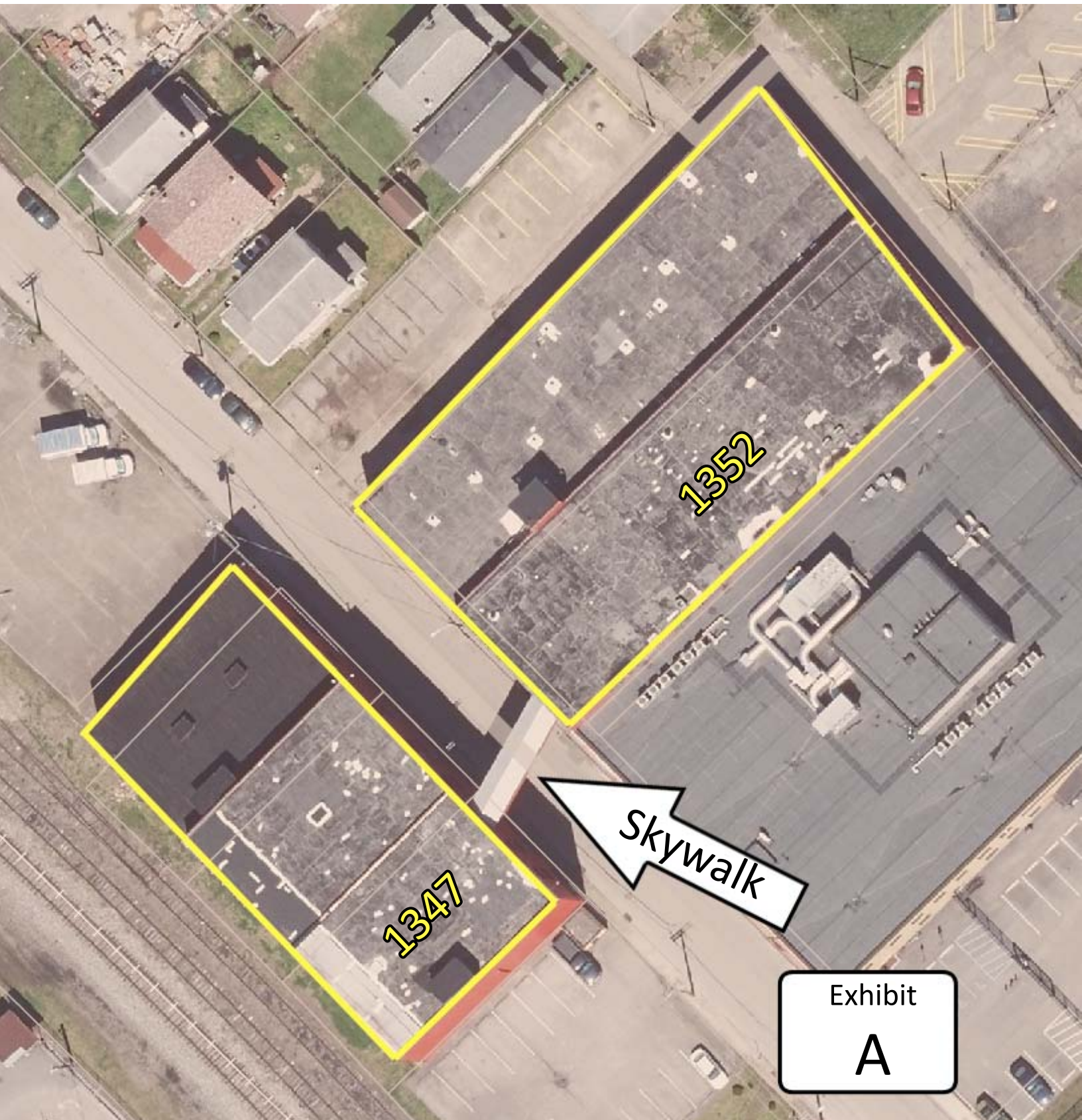
Kanawha Valley (WV) MLS, Northeast Ohio MLS (includes Wood, Wirt, Pleasants Counties in WV), Huntington, WV MLS and Beckley, WV MLS
CoStar Commercial Real Estate Analytics
Marshall & Swift Valuation Services (construction cost data)
Digital Courthouse.Com (statewide land book entries)
Charleston Gazette and Huntington Herald Dispatch

Clients/Approved Appraiser Lists

BB & T, Wilson, NC
Community Bank Real Estate Solutions, Hickory, NC
Huntington Banks, West Virginia, Columbus, OH
Huntington Federal Savings Bank, Huntington, WV
Kanawha County, West Virginia, Board of Education
Premier Bank, Inc., Huntington, WV
U. S. Department of Interior
U. S. Department of Justice
WesBanco, Jackson, OH
WV DOT Right of Way Division, Charleston, WV

Current Appraisal Practice

I am engaged in private, solo, appraisal practice. My areas of focus are vacant land, special use, commercial, industrial and investment properties and eminent domain. I have qualified as an expert witness in Federal and West Virginia Circuit Court jurisdictions. Past clients include individual property owners, buyers and sellers of real estate, prospective tenants, corporate real estate departments, condemning bodies, lawyers, accountants, bank trust departments and commercial loan departments of banks. I am registered in the United States Government System for Awards Management (SAM) and the RIMSCentral (real estate information management system) of Exact Bid, Inc. Many of my past appraisal assignments involved properties in Putnam, Kanawha, Fayette, Raleigh, Jackson, Cabell, Wayne, Mason, Wood and Tucker Counties in West Virginia, however, I will consider prospective assignments throughout West Virginia.



Exhibit

A

Bill No. 7857

Introduced in Council:

December 16, 2019

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

Finance

Bill No. 7857 - A BILL to amend and reenact Section 110-311 of the Municipal Code of the City of Charleston, known as the "Public Utilities Tax," relating to updating and clarifying the ordinance to be consistent with current court precedent and allow for consistent application of the tax.

WHEREAS, prior to 2006 the Public Service Commission required all motor carriers and garbage haulers who engage in interstate disposal of waste to obtain a permit and a certificate of convenience and necessity pursuant to West Virginia Code § 24A-2-5, as required from intrastate motor carriers and garbage haulers; and

WHEREAS, in 2006 the United States District Court for the Southern District of West Virginia held in *Harper v. PSC*, 427 F. Supp. 2d 707, 724, that West Virginia Code § 24A-2-5 is invalid insofar as it requires solid waste haulers engaged in the interstate transportation of solid waste to obtain a certificate of convenience and necessity from the PSC prior to providing those services; and

WHEREAS, the current ordinance has yet to reflect the change in permit and certification requirements for motor carriers and solid waste haulers engaged in interstate transportation; and

WHEREAS, some solid waste haulers and motor carriers continue to engage in the business of providing a public utility within the City of Charleston without PSC permit or certification requirements and may not be taxed in the same manner as those with PSC permit or certification requirements under the ordinance as currently provided.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Section 110-311 of the Municipal Code of the City of Charleston, known as the "Public Utilities Tax" is hereby amended and reenacted to read as follows:

CHAPTER 110 – TAXATION

ARTICLE V – PUBLIC UTILITIES TAX

Sec. 110-311. - Definitions.

35 The following words, terms and phrases, when used in this article, shall have the
36 meanings ascribed to them in this section, except where the context clearly indicates a
37 different meaning:

38 *Public utility service* means all services and tangible personal property purchased
39 within the city from a seller, operating under a public utility license or permit from the
40 public service commission of the state or which is classified as a public utility with the
41 public service commission of the state, including but not limited to telephone service,
42 electric service, gas service, including bottled or liquid gas, motor carriers and garbage
43 haulers, ~~if the seller is classified as a public utility subject to the jurisdiction of the public~~
44 ~~service commission of the state~~, and water service, if purchased, used or consumed
45 within the corporate limits.

46 *Purchaser* means every person who purchases, uses or consumes a public utility
47 service.

48 *Seller* means every person, whether a public service corporation, a municipality or a
49 private corporation, classified as a public utility with the public service commission of the
50 state, who sells, furnishes or supplies a public utility service.

51 *User* means the owner or tenant of private residential property or the owner or tenant
52 of property used for commercial or industrial purposes, in every combination, of every
53 kind and description.

Bill No. 7858

Introduced in Council

Passed by Council

December 16, 2019

Introduced by

Referred to

Robert Sheets

Finance Committee

Bill No. 7858 - A Bill authorizing the release of an existing utility easement held by the City on property owned by Pingree 2000 Real Estate Holdings, LLC ("Pingree"), located at 1115 Smith Street in order to clear title of the property from an unused easement that has no public utilities and upon which a structure has already been built in exchange for consideration of five hundred dollars (\$500.00), as stated in the deed attached as Exhibit A hereto.

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

The City Council of the City of Charleston finds as follows:

(1) The City of Charleston conveyed a portion of Jefferson Alley on December 4, 1974, but reserved "the existing utility easement" on the property and the City of Charleston later conveyed additional real property retaining a sewer easement along Jefferson Alley on February 15, 1996; and

(2) The City of Charleston has determined that neither the City nor the Charleston Sanitary Board has any public utility line along the easement and has no plans to utilize the easement in the future; and

(3) Pingree is the current owner of the real property conveyed and has approached the City of Charleston for a release of the reserved easements; and

(4) Following an arm's length negotiation regarding the value of the reserved easement, the City of Charleston and Pingree have agreed upon consideration in the amount of \$500 to the City of Charleston for the release of the reserved easement.

Therefore, the City Council of Charleston hereby authorized the Mayor or City Manager of the City of Charleston to execute the deed attached as Exhibit A hereto and any other

31 documents necessary to release the reserved easement and accept five hundred dollars
32 (\$500.00) consideration in exchange.

BOOK 2392 PAGE 203

THIS DEED, Made this 15th day of February, 1996, by and between the CITY OF CHARLESTON, a Municipal Corporation, party of the first part, and R. H. KYLE FURNITURE COMPANY, parties of the second part;

WHEREAS, the Council of the City of Charleston, passed on June 5, 1995, the certain Bill Number 6089 as amended, a certified copy which is attached herein and made a part hereof and which abandons that certain public alley, known as Jefferson Alley, and;

WHEREAS, said bill number 6089, as amended does authorize the Mayor of the City of Charleston to execute a deed to the parties of the second part to that certain alley which is closed abandoned and discontinued.

WHEREAS, the party of the second part owns property adjoining said public alley and is entitled to purchase said property, and,

NOW WHEREAS, this deed further;

W I T N E S S E T H:

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of all of which is hereby acknowledged, the party of the first part does hereby GRANT and CONVEY unto the parties of the second part, all of its right, title and interest in that certain alley, known as Jefferson Alley, running parallel to Smith Street between Sentz Court and Brooks Street and being One Thousand Six Hundred Seventy (1,670) square feet.

There is reserved unto the City of Charleston a sewer easement for the full length and width of the above described right-of-way for the purpose of construction, maintenance, repair and removal of storm and sanitary sewer lines. No person shall construct improvements, plant trees or other vegetation, or take any other action which would interfere with this easement, nor alter the present surface profile or contour of the subject right-of-way by more than one (1) foot without the written permission of the

RECORDED
BOOK/PAGE : 2392- / 203-
KANAWHA COUNTY, WV
DATE/TIME RECORDED 07/25/1996 09:45:00:00
INST #: 492330 TYPE: DEED
CLERK OF THE COUNTY COMMISSION
TOTAL RECD/DUE: 3.00 .00

charwork by

BOOK 2392 PAGE 204

Sanitary Board of the City of Charleston and the City Engineer of the City of Charleston.

This conveyance is made subject to all the reservations, restrictions, covenants, conditions, provisions, rights-of-way and easements, if any, as contained in prior deeds in the chain of title, reference to which is hereby made.

Subject to the above the party of the first part covenants to and with the parties of the second part that it will WARRANT GENERALLY the property hereby conveyed.

Under the penalties of fine and imprisonment as provided by law the grantor does hereby declare that this property is exempt from taxation as being a transfer from the City of Charleston.

WITNESS the following signature and seal:

THE CITY OF CHARLESTON,
a Municipal Corporation,

By: G. Kemp Melton (SEAL)
G. Kemp Melton, its Mayor

Attest:

William H. Hines
City Clerk

This Deed prepared by:

JOHN N. CHARNOCK, JR.

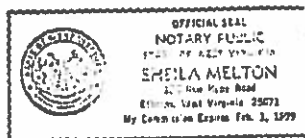
STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

I, Shela Melton, a Notary Public in and for the aforesaid County and State do hereby certify that G. Kemp Melton, Mayor of the City of Charleston, West Virginia, who signed the writing above bearing date the 15th day of February, 1996, for The City of Charleston, a Municipal Corporation, has this day acknowledged before me the said writing to be the act and deed of said corporation.

Given under my hand this 18th day of July, 1996.

My commission expires February 1, 1999
Shela Melton
Notary Public



This instrument was presented to the Clerk of the County Commission of Kanawha County, West Virginia, on JUL 25 1996 and the same is admitted to record.

Teste: Almond J. Ding Clerk
Kanawha County Commission

THIS QUIT CLAIM DEED, dated this the 7th day of November, 2019, by and between THE CITY OF CHARLESTON, a municipal corporation, hereinafter sometimes referred to as GRANTOR, and, PINGREE 2000 REAL ESTATE HOLDINGS, LLC, hereinafter sometimes referred to as GRANTEE,

WHEREAS, by deed dated the 4th day of December, 1974, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book No. 1749, Pg. 276, the Grantor herein conveyed real property, briefly described as part of Jefferson Alley, but reserved “the existing utility easement” on said real property being conveyed; and

WHEREAS, by deed dated the 15th day of February, 1996, and recorded in said Clerk’s Office, in Deed Book No. 2392, Pg. 203, the Grantor herein conveyed real property, also briefly described as part of Jefferson Alley, but reserved “a sewer easement for the full length and width of the above described right-of-way [Jefferson Alley] for the purpose of construction, maintenance, repair and removal of storm and sanitary sewer lines”, and, further, restricted any person to “construct improvements, plant trees or other vegetation, or take any other action which would interfere with this easement, nor alter the present surface profile or contour of the subject right-of-way by more than one (1) foot without the written permission of the Sanitary Board of the City of Charleston and the City Engineer of the City of Charleston”; and

WHEREAS, it has been determined that there are no existing utilities or sewers lines under the real property conveyed by said deeds referred to above; and

WHEREAS, the GRANTEE is the current owner of the real property conveyed by said deeds as conveyed unto GRANTEE by R. H. Kyle Furniture Company, by deed dated the 15th day of February, 2019, and recorded in said Clerk’s Office in Deed Book No. 3024, Pg. 757, and is requesting that GRANTOR release said reserved easements, and restriction; and

WHEREAS, the GRANTOR is willing to release said reserved easements, and restriction for the sum of \$500.00;

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the Grantor does hereby GRANT, CONVEY, REMISE, RELEASE and FOREVER QUITCLAIM unto said PINGREE 2000 REAL ESTATE HOLDINGS, LLC, the following described interest in real estate, to-wit:

The "existing utility easement" as reserved in deed dated the 4th day of December, 1974, and recorded in the Office of the Clerk of the County Commission of Kanawha County, West Virginia, in Deed Book No 1749, Pg. 276, and, further, the sewer easement for the purpose of construction, maintenance, repair and removal of storm and sanitary sewer lines, as reserved in deed dated the 15th day of February, 1996, and recorded in said Clerk's Office in Deed Book No. 2392, Pg. 203;

The GRANTOR further releases the restriction contained in said deed, Deed Book No. 2392, Pg. 203, which states that "no person shall construct improvements, plant trees or other vegetation, or take any other action which would interfere with this easement, nor alter the present surface profile or contour of the subject right-of-way by more than one (1) foot without the written permission of the Sanitary Board of the City of Charleston and the City Engineer of the City of Charleston", in that by this conveyance the restriction would no longer be necessary.

TOGETHER with all the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining;

TO HAVE AND TO HOLD the said premises, as above described, unto the Grantee, and to the successors and assigns of the Grantee.

DECLARATION OF CONSIDERATION OR VALUE: The Grantor hereby declares that the total value of the property conveyed by this document is \$500.00.

IN WITNESS WHEREOF, the Grantor herein has caused this deed to be executed.

THE CITY OF CHARLESTON,
a Municipal Corporation

By: _____

Its: _____

STATE OF WEST VIRGINIA
COUNTY OF CABELL, to-wit:

I, _____, a Notary Public of said State and
County, do hereby certify that _____,
_____ who signed the above writing, bearing date the 7th day of November, 2019, for THE
CITY OF CHARLESTON, a Municipal Corporation, has this day in my said County, before me,
acknowledged the said writing to be the act and deed of said corporation.

Given under my hand this _____ day of November, 2019.

My commission expires _____.

Notary Public

This Deed was prepared by Prunty Law Offices, Paul J. Prunty, Attorney, 430 Sixth Avenue,
Huntington, West Virginia 25701.



CITY OF CHARLESTON
Payroll Variance Analysis
December 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Mayor	409	Regular	22,231	22,231	0	0.00%	144,500	144,500	0	0.00%	289,000	144,500
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	22,231	22,231	0	0.00%	144,500	144,500	0	0.00%	289,000	144,500
Mayor - CARE Office	409-02	Regular	8,231	2,000	6,231	75.70%	28,808	2,000	26,808	93.06%	107,000	105,000
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	8,231	2,000	6,231	75.70%	28,808	2,000	26,808	93.06%	107,000	105,000
City Council	410	Regular	13,000	12,000	1,000	7.69%	84,500	70,500	14,000	16.57%	169,000	98,500
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	13,000	12,000	1,000	7.69%	84,500	70,500	14,000	16.57%	169,000	98,500
City Manager - Admin.	412-00	Regular	38,576	36,383	2,194	5.69%	250,747	249,873	874	0.35%	501,494	251,621
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	38,576	36,383	2,194	5.69%	250,747	249,873	874	0.35%	501,494	251,621
City Treasurer	413	Regular	9,478	9,478	(0)	0.00%	61,606	61,606	(0)	0.00%	123,211	61,605
		IPT	692	600	92	13.33%	4,500	2,925	1,575	35.00%	9,000	6,075
		OT	-	-	-		-	-	-		-	-
		Total	10,170	10,078	92	0.91%	66,106	64,531	1,575	2.38%	132,211	67,680
City Collector	414	Regular	51,803	42,286	9,518	18.37%	336,723	291,621	45,102	13.39%	673,445	381,824
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	47	(47)		-	(47)
		Total	51,803	42,286	9,518	18.37%	336,723	291,668	45,055	13.38%	673,445	381,777
City Clerk	415	Regular	9,540	9,540	(0)	0.00%	62,007	62,007	(0)	0.00%	124,014	62,007
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	9,540	9,540	(0)	0.00%	62,007	62,007	(0)	0.00%	124,014	62,007
Municipal Court	416	Regular	22,326	21,820	506	2.27%	145,116	137,650	7,466	5.14%	290,232	152,582
		IPT	1,385	1,346	39	2.79%	9,000	7,245	1,755	19.50%	18,000	10,755
		OT	1,723	571	1,152	66.87%	11,200	7,157	4,043	36.10%	22,400	15,243
		Total	25,433	23,736	1,697	6.67%	165,316	152,052	13,264	8.02%	330,632	178,580

CITY OF CHARLESTON
Payroll Variance Analysis
December 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
City Attorney	417	Regular	28,191	28,000	191	0.68%	183,243	182,000	1,243	0.68%	366,485	184,485
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	28,191	28,000	191	0.68%	183,243	182,000	1,243	0.68%	366,485	184,485
Accounting	418	Regular	22,089	22,089	0	0.00%	143,579	143,578	0	0.00%	287,157	143,579
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	22,089	22,089	0	0.00%	143,579	143,578	0	0.00%	287,157	143,579
Engineering - General	420-00	Regular	35,449	32,966	2,483	7.00%	230,421	226,799	3,621	1.57%	460,841	234,042
		IPT	269	-	269	100.00%	1,750	-	1,750	100.00%	3,500	3,500
		OT	-	-	-		-	-	-		-	-
		Total	35,719	32,966	2,752	7.71%	232,171	226,799	5,371	2.31%	464,341	237,542
Engineering - Stormwater	420-01	Regular	16,690	16,690	0	0.00%	108,488	108,488	0	0.00%	216,976	108,488
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	16,690	16,690	0	0.00%	108,488	108,488	0	0.00%	216,976	108,488
MOECD	421	Regular	30,329	30,329	0	0.00%	197,136	196,792	344	0.17%	394,272	197,480
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	30,329	30,329	0	0.00%	197,136	196,792	344	0.17%	394,272	197,480
Human Resources	422	Regular	31,580	27,308	4,272	13.53%	205,269	197,908	7,361	3.59%	410,538	212,630
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	31,580	27,308	4,272	13.53%	205,269	197,908	7,361	3.59%	410,538	212,630
Mail Room	431	Regular	2,472	2,472	-	0.00%	16,068	16,068	(0)	0.00%	32,136	16,068
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	2,472	2,472	-	0.00%	16,068	16,068	(0)	0.00%	32,136	16,068
Building Commission	436	Regular	47,927	47,269	658	1.37%	311,525	309,872	1,653	0.53%	623,050	313,178
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	47,927	47,269	658	1.37%	311,525	309,872	1,653	0.53%	623,050	313,178

CITY OF CHARLESTON
Payroll Variance Analysis
December 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Planning	437	Regular	30,353	29,471	882	2.91%	197,294	191,561	5,733	2.91%	394,587	203,026
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	30,353	29,471	882	2.91%	197,294	191,561	5,733	2.91%	394,587	203,026
Information Systems	439	Regular	42,802	39,292	3,509	8.20%	278,210	278,476	(266)	-0.10%	556,420	277,944
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	42,802	39,292	3,509	8.20%	278,210	278,476	(266)	-0.10%	556,420	277,944
General Services	440	Regular	29,273	34,476	(5,203)	-17.77%	190,275	209,674	(19,399)	-10.20%	380,550	170,876
		IPT	3,462	60	3,402	98.27%	22,500	790	21,710	96.49%	45,000	44,210
		OT	4,800	1,990	2,810	58.54%	31,200	22,559	8,641	27.70%	62,400	39,841
		Total	37,535	36,526	1,008	2.69%	243,975	233,023	10,952	4.49%	487,950	254,927
Strategy Management	442	Regular	13,455	12,718	736	5.47%	87,455	71,507	15,948	18.24%	174,910	103,403
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	13,455	12,718	736	5.47%	87,455	71,507	15,948	18.24%	174,910	103,403
Constituent Services	442-01	Regular	5,722	-	5,722	100.00%	14,306	-	14,306	100.00%	51,500	51,500
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	5,722	-	5,722	100.00%	14,306	-	14,306	100.00%	51,500	51,500
Morris Square Property	500	Regular	1,832	1,886	(54)	-2.97%	11,907	16,184	(4,277)	-35.92%	23,814	7,630
		IPT	-	-	-		-	-	-		-	-
		OT	738	94	644	87.21%	4,800	1,142	3,658	76.21%	9,600	8,458
		Total	2,570	1,981	590	22.94%	16,707	17,326	(619)	-3.70%	33,414	16,088
Public Works	566	Regular	8,000	8,000	-	0.00%	52,000	52,000	-	0.00%	104,000	52,000
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	8,000	8,000	-	0.00%	52,000	52,000	-	0.00%	104,000	52,000
Public Grounds - Adm.	567-00	Regular	66,175	59,711	6,464	9.77%	430,139	410,395	19,744	4.59%	860,277	449,882
		IPT	-	-	-		-	-	-		-	-
		OT	1,846	176	1,670	90.45%	12,000	4,118	7,882	65.68%	24,000	19,882
		Total	68,021	59,887	8,134	11.96%	442,139	414,513	27,626	6.25%	884,277	469,764

CITY OF CHARLESTON
Payroll Variance Analysis
December 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Public Grounds - C/T	567-01	Regular	4,728	4,850	(122)	-2.59%	30,732	30,903	(171)	-0.56%	61,464	30,561
		IPT	-	-	-		-	-	-		-	-
	Budget 2	OT	308	92	216	70.17%	2,000	92	1,908	-100.00%	4,000	3,908
	Actual 2	Total	5,036	4,942	93	1.86%	32,732	30,995	1,737	5.31%	65,464	34,469
Police - Uniform	700-00	Regular	616,414	583,391	33,022	5.36%	4,006,688	3,781,127	225,561	5.63%	8,086,136	4,305,009
		OT	154,621	139,167	15,454	9.99%	853,928	1,019,116	(165,189)	-19.34%	1,763,138	744,022
	Budget 173	Reimb.	(1,923)	(1,552)	(371)	-19.30%	(12,500)	(11,248)	(1,252)	-10.02%	(25,000)	(13,752)
	Actual 158	Total	769,111	721,006	48,105	6.25%	4,848,116	4,788,995	59,120	1.22%	9,824,274	5,035,279
Police - Civilian	700-01	Regular	64,178	64,577	(398)	-0.62%	417,160	400,820	16,340	3.92%	834,320	433,500
		IPT	3,846	1,630	2,216	57.62%	25,000	10,060	14,940	59.76%	50,000	39,940
	Budget 24	OT	6,892	5,322	1,570	22.78%	44,800	35,787	9,013	20.12%	89,600	53,813
	Actual 24	Total	74,917	71,528	3,388	4.52%	3,010,940	446,667	40,293	1.34%	973,920	527,253
Fire - Uniform	706-00	Regular	673,595	651,363	22,232	3.30%	4,142,695	4,111,064	31,631	0.76%	8,319,058	4,207,994
		OT	75,324	59,088	16,236	21.56%	489,609	392,027	97,582	19.93%	1,014,784	622,757
	Budget 169	Reimb.	(923)	(453)	(470)	-50.93%	(6,000)	(4,417)	(1,583)	-26.39%	(12,000)	(7,583)
	Actual 158	Total	747,996	709,998	37,998	5.08%	4,626,304	4,498,674	127,629	2.76%	9,321,842	4,823,168
Fire - Civilian	706-01	Regular	6,566	6,566	0	0.00%	42,678	42,678	0	0.00%	85,356	42,678
		IPT	-	-	-		-	-	-		-	-
	Budget 2	OT	-	-	-		-	-	-		-	-
	Actual 2	Total	6,566	6,566	0	0.00%	42,678	42,678	0	0.00%	85,356	42,678
Traffic	712	Regular	32,881	34,274	(1,393)	-4.24%	213,730	218,228	(4,498)	-2.10%	427,459	209,231
		IPT	-	-	-		-	-	-		-	-
	Budget 11	OT	862	326	535	62.15%	5,600	6,006	(406)	-7.26%	11,200	5,194
	Actual 11	Total	33,743	34,600	(857)	-2.54%	219,330	224,234	(4,904)	-2.24%	438,659	214,425
Emergency Services	716	Regular	11,023	4,000	7,023	63.71%	71,651	26,000	45,651	63.71%	143,301	117,301
		IPT	-	-	-		-	-	-		-	-
	Budget 2	OT	-	-	-		-	-	-		-	-
	Actual 1	Total	11,023	4,000	7,023	63.71%	71,651	26,000	45,651	63.71%	143,301	117,301
Street	750	Regular	178,908	156,554	22,354	12.49%	1,162,905	1,100,622	62,283	5.36%	2,325,810	1,225,188
		IPT	-	-	-		-	-	-		-	-
	Budget 73	OT	30,923	7,715	23,208	75.05%	120,000	86,292	33,708	28.09%	240,000	153,708
	Actual 64	Total	209,832	164,269	45,562	21.71%	1,282,905	1,186,914	95,991	7.48%	2,565,810	1,378,896

CITY OF CHARLESTON
Payroll Variance Analysis
December 2019

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Equipment Maintenance	754	Regular	61,330	53,830	7,500	12.23%	398,647	382,878	15,769	3.96%	797,293	414,415
		IPT	-	-	-		-	-	-		-	-
		OT	4,000	1,335	2,665	66.63%	26,000	12,792	13,208	50.80%	52,000	39,208
		Total	65,330	55,165	10,166	15.56%	424,647	395,670	28,976	6.82%	849,293	453,623
Refuse & Recycling	800	Regular	151,693	146,857	4,835	3.19%	986,002	904,455	81,547	8.27%	1,972,004	1,067,549
		IPT	-	-	-		-	513	(513)		-	(513)
		OT	17,231	8,048	9,183	53.30%	112,000	72,685	39,315	35.10%	224,000	151,315
		Total	168,923	154,905	14,019	8.30%	1,098,002	977,654	120,348	10.96%	2,196,004	1,218,350
Parks & Recreation	900	Regular	89,524	80,031	9,493	10.60%	581,904	524,891	57,013	9.80%	1,163,808	638,917
		IPT	5,600	6,968	(1,368)	-24.43%	162,400	188,095	(25,695)	-15.82%	280,000	91,905
		OT	3,938	1,104	2,834	71.96%	25,600	31,404	(5,804)	-22.67%	51,200	19,796
		Total	99,062	88,104	10,959	11.06%	769,904	744,391	25,513	3.31%	1,495,008	750,617
Public Arts	906	Regular	3,846	3,846	(0)	0.00%	25,000	25,000	(0)	0.00%	50,000	25,000
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
		Total	3,846	3,846	(0)	0.00%	25,000	25,000	(0)	0.00%	50,000	25,000
Municipal Auditorium	910	Regular	7,438	7,453	(15)	-0.20%	48,348	48,648	(300)	-0.62%	96,695	48,047
		IPT	-	-	-		-	-	-		-	-
		OT	308	54	254	82.51%	2,000	1,224	776	38.79%	4,000	2,776
		Total	7,746	7,507	239	3.08%	50,348	49,872	475	0.94%	100,695	50,823
Spring Hill Cemetery	952	Regular	24,897	21,915	2,983	11.98%	161,833	137,819	24,014	14.84%	323,666	185,847
		IPT	-	-	-	0.00%	32,938	31,873	1,065	3.23%	62,000	30,127
		OT	738	-	738	100.00%	4,800	2,082	2,718	56.62%	9,600	7,518
		Total	25,636	21,915	3,721	14.52%	199,571	171,774	27,797	13.93%	395,266	223,492
General Fund		Regular	2,514,545	2,367,922	146,624	5.83%	16,061,289	15,366,190	695,099	4.33%	32,301,279	16,935,089
		IPT	15,254	10,604	4,650	30.48%	258,088	241,501	16,586	6.43%	467,500	225,999
		OT	304,253	225,081	79,171	26.02%	1,745,536	1,694,533	51,004	2.92%	3,581,922	1,887,389
		Reimb.	(2,846)	(2,005)	(841)	-29.55%	(18,500)	(15,665)	(2,835)	-15.33%	(37,000)	(21,335)
		Total	2,831,206	2,601,602	229,603	8.11%	18,046,413	17,286,559	759,853	4.21%	36,313,701	19,027,142

CITY OF CHARLESTON
Payroll Variance Analysis
December 2019

Department		Type	Current Month					Year To Date				Annual		
Name	Code	Wages	Budget	Actual	Variance	%		Budget	Actual	Variance	%	Budget	Available	
Coliseum & Conv. Center		402	Regular	91,633	77,319	14,313	15.62%		595,613	565,854	29,759	5.00%	1,191,226	625,372
Budget 29		26	IPT	26,538	7,693	18,846	71.01%		172,500	72,642	99,858	57.89%	345,000	272,358
			OT	4,000	2,366	1,634	40.86%		26,000	17,419	8,581	33.00%	52,000	34,581
			Total	122,171	87,378	34,794	28.48%		794,113	655,915	138,198	17.40%	1,588,226	932,311
Parking System		406	Regular	45,736	45,320	415	0.91%		297,282	291,832	5,449	1.83%	594,563	302,731
Budget 18		18	IPT	3,923	3,041	882	22.48%		25,500	19,503	5,997	23.52%	51,000	31,497
			OT	1,231	211	1,019	82.82%		8,000	3,761	4,239	52.99%	16,000	12,239
			Total	50,889	48,573	2,317	4.55%		330,782	315,096	15,685	4.74%	661,563	346,467
Total		Regular	2,651,914	2,490,561	161,352	6.08%		16,954,183	16,223,876	730,307	4.31%	34,087,068	17,863,192	
		IPT	45,715	21,338	24,377	53.32%		456,088	333,647	122,441	26.85%	863,500	529,853	
		OT	309,483	227,659	81,825	26.44%		1,779,536	1,715,712	63,824	3.59%	3,649,922	1,934,210	
		Reimb.	(2,846)	(2,005)	(841)	29.55%		(18,500)	(15,665)	(2,835)	15.33%	(37,000)	(21,335)	
		Total	3,004,266	2,737,553	266,714	8.88%		19,171,307	18,257,570	913,737	4.77%	38,563,490	20,305,920	

Vacancy Report:

CARE Office	1
City Manager	1
Collector	3
Building Commission	1
Information Systems	1
Constituent Services	2
Public Works (all)	18
Police - Uniform	15
Fire - Uniform	11
Homeland Security	1
Parks & Rec	2
Cemetery	1
Total General Fund	57
CCCC	3
Total All	60

As of December 31, 2019

Bill No. 7859

Introduced in Council

Passed by Council

January 6, 2020

Introduced by

Referred to

Deanna McKinney

**Municipal Planning Commission
Planning, Streets, and Traffic**

Bill No. 7859 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a R-8 High Density Residential District to a C-8 Village Commercial District, a portion of that certain parcel of land located at 303 Ohio Avenue being a portion of Charleston West District, Map 25, Parcel 288, Charleston, West Virginia, as shown with the drawing attached as Exhibit A hereto.

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

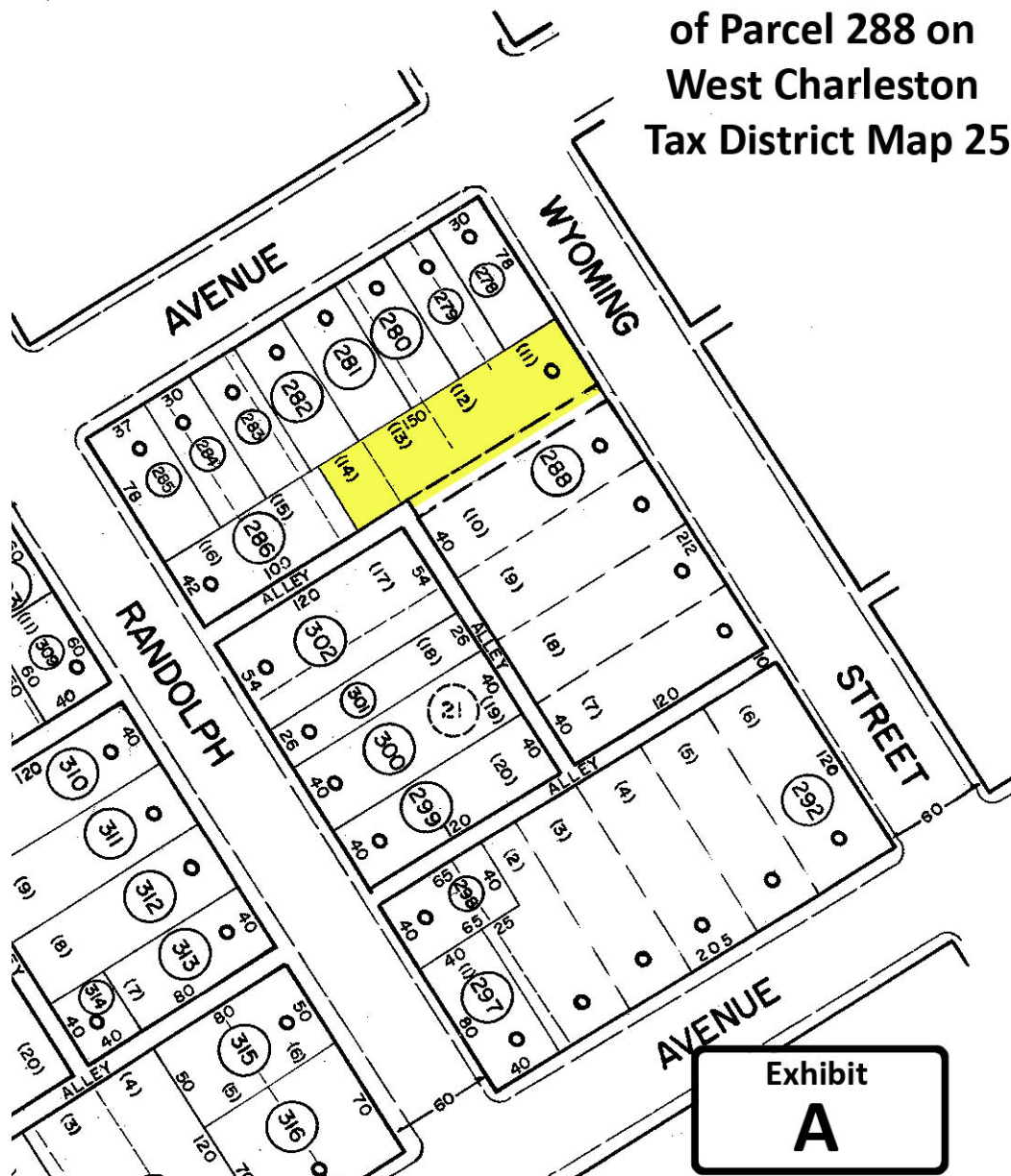
1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from a R-8 High Density Residential District to a C-8 Village Commercial District the following described parcels of land:

A portion of Parcel No. 288 as shown upon West Charleston Tax Map No. 25. The portion is further described as the southerly portion of lots 11, 12, 13, 14, and the northerly portion of the alley between lots 10 through 13 in BLOCK 11 of J. BRISBEN WALKER ADDITION. Subject Parcel is commonly known as 303 Ohio Avenue, Charleston, West Virginia. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Article 29 of this ordinance.

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

Showing a portion
of Parcel 288 on
West Charleston
Tax District Map 25



Bill No. 7860

Introduced in Council

Passed by Council

January 6, 2020

Introduced by

Referred to

Deanna McKinney

**Municipal Planning Commission,
Planning, Streets, and Traffic Committee
And Finance Committee**

Bill No. 7860 - A Bill closing, abandoning and discontinuing as a public right of way a portion of the alley that runs between and is perpendicular to Randolph Street and Wyoming Street, in Charleston West Tax District of the City of Charleston, Kanawha County, West Virginia.

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

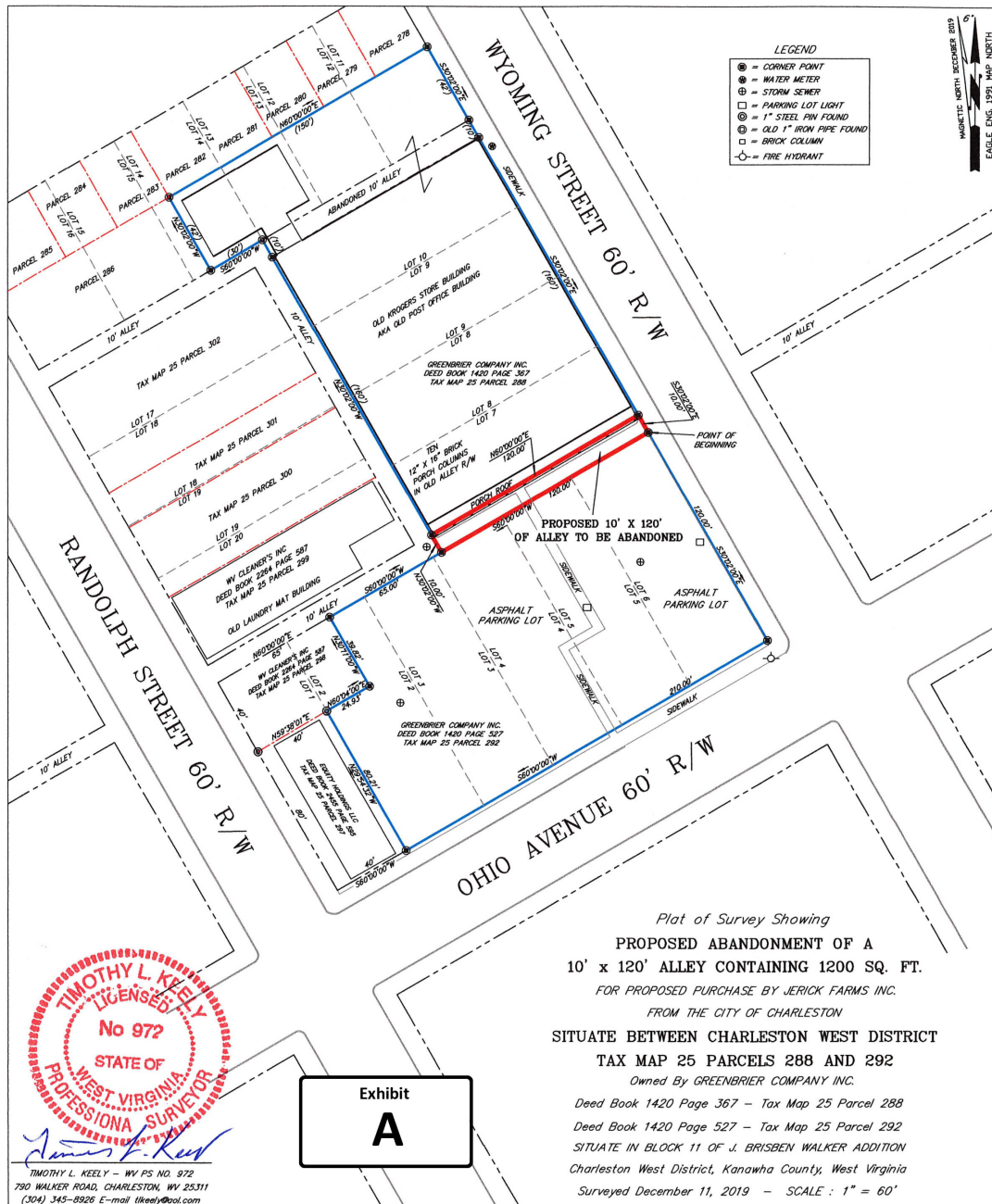
1. Being a portion of the alley that runs between and is perpendicular to Randolph Street and Wyoming Street, in the City of Charleston, West Virginia, in Charleston West Tax District of the City of Charleston, Kanawha County, West Virginia, is more particularly described as follows:

Beginning at a point on the western right of way of Wyoming Street, said point is situate N 30°02'00"W, 120.00' from the northern right of way of Ohio Avenue, thence leaving Wyoming Street, and now running with the northern line of Tax Map 25 Parcel 292, S 60°W, 120.00' to a point; thence leaving Parcel 292, and now running across said Alley, N 30°02'00"W, 10.00' to a point; thence with the southern line of Parcel 288, N 60°00'00"E, 120.00' to a point on the western right of way of Wyoming Street, S 30°02'00"E, 10.00' to the point of beginning, containing 1,200 Square Feet.

Reference is made to a plat entitled "PLAT OF SURVEY SHOWING PROPOSED ABANDONMENT OF A 10' x 120' Alley Containing 1200 SQ. FT. FOR THE PROPOSED PURCHASE BY JERICK FARMS IN. FROM THE CITY OF CHARLESTON" by Keely Surveying, dated December 11, 2019, as surveyed by Timothy L. Keely, WV Professional Surveyor No. 972, attached hereto and made a part hereof as Attachment A.

2. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to Jerick Farms Inc., and its successors and assigns, all right, title and interest in and to said property as described in Section 1 above, for the consideration of \$6,800.

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



Bill No. **7861**

Introduced in Council

Passed by Council

January 6, 2020

Introduced by

Referred to

Joseph Jenkins

Finance

1
2
3 AN ORDINANCE WITH RESPECT TO APPROVING
4 THE WOODWARD BRANCH SANITARY SEWER
5 REPLACEMENT AND REHABILITATION PROJECT.
6

7 WHEREAS, the Sanitary Board is pursuing a sewer replacement and rehabilitation
8 project in the Woodward Branch area of the City of Charleston which is necessary to
9 correct older, failing sewer collection lines and is necessary for the health and welfare of
10 the citizens of the City of Charleston (the "Woodward Branch Project"); and

11 WHEREAS, Chapter 24, Article 2, Section 11(l) of the Code of West Virginia, 1931,
12 as amended, provides that the Council of the City of Charleston shall read the proposed
13 construction and the proposed rates, fees and charges at two meetings, with at least two
14 weeks between each meeting, with a public hearing to be conducted with or following the
15 second reading, and that enactment of the proposed construction and the proposed rates,
16 fees and charges shall follow an affirmative vote of the governing body and shall be
17 effective no sooner than forty-five days following the action of the governing body; and

18 WHEREAS, the Woodward Branch Project consists of two separate Phases and
19 consists of work including the planning, design, acquisition and construction of certain
20 extensions, additions, betterments and improvements to its existing sewerage system,
21 including but not limited to, the replacement and or rehabilitation of existing sewers in the

1 areas of: Phase 1: 26th Street (between 7th Avenue and Washington Street West);
2 Washington Street West (East and West from intersection with 26th Street and Woodward
3 Drive); Woodward Drive (from intersection with Washington Street West to Headly Drive);
4 Woodhaven Drive; Woodpath Lane; and Wilmore Lane; and Phase 2: Woodward Drive;
5 Blackwell Drive; Larchmont Drive; Savary Drive; Zabel Drive; Spring Drive; Thompson
6 Circle; Diana Court; and Ledge Hill Road; provided, that the work will further include all
7 necessary appurtenances; further provided, that to the extent that funds remain available,
8 extensions, additions, betterments and improvements to the remaining portion of the
9 existing sewer system; and

10 WHEREAS, the Sanitary Board is not proposing an increase in its rates, fees and
11 charges to support the Woodward Branch Project, thus the rates, fees and charges
12 previously approved by the Council of the City of Charleston for the Sanitary Board will
13 be charged;

14 **Now, therefore, be it ordained by the Council of the City of Charleston, West**
15 **Virginia:**

16 Section 1. That the construction of the Sanitary Board's Woodward Branch Sewer
17 Replacement and Rehabilitation Project consisting of two separate Phases and consisting
18 of work including the planning, design, acquisition and construction of certain extensions,
19 additions, betterments and improvements to its existing sewerage system, including but
20 not limited to, the replacement and or rehabilitation of existing sewers in the areas of:
21 Phase 1: 26th Street (between 7th Avenue and Washington Street West); Washington
22 Street West (East and West from intersection with 26th Street and Woodward Drive);
23 Woodward Drive (from intersection with Washington Street West to Headly Drive);

1 Woodhaven Drive; Woodpath Lane; and Wilmore Lane; and Phase 2: Woodward Drive;
2 Blackwell Drive; Larchmont Drive; Savary Drive; Zabel Drive; Spring Drive; Thompson
3 Circle; Diana Court; and Ledge Hill Road; provided, that the work will further include all
4 necessary appurtenances; further provided, that to the extent that funds remain available,
5 extensions, additions, betterments and improvements to the remaining portion of the
6 existing sewer system is hereby authorized and approved; and

7 Section 2. That, in accordance with the requirements of Chapter 24, Article 2,
8 Section 11 of the Code of West Virginia, 1931, as amended, the approval of the proposed
9 construction shall be effective no sooner than 45 days from the date of said approval; and

10 Section 3. This Ordinance shall be effective immediately upon adoption.

11 Passed on First Reading: _____

12 Adopted on Second Reading: _____

13

14 _____
15 _____
16 Mayor Amy Shuler Goodwin

City Clerk Miles Cary

1 **Bill No. 7862**

2 Passed by Council:

3 Introduced in Council

4 **January 6, 2020**

5 Introduced by:

Referred to

6 **Mary Beth Hoover**

Planning, Streets and Traffic

7
8
9 **Bill No. 7862** - A Bill to repeal Ordinance No. 2997, passed by Council August 16,
10 1982, which created a 30 minute parking zone on the south side of Franklin Avenue
11 from a point 32 feet west of the intersection of Franklin Avenue and Greenbrier Street to
12 a point 69 Feet west of the intersection of Franklin Avenue and Greenbrier Street during
13 the hours from 7:00 AM to 5:00 PM, Monday through Friday and amending the Traffic
14 Control Map and Traffic Control File, established by the code of the City of Charleston,
15 West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division
16 2, Article 4, Chapter 114, to conform therewith.

17
18 Now, therefore, be it ordained by the Council of the City of Charleston, West Virginia:

19 Section 1. The 30 minute parking zone on the south side of Franklin Avenue from a
20 point 32 feet west of the intersection of Franklin Avenue and Greenbrier Street to a point
21 69 Feet west of the intersection of Franklin Avenue and Greenbrier Street during the
22 hours from 7:00 AM to 5:00 PM, Monday through Friday is hereby repealed

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

27
28 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
29 repealed to the extent of said inconsistency.