

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON

WEST VIRGINIA

OCTOBER 21, 2003

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF OCTOBER ON THE 21ST DAY, IN THE YEAR 2003, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES, AT 7:00 P.M. THE INVOCATION WAS DELIVERED BY JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LEAD BY MARY JEAN DAVIS.

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

CHESTNUT

CLOWSER

DEITZLER

DAVIS

FOSTER

HANNA

HARRIS

HARRISON

HIGGINS

JONES

LANE

LANHAM

MORTON

MILLER

MONROE

MARKHAM

NIELSEN

REED

REISHMAN

ROBERTSON

SADD

TALKINGTON

WARE

WEINTRAUB

WHITE

MAYOR JONES

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.

OCTOBER 21, 2003, SECOND MEETING

CHARLESTON CITY COUNCIL JOURNAL OCTOBER 21, 2003

PUBLIC SPEAKERS

1. Eloise Ninez, 5041/2 Nancy St., Charleston.
2. Raquel Dixon, 1625 Quarrier St., Charleston.

CLAIMS

1. NONE

PUBLIC HEARING

The Mayor read the following Public Hearing...

AFTER DULY BEING PUBLISHED AS REQUIRED, I NOW
DECLARE THE FLOOR OPEN FOR A PUBLIC HEARING ON
BILL NO. 7006, A BILL AMENDING AND RENACTING THE
SCHEDULE OF RATES FOR SPRING HILL CEMETERY TO
INCULDE A SALES PRICE OF \$350.00 PER CREAMATION
REMAINS BURIAL SITE AND A FEE OF \$65.00 PER STEEL
VAULT INSTALLATION.

IS THERE ANYONE FROM THE PUBLIC WHO WOULD LIKE
TO SPEAK.

WITH NO ONE FROM THE PUBLIC TO SPEAK, THE CHAIR DECLARES PUBLIC HEARING ON
BILL NO. 7006

CLOSED.

COMMUNICATIONS

Honorable Danny Jones

And Members of City Council
Charleston, WV. 25301

Dear Mayor Jones and Councilmember's:

On October 8, 23003, the Municipal Planning Commission held its public hearings and its regular monthly meeting. The following case was heard by the Commission:

Special Permit #1122- Application of Roger Talbert requesting a Special Permit for a Bar/Nightclub serving alcoholic beverages in a C-6 Community Commercial District accessory to the business located at 1942 Sissonville Drive.

Special Permit #1124- Application of Cynthia Ranson requesting a Special Permit for a Professional Office in an R-10 High Density Multi-family Residential District accessory to the property located at 1562 Kanawha Boulevard, East.

Street Re -naming- Application of Robert Tyler, Sr. requesting the renaming of Kent St. to Kent Strange Hall Street.

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

Sincerely,
Municipal Planning Commission

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

MISCELLANEOUS RESOLUTIONS

The Clerk read the following Resolution introduced by Councilwoman Mary Jean Davis.

Resolution No. 398-03

Introduced in Council

October 21, 2003

Mary Jean Davis

WHEREAS, the City of Charleston recognizes the threat that natural hazards pose to people and property, and;

WHEREAS, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

WHEREAS, an adopted all hazards mitigation plan is required as a condition of the future grant funding for mitigation projects; and

WHEREAS, the City of Charleston participated jointly in the planning process with the other units of local government within Kanawha County to prepare an All Hazards Mitigation Plan;

THEREFORE BE IT RESOLVED, THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA, hereby adopts the Kanawha County All Hazards Mitigation Plan as an official plan; and,

BE IT FURTHER RESOLVED, that Kanawha County will submit on behalf of the participating municipalities the adopted All Hazards Mitigation Plan to Federal Emergency Management Agency officials for final review and approval.

The question being on the adoption of the Resolution a vote was taken. There being no dissent and the Mayor declared Resolution No. 398-03, adopted.

PLANNING

Councilwoman Mary Jean Davis, Chairman of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration Bill No. 7000, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7000, 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 a part thereof, by rezoning from **I-4 Heavy Industrial District to R-4 Single-family Residential District**, that certain parcel of land situated at **901, 903, and 905 Barlow Drive**, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia enacted the 7th day of March 1983, as amended, is hereby amended by rezoning from **I-4 Heavy Industrial District to R-4 Single-family Residential District** the whole of the following described parcel of land:

Parcels 1, 2, 3, 4, 5, and 6 as shown on North Charleston District Tax Map No. 44
Subject parcels are commonly known as 901, 903, and 905 Barlow Drive, 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 Section 1 of this ordinance.

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

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7000, passed.

2. Your Committee on Planning has had under consideration Bill No. 6995, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill closing, abandoning and discontinuing as a public walkway that certain 10' alley between Tracts 22 and 23 of Section 4 of the Edgewood Acres Addition, known as 636 Pacific Street and 638 Pacific Street and reserving sewer easements for the City of Charleston, West Virginia.

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

1. That certain ten foot alley/walkway beginning at a point; at the northeast corner of Tract 22; thence S 62 degrees 55' E 10.4 feet to a point at the northwest corner of Tract 23; thence S 5 degrees 41' W 208.78 feet to a point; thence N 65 degrees 05' 10.3 feet' to a point; thence N 5 degrees 41' E 204.20 feet to the place of beginning being a 10' walkway of 2,023.60 square feet is hereby closed, abandoned and discontinued.
2. The City of Charleston hereby reserves 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 liens. 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 foot without the written permission of the Sanitary Board of the City of Charleston and the City Engineer of the City of Charleston.,
3. The Mayor of the City of Charleston be and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to Carl S. Wolfe, Virgie L. Wolfe and Kevin B. Wolfe all right provided in section two of this ordinance, upon payment of _____ (\$) to be paid to the City of Charleston by the Petitioners.
4. All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extend of the inconsistency.

PETITION TO CLOSE, ABANDON, AND DISCONTINUE AS A PUBLIC WALKWAY THOSE PORTIONS OF AN UNIMPROVED 10' WALKWAY WHICH EXTEND FROM AN EIGHTY ACRE UNIMPROVED TRACT TO PACIFIC STREET BETWEEN TRACTS 22 & 23 OF SECTION 4 OF THE EDGEWOOD ACRES ADDITION.

TO THE MAYOR AND COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA:

I.

Petitioners are Carl S. Wolfe and Virgie L. Wolfe, husband and wife and Kevin B. Wolfe, and as such are the owners of land located on Pacific Street in the City of Charleston, Kanawha County, West Virginia, as more specifically shown on the map attached hereto and made a part hereof.

II.

Petitioners seek to close one unimproved alley/walkway as follows: the ten foot unimproved alley/walkway between Tracts 22 and 23 from an 80 acre unimproved tract owned by the City of Charleston to Pacific Street.

III.

The Petitioners own land which adjoins the walkway on the east and west side. The City of Charleston is the property owner to the north and Pacific Street is to the south.

IV.

The petitioner wishes to close, abandon and discontinue use as a public alley/walkway because this property has never been used as an alley or walkway and Petitioners have no intention to use this property as an alley or walkway. Petitioners have no knowledge that the City of Charleston plans to use this alley/walkway.

V.

Annexed hereto are the following:

1. The map referred to above;
2. A proposed bill for enactment as an ordinance by the City Council to accomplish the requested alley closing; and
3. A list showing the names and addresses of all persons owning property.

Respectfully submitted this _____ day of July, 2003.

CARL S. WOLFE AND VIRGIE L. WOLFE
KEVIN B. WOLFE
By Counsel

JOHN N. CHARNOCK, JR.
CHARNOCK & CHARNOCK
P. O. Box 523
Charleston, West Virginia 25321
Phone: (304) 343-7629
WV # 4738

The Planning Committee recommended that the Bill be referred to the Finance Committee for final review; the Mayor referred Bill No. 6995 to the Finance Committee.

STREETS AND TRAFFIC

Councilman David Higgins, Chairman of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7007, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7007, A Bill to amend and reenact Ordinance 6963 passed by Council January 21, 2003 establishing a **Metered Vehicular Parking** zone for the exclusive use of the physically disabled on the southerly side of Washington Street, East from a point 50 feet west of Brooks Street to a point 138 feet west of Brooks Street and from a point 268 feet west of Brooks Street to a point 355 feet west of Brooks Street to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia code, Chapter 17C, Article 13, Section 6, and amending the 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.

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

Section 1. A Metered Vehicular Parking zone for the exclusive use of the physically disabled on the southerly side of Washington Street, East from a point 50 feet west of Brooks Street to a point 138 feet west of Brooks Street and from a point 268 feet west of Brooks Street to a point 355 feet west of Brooks Street is hereby established.

Section 2. In order for a physically disabled person to utilize the parking spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. 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, shall be and hereby are, amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7007, passed.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7008, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to establish a **Metered Vehicular Parking** zone for the exclusive use of the physically disabled on the westerly side of Leon Sullivan Way from a point 38 feet south of Washington Street, East to a point 170 feet south of Washington Street, East, to provide for the removal of vehicles illegally parked in these spaces, to incorporate the provisions of West Virginia code, Chapter 17C, Article 13, Section 6, and amending the 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.

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

Section 1. A Metered Vehicular Parking zone for the exclusive use of the physically disabled on the westerly side of Leon Sullivan Way from a point 38 feet south of Washington Street, East to a point 170 feet south of Washington Street, East is hereby established.

Section 2. In order for a physically disabled person to utilize the parking

spaces provided in the preceding section the vehicle which they are driving or in which they are being transported must display the distinguishing insignia provided for in West Virginia Code, Chapter 17C, Article 13, Section 6.

Section 3. It shall be unlawful for any vehicle not displaying the insignia provided in Section 2 to park in those spaces for the disabled provided for in Section 1. Any vehicle in violation of this section may be ticketed and impounded as provided for in Chapter 31, Vehicles and Traffic Law, Code of the City of Charleston, West Virginia.

Section 4. 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, shall be and hereby are, amended to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.
NAYS:
ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7008, passed.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7009, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to establish a **20 Mile Per Hour** speed limit on Lewis Street from Ruffner Avenue to the easterly end of Lewis Street 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.

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

Section 1. A **20 Mile Per Hour** speed limit on Lewis Street from Ruffner Avenue to the easterly end of Lewis Street is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.
NAYS:
ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7009, passed.

4. Your Committee on Streets and Traffic has had under consideration Bill No. 7010, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to establish a **20 Mile Per Hour** speed limit on Lewis Street from Ruffner Avenue to the easterly end of Lewis Street 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.

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

Section 1. A **20 Mile Per Hour** speed limit on Lewis Street from Ruffner Avenue to the easterly end of Lewis Street is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.
NAYS:
ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7010, passed.

5. Your Committee on Streets and Traffic has had under consideration Bill No. 7011, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to prohibit vehicular traffic from traveling in a westerly direction on Lewis Street between Thompson Street and the easterly end of Lewis Street 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.

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

Section 1. Lewis Street is hereby established as a **One Way** street prohibiting vehicular traffic from traveling in a westerly direction on Lewis Street between Thompson Street and the easterly end of Lewis Street.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.
NAYS:
ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7011, passed.

6. Your Committee on Streets and Traffic has had under consideration Bill No. 7012, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to establish a **4 Way Stop** intersection at 53rd Street and Venable Avenue 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.

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

Section 1. A **4 Way Stop** intersection at 53rd Street and Venable Avenue is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

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

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.
NAYS:
ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7012, passed.

7. Your Committee on Streets and Traffic has had under consideration Bill No. 7014, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to establish a **20 Mile Per Hour** speed limit on Yorktowne Place 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.

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

Section 1. A **20 Mile Per Hour** speed limit on Yorktowne Place is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.
NAYS:
ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7014, passed.

8. Your Committee on Streets and Traffic has had under consideration Bill No. 7015, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to establish a **20 Mile Per Hour** speed limit on Wellington Pointe 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.

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

Section 1. A **20 Mile Per Hour** speed limit on Wellington Pointe is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.
NAYS:
ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7015, passed.

9. Your Committee on Streets and Traffic has had under consideration Bill No. 7016, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to establish a **20 Mile Per Hour** speed limit on Cambridge Pointe 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.

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

Section 1. A **20 Mile Per Hour** speed limit on Cambridge Pointe is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.
NAYS:
ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7016, passed.

10. Your Committee on Streets and Traffic has had under consideration Bill No. 7017, and reports the same to Council with the recommendation that the committee report be adopted.

A Bill to establish a **20 Mile Per Hour** speed limit on Buckingham Pointe 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.

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

Section 1. A **20 Mile Per Hour** speed limit on Buckingham Pointe is hereby established.

Section 2. 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, shall be and hereby are amended, to conform to this Ordinance.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.
NAYS:
ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7017, passed.

FINANCE

Councilman Bobby Reishman, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 389-03, and reports the same to Council with the recommendation that the committee report be adopted.

Your Committee on Finance has had under consideration Resolution No. 389-03, and reports the same to Council with the recommendation that committee report be adopted.

Resolution No. 389-03 – “Authorizing the Mayor to sign a Lease Agreement with the Federal Deposit Insurance Corporation, in the amount of \$1,350 per month, for leasing of 2,700 square feet of space (\$6.00/sf) in Municipal Parking Building No. 1, located at 118 Dickinson Street, for a six-month period with the option to renew on a month-to-month basis. The lease period runs from November 1, 2003 to April 30, 2004.”

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

That the Mayor is hereby authorized and directed to sign a Lease Agreement with the Federal Deposit Insurance Corporation, in the amount of One Thousand Three Hundred Fifty Dollars (\$1,350) per month, for leasing of 2,700 square feet of space (\$6.00/sf) in Municipal Parking Building No. 1, located at 118 Dickinson Street, for a six-month period with the option to renew on a month-to-month basis. The lease period runs from November 1, 2003 to April 30, 2004.

The question being on the adoption of the Resolution a vote was taken. There being one dissent by Mark Sadd the Mayor declared Resolution No. 389-03, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 390-03, and reports the same to Council with the recommendation that committee report be adopted.

Resolution No. 390-03 – “Authorizing the Mayor to enter into a contract with Lilly’s Landscaping & Greenhouse for leasing of a designated area of the parking lot a Watt Powell Park for the sale of Christmas trees, at a cost of \$1,205.05, for the period November 17, 2003 to December 31, 2003.”

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 contract with Lilly’s Landscaping & Greenhouse for leasing of a designated area of the parking lot a Watt Powell Park for the sale of Christmas trees, at a cost of One Thousand Two Hundred Five Dollars and Five Cents (\$1,205.05), for the period November 17, 2003 to December 31, 2003.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 390-03, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 391-03, and reports the same to Council with the recommendation that committee report be adopted.

Resolution No. 391-03 – “Authorizing the Mayor to enter into a contract with Capitol Business Interiors, in the amount of \$5,600, for purchase and installation of vertical blinds for windows in the newly remodeled office space at Municipal Parking Building #1, located at McFarland and Virginia streets.”

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 contract with Capitol Business Interiors, in the amount of Five Thousand Six Hundred Dollars (\$5,600), for purchase and installation of vertical blinds for windows in the newly remodeled office space at Municipal Parking Building #1, located at McFarland and Virginia streets.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 391-03, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 392-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 392-03 – “Authorizing the Finance Director to make revisions to 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 Finance Director is hereby authorized and directed to make revisions to the 2003-2004 Parking System 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-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 392-03, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 393-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 393-03 – “Authorizing the Mayor to enter into a contract to expire March 30, 2004, with Alternative Service Concepts, LLC (ASC) to investigate and adjust all claims for damages against the City of Charleston and granting settlement authority to ASC up to the amount of \$15,000 per claim.”

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 contract to expire March 30, 2004, with Alternative Service Concepts, LLC (ASC) to investigate and adjust all claims for damages against the City of Charleston and granting settlement authority to ASC up to the amount of Fifteen Thousand Dollars (\$15,000) per claim.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 393-03, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 394-03 as amended, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 394-03, as amended – “Authorizing the Mayor to enter into a contract with West Virginia Paving, in the amount of \$28,816, for all material and labor to mill and pave Lawndale Drive, to be paid on a 50/50 basis with St. Timothy Lutheran Church. , and further authorizing the Mayor to enter into a Settlement and Release agreement with St. Timothy Lutheran Church and Charleston Housing Authority under which St. Timothy’s Lutheran Church agrees to pay the City if

Charleston \$14,408 of the repaving cost of Lawndale Drive under the City's aforementioned contract with West Virginia Paving and under which the city shall release all claims it may have against St. Timothy Lutheran Church with respect to St. Timothy's use of Lawndale Drive for the purpose of constructing a new workshop center arising on or prior to the date of payment made to the City.

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 contract with West Virginia Paving, in the amount of Twenty-eight Thousand Eight Hundred Sixteen Dollars (\$28,816), for all material and labor to mill and pave Lawndale Drive, to be paid on a 50/50 basis with St. Timothy Lutheran Church, and further authorizing the Mayor to enter into a Settlement and Release agreement with St. Timothy Lutheran Church and Charleston Housing Authority under which St. Timothy's Lutheran Church agrees to pay the City if Charleston \$14,408 of the repaving cost of Lawndale Drive under the City's aforementioned contract with West Virginia Paving and under which the city shall release all claims it may have against St. Timothy Lutheran Church with respect to St. Timothy's use of Lawndale Drive for the purpose of constructing a new workshop center arising on or prior to the date of payment made to the City.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 394-03 as amended, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 395-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 395-03 – “Authorizing the Mayor to sign a request for project scope/activity change for the West Side Neighborhood Association Grant No. 03LEDA0148 for \$20,000 and Grant No. 03LEDA0149 for \$5,000. The original scope to work was for new construction of housing units and renovation of existing homes. These funds cannot be used on private property projects per the West Virginia Development Office. The West Side Neighborhood Association Board of Directors is requesting that the grant money be earmarked for a ramp to be installed at Tiskelwah Community Center at 600 Florida Street and for the Florida Street Streetscape Program.”

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

That the Mayor is hereby authorized and directed to sign a request for project scope/activity change for the West Side Neighborhood Association Grant No. 03LEDA0148 for \$20,000 and Grant No. 03LEDA0149 for \$5,000. The original scope to work was for new construction of housing units and renovation of existing homes. These funds cannot be used on private property projects per the West Virginia Development Office. The West Side Neighborhood Association Board of Directors is requesting that the grant money be earmarked for a ramp to be installed at Tiskelwah Community Center at 600 Florida Street and for the Florida Street Streetscape Program.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 395-03, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 396-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 396-03 – “Authorizing the Mayor to sign and submit Fiscal Year 2004 Local Economic Development Assistance (LEDA) Grant and Governor's Community Partnership Grant (GCPG) application, and all related documents, for the agencies designated on the attached list which are located 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 sign and submit Fiscal Year 2004 Local Economic Development Assistance (LEDA) Grant and Governor's Community Partnership Grant (GCPG) application, and all related documents, for the agencies designated on the attached list which are located in the City of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 396-03, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 397-03, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 397-03 – “Authorizing the Mayor to sign an Agreement with the West Virginia Department of Administration, Division of Culture and History, for a grant in the amount of \$84,332 to provide for renovation to the Civic Center Little Theater. The grant is a 50/50 match with Civic Center funds being provided from ticket surcharges and utilization fees to users.”

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

That the Mayor is hereby authorized and directed to sign an Agreement with the West Virginia Department of Administration, Division of Culture and History, for a grant in the amount of Eighty-four Thousand Three Hundred Thirty-two Dollars (\$84,332) to provide for renovation to the Civic Center Little Theater. The grant is a 50/50 match with Civic Center funds being provided from ticket surcharges and utilization fees to users.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 397-03, adopted.

10. Your Committee on Finance has had under consideration a bid submitted by Recreonics, Inc., in the amount of \$3,807.10, for purchase of a commercial grade pool cleaner to be utilized by the Parks & Recreation Department for cleaning City pools. To be charged to Account No. 001-979-00-900-4-459, P&R-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.

11. Your Committee on Finance has had under consideration a bid submitted by Crede Tractor Sales & Service, Inc., in the amount of \$3,779, for purchase of a sod cutter to be used by the Parks and Recreation Department. To be charged to Account No. 001-979-00-900-4-459, P&R-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.

12. Your Committee on Finance has had under consideration a proposal submitted by Baker Truck Equipment Company, in the amount of \$4,086, for replacement of the lift gate on a truck used by the Parks and Recreation Department. To be charged to Account No. 001-754-00-000-2-216, Equipment Maintenance-M&R, 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.

13. Your Committee on Finance has had under consideration a bid submitted by Electronic Communications of West Virginia

Inc., in the amount of \$4,140, for purchase of six (6) radios and accessories to be used by the Charleston Fire Department. The Department has the option to purchase radios on an as needed basis up to one Purchase of Radios for the Fire Department, 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.

14. Your Committee on Finance has had under consideration a bid submitted by Dill's Fire and Safety Equipment Co., Inc. for the purchase of fire fighting gear for the City firemen at a cost of \$904 per set. The unit price cost will remain in effect up to one year from date of initial order to enable the Department to purchase firefighting gear on an as needed basis. To be charged to Account No. 001-976-00-706-4-459, Fire-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.

15. Your Committee on Finance has had under consideration a bid submitted by Harley-Davidson Kawasaki of WV, Inc., in the amount of \$7,500, for purchase of five (5) Model 2004 Harley-Davidson police motorcycles. The motorcycles are being acquired under a special promotional plan offered by Harley-Davidson to the Charleston Police Department. To be charged to Account No. 001-976-00-700-4-459, Police – 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.

16. Your Committee on Finance has had under consideration a proposal submitted by Contech Construction Products, in the amount of \$4,951.02, for purchase of various sizes of pipe for stockpiling at the Street Department. To be charged to Account No. 001-750-00-000-3-341, Street-Materials & Supplies, 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 Bill No. 7005, and reports the same to Council with the recommendation that the Bill do pass.

Ordinance No. 7005 A Bill to require the monthly placement of funds in the Spring Hill Cemetery Park Combined Endowment Fund, Inc., for the general care and maintenance of the Spring Hill Cemetery Park.

WHEREAS, The Charleston City Charter specifies that the City shall own and maintain a municipal cemetery which it has done since 1869; and,

WHEREAS, the Spring Hill Cemetery Combined Endowment Fund, Inc. was duly authorized by City Council (Ord.1120/Ord. 6417) and is charged with managing the funds and income there from for the general purpose of maintaining and providing for care of the cemetery.

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

That the Council for the City of Charleston hereby orders that the City Treasurer remit twenty percent (20%) of all monthly gross revenue derived from the operation of Spring Hill Cemetery Park to the aforesaid Endowment Fund account on the last day of each month beginning November 30, 2003.

All inconsistent prior City of Charleston ordinances, rules and laws are hereby repealed.

This bill is to become effective immediately upon its passage by council.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7005, passed.

18. Your Committee on Finance has had under consideration Bill No. 7006, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7006 – Amending and reenacting the schedule of rates, established on May 19, 2003, in Bill No. 6972, for the Spring Hill Cemetery Park, to include a sales price of \$350.00 per cremation remains burial site and a fee of \$65.00 per steel vault installation.

WHEREAS, on September 18, 2003, the Spring Hill Cemetery Park Commission, in accordance with its duties and obligations under Chapter 27 of the City Code, established the above fees, which must be approved by City Council, pursuant to City Code § 27-7.

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

That the Schedule of rates for the Spring Hill Cemetery Park is amended and reenacted as stated herein:
“SCHEDULE OF RATES FOR THE SPRING HILL CEMETERY PARK”

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
<u>Cremation remains burial site</u>	<u>\$350.00</u>
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
<u>Steel Burial Vault Installation Fee</u>	<u>\$ 65.00</u>
<u>(concrete setting not available)</u>	
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.”	

All prior inconsistent ordinances, rules and resolutions are hereby repealed.

These rates will become effective immediately upon adoption by Council.

The Clerk of the City of Charleston is hereby directed to publish this ordinance as a Class II legal advertisement, pursuant to W.Va. Code § 8-13-13, along with the time and place of the council meeting where this ordinance is to be finally adopted.

The question being on the passage of the Bill a roll call was taken and there yeas-26, nays-0, absent-2, as follows:
YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Hall, Loeb.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Bill No. 7006, passed.

19. Your Committee on Finance has had under consideration a Payment of an invoice from WV Division of Criminal Justice Services, in the amount of \$5,000, for tuition costs for five (5) probationary police officers to attend the Basic Police Training Program at the police academy from September 8 through December 19, 2003. To be charged to Account No. 001-700-00-000-2-221, Police –Training.—Tuition for Five Probationary Police Officers to Attend Basic Police Training Program, 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.

20. Your Committee on Finance has had under consideration a Payment of an invoice from Spilman, Thomas & Battle in the amount of \$3,939.96, for professional services rendered during August 2003 in the West Virginia-American Water Company's pending rate case before the Public Service Commission of West Virginia. The amount of \$3,939.96 reflects the City's expenses for this matter which are being shared with the City of South Charleston. To be charged to Account No. 001-417-00-000-2-223, Legal – Professional 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. Abstain- Mary Jean Davis and Jerry Ware.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; September, 2003.

Received and Filed.

2. City Treasurer's Report to City Council Month Ending September 2003;

Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Marc Weintraub, on October 21, 2003:

Bill No. 7019, A Bill approving the following modification of the Washington Street East Urban Renewal Plan for the City of Charleston, West Virginia: Designation of certain parcels as a Public Redevelopment Project.

Refer to Urban Renewal.

UNFINISHED OR MISCELLANEOUS BUSINESS

NONE.

ROLL CALL

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Foster, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Monroe, Morton, Nielsen, Reed, Reishman., Robertson, Sadd, Talkington, Ware, Weintraub, White, Mayor Jones.

NAYS:

ABSENT: Hall, Loeb.

At 7:50 p.m., on motion of Councilman Loeb, Council adjourned until November 3, 2003, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk