

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

MAY 19, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF MAY ON THE 19TH DAY, IN THE YEAR 2003, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, JAY GOLDMAN, AT 7:00 P.M. THE INVOCATION WAS DELIVERED BY BILL KIMBERLING, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY MARC WEINTRAUB.

THE CLERK CALLED THE ROLL AND THE FOLLOWING MEMBERS ANSWERED TO THEIR NAMES:

CHARNOCK	CRICKENBERGER	DAVIS
FOUTY-YOUNG	HAAS	HARRIS
JONES	KIMBERLING	KNAUFF
LANE	JAMES LANHAM	DAVID LANHAM
LOEB	LOPEZ	MARKHAM
MCKNIGHT	MOLGAARD	MORTON
NIELSEN		PRUNTY
QUICK	REISHMAN	ROLLER
TALKINGTON	WEINTRAUB	MAYOR GOLDMAN

TWENTY-SIX MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

MAY 19, 2003, FIRST MEETING

CHARLESTON CITY COUNCIL JOURNAL MAY 19, 2003

PUBLIC SPEAKERS

1. None.

CLAIMS

1. A claim of Barbara Wilson, 1302 Kanawha St., Hansford WV; alleges personal injury; Refer to City Solicitor.
2. A claim of Alice E. Terry, 42 Sunset Dr., Charleston, WV; alleges damage to property; Refer to City Solicitor.
3. A claim of Jeffery H. Hall , 6 Roller Rd., Charleston, WV; alleges damage to property; Refer to City Solicitor.
4. A claim of Nadine Sitton, 4709 MacCorkle Ave., Charleston, WV; alleges damage to property; Refer to City Solicitor.
5. A claim of Cathy L. Hale, P.O. Box 32, Racine, WV; alleges personal injury; Refer to City Solicitor.
6. A claim of George Robson Jr., 100 Woodbine Farms, Scott Depot, WV; alleges damage to vehicle; Refer to City Solicitor.
7. A claim of Shelby Talbert, 1417 Cunningham Dr., Charleston, WV; alleges damage to property; Refer to City Solicitor.

COMMUNICATIONS

PROCLAMATION

ONE FOLLOWING

The Clerk read the following communication:

Honorable J. Crawford Goldman
And Member of Council
Charleston, WV. 25301

Dear Mayor Goldman and Councilmembers:

On May 7, 2003, the Municipal Planning Commission held public hearing and its regular monthly meeting. The following cases were heard by the Commission:

Bill No. 6973- Petition of the Municipal Planning requesting a Bill amending the Zoning Ordinance of the City of Charleston by amending the table of special permitted uses to allow “Re-Use of Structure previously used for non-residential purposes and listed on the National Register of Historic Places” as a special permit use in the R-2, Single Family Residential R-District.

Special Permit #1102- Application of Beverly Panel requesting a Special Permit for a Restaurant/Bar in an Urban Renewal District accessory to the business located at 10 Capitol Street.

Street Naming – Clay Square – Application of Sue Sergi, President/CEO of the Clay Center, requesting that the block bounded by Leon Sullivan Way, street, East Washington Street, East and Brooks Street as One Clay Square.

Street Naming and Dedication of Cornwall Lane and Pembroke Square- Application of Davis Thalheimer for naming and dedication of these two streets in Sherwood Forest.

These cases should be referred to the Planning Committee of Council.

Sincerely,
Municipal Planning Commission

Phyllis White Administrative Assistant.

The Mayor referred the cases to the Planning Committee of Council.

MISCELLANEOUS RESOLUTIONS

Councilman Charlie Loeb, Chairman of the Council Committee on Ordinance and Rules, submitted the following reports.

| [Bill No.6982, Committee Substitute](#)

Introduced in Council

Adopted by Council

April 21, 2003

Introduced by

Referred to

Beth Fouty-Young and Mary Jean Davis

Streets and Traffic

| [Bill No. 6982, Committee Substitute](#) a Bill to amend chapter thirty-one of the code of the City of Charleston, one thousand nine hundred twenty-nine, as amended, by adding thereto a new article, designated article seventeen, relating to all-terrain vehicles.

WHEREAS, pursuant to Chapter 8, Article 12, Section 5, Paragraph (1) of the West Virginia Code, as amended, municipal corporations have plenary power and authority to keep and maintain public streets, avenues, roads, alleys, and sidewalks free from obstructions; and

WHEREAS, pursuant to Chapter 8, Article 12, Section 5, Paragraph (4) of the West Virginia Code, as amended, municipal corporations have plenary powers and authority to regulate the use of streets, avenues, roads, alleys, sidewalks, crosswalks, and public places belonging to the municipality; and

WHEREAS, pursuant to Chapter 8, Article 12, Section 5, Paragraph (13) of the West Virginia Code, as amended, municipal corporations have plenary powers and authority to prevent injury or annoyance to the public or individuals from anything dangerous, offensive, or unwholesome; and

WHEREAS, pursuant to Chapter 8, Article 12, Section 5, Paragraph (57) of the West Virginia Code, as amended, municipal corporations have plenary powers and authority to provide penalties for the offenses and violations of law set forth in Chapter 8, Article 12, Section 5 of the West Virginia Code, as amended; and

WHEREAS, the Council of the City of Charleston has determined that, in order to best protect the safety, health, and general well-being of all individuals operating all-terrain vehicles, individuals operating unlicensed motor vehicles, individuals operating other permitted and licensed vehicles, and pedestrians, that the operation and use of all-terrain vehicles or any type of motor vehicle not licensed by the West Virginia Department of Motor Vehicles for street use for transportation or recreational purposes, upon the streets, alleys, sidewalks, parking lots, and any

realty owned, leased or controlled by the City of Charleston, or any of its boards, authorities, or commission's within the corporate limits of the City of Charleston is prohibited, and further that such activity should be criminalized with the imposition of progressive fines against individuals operating, or allowing the operation of all-terrain vehicles or unlicensed motor vehicles in prohibited areas.

Now, Therefore, Be it Ordained by the Council of the City of Charleston, West Virginia: That chapter thirty-one of the code of the City of Charleston, one thousand nine hundred twenty-nine, as amended, be amended by adding thereto a new article, designated article seventeen, to read as follows:

CHAPTER 17. ALL-TERRAIN VEHICLES.

Sec. 17-01. Definitions.

Except as otherwise provided in this chapter the following words and phrases shall have the meanings set forth below:

(a) "All-terrain vehicle" (ATV) means any motor vehicle designed for off-highway use, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control, or as otherwise defined in Section 17A-1-1 of the West Virginia Code, or any successor substitute thereto.

(b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Minor" means any person under the age of 18.

Sec. 17-02. Prohibition of operation and use of all-terrain vehicles.

The riding, operation, or other use of all-terrain vehicles for transportation or recreational purposes within or upon the streets, alleys, sidewalks, parking lots, and other realty-owned, leased, or controlled property by the City of Charleston or any of its boards, authorities, or commissions is prohibited.

Sec. 17-03. Exceptions.

(a) Notwithstanding any other provision of this code, it shall not be an offense for any person to lawfully ride or operate any such all-terrain vehicle upon any governmentally-owned realty not owned or controlled by the City of Charleston or any of its boards, authorities, or commissions located within the corporate limits of the City of Charleston.

(b) Notwithstanding any other provision of this code, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use an all-terrain vehicle upon a designated parade route, when such person is a duly registered and recognized participant in any such permitted parade, provided that such all-terrain vehicle riding or operation occurs in conjunction with said parade.

(c) Notwithstanding any other provision of this code, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use an all-terrain vehicle on the streets, alleys, sidewalks, parking lots, and other realty-owned, leased, or controlled property by the City of Charleston or any of its boards, authorities, or commissions for purposes of snow removal, if such vehicle is affixed or attached with implements or equipment specifically designed for that purpose, and to be used on such

vehicles.

(d) Notwithstanding any other provision of this code, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use an all-terrain vehicle on the streets, alleys, sidewalks, parking lots, and other realty-owned, leased, or controlled property by the City of Charleston or any of its boards, authorities, or commissions during a period of emergency when the emergency has been so declared by the mayor.

Sec. 17-04. Exemptions.

The Federal Government, the State of West Virginia, and its political subdivisions are exempt from the prohibitions contained herein, when any such all-terrain vehicle is used for government purposes.

Sec. 17-05. Authorizing or permitting a minor to violate any provision of this article.

No person shall authorize or knowingly permit a minor to violate any provision within this section. Any such violation or knowingly permitting any such minor to violate the provisions of this section shall constitute a criminal violation hereof and shall subject such person to the criminal penalties set forth in this section. The citing of any person pursuant to this paragraph shall not be reason to prohibit the police officer from also citing the driver of said all-terrain vehicle.

Sec. 17-06. Penalties.

(a) Any person who violates section 17-02 of this article shall constitute the commission of a misdemeanor criminal offense, and any officer of the Police Department of the City of Charleston or any other officer of any other police agency exercising proper jurisdiction within the corporate limits of Charleston is hereby authorized and empowered to issue a citation and to charge any such person who commits a violation of section 17-02. Any person convicted of a first offense established hereunder shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any person convicted of a second or subsequent offense established hereunder shall be fined not less than two hundred fifty dollars (\$250.00).

(b) Any person who violates section 17-05 of this article shall constitute the commission of a misdemeanor criminal offense, and any officer of the Police Department of the City of Charleston or any other officer of any other police agency exercising proper jurisdiction within the corporate limits of Charleston is hereby authorized and empowered to issue a citation and to charge any such person who commits a violation of section 17-05. Any person convicted of a first offense established hereunder shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any person convicted of a second or subsequent offense established hereunder shall be fined not less than two hundred fifty dollars (\$250.00).

Sec. 17-07. Liability.

Nothing contained within this article is intended, nor shall be construed, so as to create or form the basis for any civil or administrative liability whatsoever on the part of the City of Charleston or any of its officers, officials, employees, or agents for any injury or damage resulting to any person as a consequence of any action or inaction on the part of the City of Charleston related, in any manner, to the enforcement or non-enforcement of this article by the City's officers, officials, employees, or agents.

Sec. 17-07. Severability.

The provisions of this article are severable and, in the event that any provision or part hereof shall be held invalid for any reason by any court exercising competent jurisdiction, then such invalidity shall not be deemed to affect or impair any of the other provisions of this section not specifically held to be invalid. It is hereby declared to be the intent of the City of Charleston that this article would have been adopted if any such invalid provision or part hereof had not been included herein.

NOTE: This article is new, thus all underscoring and/or strikethroughs have been omitted.

The Mayor referred Bill No. 6982, Committee Substitute, to the Streets and Traffic Committee.

FINANCE

Councilman Larry Roller, Chairman of the Council Committee on Finance, submitted the following reports.

Resolution No. 272-03, “ Authorizing approval of the 2003-2004 Parking System Budget as indicated on the attached list of accounts.”

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

That the 2003-2004 Parking System Budget, as indicated on the attached list of accounts, is hereby approved.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez , Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 272-03, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 273-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 273-03, “ Authorizing the Mayor to sign Change Order No. 2 with D.C. Byers, in the amount of \$25,000, for adding a Texas Two-Step Membrane System on the second floor of Municipal Parking Building No. 1, located at Virginia and Quarrier streets. This change order

increases the contract price for the restoration project from \$1,287,414 to 1,312,414.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 2 with D.C. Byers, in the amount of Twenty-five Thousand Dollars \$25,000, for adding a Texas Two-Step Membrane System on the second floor of Municipal Parking Building No. 1, located at Virginia and Quarrier streets. This change order increases the contract price for the restoration project from \$1,287,414 to 1,312,414.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 273-03, adopted unanimously

3. Your Committee on Finance has had under consideration Resolution No. 274-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 274-03, “ Authorizing the Finance Director to make revisions to the 2003-2004 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 Finance Director is hereby authorized and directed to make revisions to the 2003-2004 Civic Center budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 274-03, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 275-03 and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 275-03, “ Authorizing the Finance Director to make revisions to the 2002-2003 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 make revisions to the 2002-2003 General Fund Budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 275-03, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 276-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 276-03, “ Authorizing the Finance Director to make revisions to the 2003-2004 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 make revisions to the 2003-2004 General Fund Budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez , Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 276-03, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 277-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 277-03, “ Authorizing the Mayor to enter into a Grant Contract Agreement with the Division of Criminal Justice Services to receive and administer grant funds, in the amount of \$38,865, pursuant to provisions of the Victim of Crime Act (VOCA) grant Program. The grant provides for the full-time salary of a Victim Services Coordinator in the Charleston Police Department and victim related program materials for direct services to crime victims in the City of Charleston.”

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

That the Mayor is hereby authorized and directed to enter into a Grant Contract Agreement with the Division of Criminal Justice Services to receive and administer grant funds, in the amount of Thirty-eight Thousand Eight Hundred Sixty-five Dollars (\$38,865), pursuant to provisions of the Victim of Crime Act (VOCA) grant Program. The grant provides for the full-time salary of a Victim Services Coordinator in the Charleston Police Department and victim related program materials for direct services to crime victims in the City of Charleston.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 277-03, adopted unanimously

7. Your Committee on Finance has had under consideration Resolution No. 278-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 278-03, “ Authorizing the Finance Director to amend the 2002 Community Development Block Grant budget as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through the MOECD Citizen Participation Plan.”

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 2002 Community Development Block Grant budget as indicated on the attached list of accounts. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through the MOECD Citizen Participation Plan.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez , Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.
NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 278-03, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 279-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 279-03, “ Authorizing the Mayor to sign a West Virginia Department of Transportation, Division of Highways (TCSP) grant, and all related documents, for the Charleston Renaissance Gateway Project in the amount of \$950,000.”

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

That the Mayor is hereby authorized and directed to sign a West Virginia Department of Transportation, Division of Highways (TCSP) grant, and all related documents, for the Charleston Renaissance Gateway Project in the amount of Nine Hundred Fifty Thousand Dollars (\$950,000).

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez , Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.
NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 279-03, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 280-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 280-03, “Authorizing the Finance Director to allocate funds in the amount of \$76,770 for acquisition of three (3) HOME projects.”

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

That the Finance director is hereby authorized and directed to allocate funds in the amount of \$76,770 for acquisition of three (3) HOME projects as follows:

West Side	\$23,600
South Hills area	25,670

Mink Shoals area 27,500

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 280-03, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 281-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 281-03, "Authorizing the Mayor to sign a Modification to a Consent Decree Order for the City of Charleston and the Sanitary Board as it relates to Civil Action No. 97-C-2279- Taylor V. City of Charleston."

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

That the Mayor is hereby authorized and directed to sign a Modification to a Consent Decree Order for the City of Charleston and the Sanitary Board as it relates to Civil Action No. 97-C-2279- Taylor V. City of Charleston."

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 281-03, adopted unanimously

11. Your Committee on Finance has had under consideration a bid submitted by Taylor and Recreation, in the amount of \$11,800, for purchase of a Play Center for the Martin Luther King, Jr. Community Center. To be charged to Account No. 009-002-00-059-0-999, CDBG—P&R Facilities, MLKCC, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor

declared the Committee Report, adopted.

12. Your Committee on Finance has had under consideration a Proposal submitted by Family Carpet Outlet, Inc., in the amount of \$17,986.41, for purchase of 6,504 square feet of carpet and related materials; and 945 square feet of tile to be installed in the remolded office space at Municipal Parking Building No. 1, located at Virginia and Quarrier streets, for the Engineering and MOECD departments. To be charged to Account No. 425-000-00-000-5-566, Parking System –Contributions to Other Funds, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

13. Your Committee on Finance has had under consideration Bill No. 6972, and reports the same to Council with the recommendation that the recommendation that the Bill do pass.

Bill No. 6972 – Amending the schedule or rates for grave spaces, and for other fees and services provided by the Spring Hill Cemetery Park.

WHEREAS, the Spring Hill Cemetery Park Commission, in accordance with its duties and obligations under Chapter 27 of the City Code has decided to offer additional services at the cemetery and to sell burial related merchandise;

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

That the price for grave spaces and the fees for service at the Spring Hill Cemetery Park shall be as follows:

City Property (Riggs 10-Scruggs; JHL 1-2 Burdette 1-2;	
Jeffries, all sections 1-10-and Woods 18)	No Spaces Available
Hall & Edmonds and all others	No Spaces Available
H-I-J	No Spaces Available
Lynn-Wehrle	No Spaces Available
Capito	No Spaces Available
Capito Wood Lawn (upon completion of development)	\$500.00 & 600.00
Wood Lawn Babyland (upon completion of development)	\$200.00
Wilson	No Spaces Available
Middleton	No Spaces Available
Mausoleum Property	No Spaces Available
Woods 1-2	No Spaces Available
Swann Addition (all section of Spring Hill excluding Sec. 49)	No Spaces Available
Section 49	No Spaces Available

Riggs-Jeffries Riggs	No Spaces Available
Riggs Babyland	\$100.00
Wilson, Block 6-A, 7-A & 8	\$900.00
Wehrle Addition, Section 16	\$850.00
Willow Lawn Addition	\$700.00
Park Land (when developed)	N/A

The following Table of Service Pricing shall apply:

Standard Adult	Opening/Closing
Weekdays M-F	\$600.00
Weekends, Sat. /Sun. (Weekends to include Monday before noon)	\$700.00

Baby Graves	Opening/Closing
Weekdays M-F	\$200.00
Weekends & Holidays	
Weekends to include Monday Before noon and holidays)	\$250.00

Mausoleum Committal Services	
Old Mausoleum	N/A

Mausoleum Crypt	Opening/Closing
Weekdays M-F	\$300.00
Weekends & Holidays	
Weekends to include Monday Before noon and holidays	\$400.00

The use of an Insuraliner is required for all entombments. (Funeral Homes will be required to supply liners).

Late Fee	
A late charge of \$75.00 per hour shall be charged to funeral homes for arrivals after 3:00 p.m. to cover overtime labor cost.	\$75.00 per hour

Installation of Memorials (Except Gov't supplied)	
Flat markers	\$0.50 per sq. inch
Upright markers	\$0.75 per sq. inch
Government Supplied V.A. Memorials	No Charge
Only granite or bronze on granite markers are allowed.	

The installation of mausoleums, columbariums, and Memorials – requiring special needs and equipment for Handling – will be charged according to the individual

Application

Cremation Opening/Closing Weekdays M-F	\$300.00
Weekends Sat. /Sun. (Weekends to include Monday before noon)	\$400.00
Committal Service Set Up	\$150.00

The following Table of Merchandise Pricing shall apply:

Memorials and related merchandise	Cost to cemetery X 2
Burial Containers	Cost to cemetery plus 30% or \$100.00 whichever is greater.
The purchase price and charges for other required Services and materials for mausoleums and cremation Depositories are based on individual application	
Flower Location/Setting Service Fee	\$3.00 per flower arrangement delivered by outside vendors for placement on a grave. Payable at time of delivery.

State sales tax will apply to services and merchandise
as provided by law.

The Clerk of the City of Charleston is hereby directed to publish as a Class I legal advertisement, a schedule of proposed rates for grave spaces and the fees for service at the Spring Hill Cemetery Park along with the time and place of the public hearing, on _____, in Council Chambers, City Hall, at 7:00 pm, during a regular meeting of Council, on the lease and the general terms thereof, pursuant to West Virginia Code § 8-12-18(c).

The question being on the passage of the Bill a roll call was taken and there 26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.
NAYS: None.
ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6972, adopted

14. Your Committee on Finance has had under consideration Bill No. 6977, and reports the same to Council with the recommendation that the recommendation that the Bill do pass.

Bill No. 6977, a Bill supplementing Ordinance No. 4423 passed by the Council of The City of Charleston, West Virginia, on March 6, 1989, as supplemented by Ordinance No. 4506 passed by the Council on November 6, 1989, by Ordinance No. 4828 passed by the Council on April 20, 1992, by Ordinance No. 4954 passed by the Council on May 3, 1993, by Ordinance No. 6276 passed by the Council on September 3, 1996, by Ordinance No. 6532 passed by the Council on February 1, 1999, by Ordinance No. 6670 passed by the Council on February 5, 2001, and by Ordinance No. 6777 passed by the Council on March 19, 2001; and by Ordinance 6948 passed by Council on November 4, 2002; authorizing the design, acquisition and construction of certain extensions , additions betterments and improvements to the existing sewerage system of the City of Charleston; authorizing the issuance of not more than \$12,000,000 in one aggregate principal amount of Sewerage System Revenue Bonds, Series 2003, in one or more series as may be required, of the City of Charleston, the proceeds of which, shall be used, along with other funds and moneys of , or available to , The City of Charleston which may be lawfully expended for such purposes, to permanently finance the cost of such design, acquisition and construction, to fund reserve accounts for such bond and to pay other costs in connection therewith; authorizing the issuance of not more than \$2,000,000 in aggregate principal amount of Sewerage System Bond Anticipation Notes, Series 2003 A, to temporarily finance the cost of such design, acquisition and construction; providing for the rights and remedies of an security for the registered owners of such bonds and notes; and adopting other provisions related thereto.

The question being on the passage of the Bill a roll call was taken and there 25, nays-0, absent-1, abstain-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Lopez , Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry.

ABSTAIN: Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 6977, adopted

15. Your Committee on Finance has had under consideration a payment of an invoice from Charleston Newspapers, in the amount of \$25,195.06, for publication of the City" Financial Statement in the Charleston Gazette and Charleston Daily main on April 29, 2003. To be charged to Account No. 001-412-00-000-2-220, City Manager—Advertising/Legal Publications, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

16. Your Committee on Finance has had under consideration a Payment of an invoice from

Terradon Corporation, in the amount of \$4,100, for consulting services relating to compliance monitoring of Landfill Services of Charleston, Inc. regarding its Landfill contract with the City and West Virginia Department of Environmental Protection's solid waste permit. To be charged to Account No. 039-000-00-000-2-230, Waste Disposal—Contracted Services, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

17. Your Committee on Finance has had under consideration a payment of an invoice from the Kanawha County Commission, in the amount of \$19,286.99 for expenditures incurred in the City's Primary Election held on March 11, 2003. To be charged to Account No. 001-438-00-000-2-230, Election Costs—Contracted Services, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

18. Your Committee on Finance has had under consideration a payment of an invoice from Daymark, Inc./Patchwork, in the amount of \$4,732.55, for reimbursement of operational expenses during the month of February 2003. To be charged to Account No. 009-002-00-011-0-999, CDBG—Public Services, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-25, nays-0, absent-1, abstain- 1, as follows:

YEAS: Charnock, Crickenberger, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSTAIN: Davis.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report, adopted.

19. Your Committee on Finance has had under consideration a payment of an invoice from Astech Corporation, in the amount of \$4,033.73, for demolition of structure at 512 Butler Street consisting of \$2,027 square feet at the rate of \$1.99/s.f, pursuant to contract approved by Council on April 7, 2003. To be charged to Account No. 009-002-00-033-0-999, CDBG—Demolition/Clearance, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff,

Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report, adopted.

20. Your Committee on Finance has had under consideration a payment of an invoice from Lowes, in the amount of \$11,882.59, for materials and supplies purchased for the Christmas in April project. To be charged to Account No. 009-002-00-014-0-999, CDBG -- Corp Rehabilitation, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the Committee Report a roll call was taken and there were; yeas-26, nays-0, absent-1, as follows:

YEAS: Charnock, Crickenberger, Davis, Fouty-Young, Haas, Harris, Jones, Kimberling, Knauff, Lane, David Lanham, James Lanham, Loeb, Lopez, Markham, McKnight, Molgaard, Morton, Nielsen, Prunty, Quick, Reishman, Roller, Talkington, Weintraub, and Mayor Goldman.

NAYS: None.

ABSENT: Pettry.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report, adopted.

21. Your Committee on Finance has had under consideration a payment of an invoice from Dell Marketing, in the amount of \$7,700, for the emergency purchase of a Dell Poweredge 4600 Data Server for the Information Systems Department. This is the main server for the City of Charleston and also used as a terminal server. To be charged to Account No. 001-975-00-439-4-459, IS Department –Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted unanimously.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; April 2003.
Received and Filed.

2. City Treasurer's Report to City Council Month Ending April 2003;
Received and Filed.

3. City of Charleston Financial Statements for the Ten- Month Period Ended
April 30, 2003;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilwoman Mary Jean Davis, on May 19, 2003:

Bill No. 6978, A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 7th day of March 1983, as amended, and the map made part thereof, by rezoning from a C-4 district to a R-0 district, that certain parcel of land situated at 1003-1011 Oakhurst Drive, Charleston, West Virginia.

Refer to Municipal Planning Commission.

Introduced by Councilman Larry Roller, on May 19, 2003:

Bill No. 6979, a Bill amending and reenacting Chapter Thirty-one, Article Seven, Section Two Hundred Thirteen of the Vehicles and Traffic law of the Code of The City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, amending and supplementing certain parking fees for certain municipal parking facilities.

Refer to Parking Facilities Committee and Finance Committee.

Introduced by Councilwoman Donna Prunty, on May 19, 2003:

Bill No. 6980, A Bill to establish a vehicular parking zone for the exclusive use of the physically disabled on the southerly side of Kanawha Ave. from a point 15 feet east of 20th Street to a point 81 feet east of 20th Street on Sunday from 10:00am to 8:00 pm., on Wednesday from 6:00pm to 9:00pm., to provide for the removal of vehicles illegally parked in these spaces to incorporate the provisions of West Virginia Code, Chapter 17C, Article 12, Section 15, and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, one thousand nine hundred seventy-five, as amended, Traffic Law, Chapter thirty-one Article three, to conform therewith.

Refer to Council Committee on Streets and Traffic.

Introduced by Councilwoman Betty Morton, on May 19, 2003:

Bill No. 6981, A approving certain modifications of Washington Street, East Renewal Plan for the City of Charleston, West Virginia, with respect to Replacing Section 2.E-Signs.

Refer to the Council Committee on Urban Renewal.

UNFINISHED OR MISCELLANEOUS BUSINESS

NONE.

ROLL CALL

The Clerk called the roll and the following members were in attendance:

YEAS: Charnock, Crickenberger, Davis, Haas, Harris, Jones, Knauff, Lane, David Lanham, James Lanham, Lopez, Kimberling, Loeb, Markham, McKnight, Molgaard, Morton, Nielsen, Quick, Reishman, Roller, Talkington, Fouty-Young, Prunty, Weintraub, and Mayor Goldman.

ABSENT: Pettry.

At 7:35 p.m., on motion of Councilman Loeb, Council adjourned until 7:00 p.m., Monday, June 2, 2003.

Jay Goldman, Honorable Mayor

James M. Reishman, City Clerk