

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON
WEST VIRGINIA

November 21, 2005

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF NOVEMBER ON THE 21ST DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LED BY JERRY WARE.

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

**CHESTNUT
DEITZLER
HANNA
HIGGINS
LANHAM
MILLER**

**CLOWSER

HARRIS
JONES
LANE
MONROE
REED
SADD**

**DAVIS
HALL
HARRISON
LOEB
MORTON
MARKHAM
REISHMAN
TALKINGTON**

**WARE
MAYOR JONES**

TWENTY- THREE 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.

PUBLIC SPEAKERS

1. NONE

CLAIMS

1. A claim of Barbara O'Byrne, 430 Forest Circle, Charleston, WV; alleges personal injury. Refer to City Solicitor.
2. A claim of Tiffany Tyson, 1046 Grant Street, Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.
3. A claim of Ami Peters, 717 Gordon Drive, Charleston, WV; alleges damage to vehicle. Refer to City Solicitor.

PUBLIC SPEAKERS

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. 7173, a bill amending and reenacting the schedule of rates for the Spring Hill Cemetery Park, established on October 21, 2003 by Bill No.7006.

The Chair sees no one from the public.

The Chair hears no one from the public.

The Chair declares Public Hearing on Bill No. 7173, Closed.

COMMUNICATIONS

Honorable Danny Jones and
City Council Members
Charleston, West Virginia, 25301

Dear Mayor Jones and Councilmember's:

On November 9, 2005, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following case should be referred to the Council

Committee on Planning.

Special Permit #1219 – Application of Andrew V. Gallagher requesting a Special Permit to establish a professional office in an R-10 High Density Multi-Family Residential Zoning District located at 2214 Washington Street, East.

Sincerely,
Municipal Planning Commission
Phyllis White

The Mayor referred the cases to the Planning Committee.

REPORTS OF STANDING COMMITTEES

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 Special Permit No. 1217, and reports the same to Council with the recommendation that the Special Permit be approved

Special Permit # 1217 – Application of Keeley Steele requesting a Special Permit to serve beer, wine and liquor in a C-6 Community Commercial District with Urban Renewal Overlay District accessory to the restaurant business located at 1600 Washington Street, East.

The question being on the approval of the Special Permit a vote was taken. There being no dissent the Mayor declared Special Permit #1217 approved.

2. Your Committee on Planning has had under consideration Bill No. 7167, as amended, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7167, as amended – A Bill amending and reenacting Chapter 91, of the Charleston City Code for the purpose of replacing the referenced ordinance titled “Zoning Ordinance of the City of Charleston, West Virginia, as passed by Ordinance No. 2924, March 7, 1983 as amended” with a new ordinance titled “Zoning Ordinance of the City of Charleston, West Virginia, November 21, 2005”, said document shall be kept on file in the Charleston Planning Department and City Clerk’s Office.

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

1. That City Council hereby finds:

- a. The Comprehensive Plan for the City of Charleston is in compliance with the minimum components and objectives as outlined in Section 8a-3-4 of the Code of West Virginia; and
 - b. The Zoning Ordinance includes the minimum content as required by Section 8A-7-2 of the Code of West Virginia; and
 - c. The Zoning Ordinance is consistent with the goals, objectives, plans and priorities established by the Comprehensive Plan for the City of Charleston.
2. Therefore, Chapter 91, of the Charleston City Code is hereby amended and reenacted to read as follows:

Sec. 91-1. ZONING ORDINANCE

There is hereby adopted that certain revised document heretofore published by the City and which is entitled “ZONING ORDINANCE of the CITY OF CHARLSTON, WEST VIRGINIA, as passed by Ordinance No. 7167, November 21, 2005 ”, as revised by the Council of the City of Charleston, and kept on file in the Planning Department and City Clerks Office, City Hall, where it shall be available to the public for inspection and use during all regular business hours; and said document, as revised, is hereby incorporated herein and made a part thereof as fully as though set out in length; and the provisions of said document, as revised by council for the City of Charleston from time to time, shall be controlling within the City limits of the City of Charleston in all matters related to its subject matter. It is unlawful for any person to act in any way or manner contrary to the provisions therein.

All prior inconsistent ordinances, rules and resolutions are hereby repealed.
The effective date of this ordinance is November 21, 2005.

The question being on the passage of the Bill a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7167, as amended, adopted.

PUBLIC SAFETY

Councilman Harry Deitzler, Vice Chairman of the Council Committee on Public Safety, submitted the following reports.

1. Your Committee on Public Safety has had under consideration Bill No. 7174 Committee Substitute, and reports the same to Council with the recommendation that the Bill do pass.

A Bill amending and reenacting Chapter 10 of the Code of the City of Charleston, 2003, as amended, by adding Section 123; restricting the number of dogs a person can own, keep or harbor to two ~~three~~ dogs.

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

That Chapter 10, Section 123 of the Code of the City of Charleston, 2003, as amended, is amended to read as follows:

Section 10-123. Restriction on number of dogs.

No person shall own, keep or harbor more than two ~~Three (2) (3)~~ dogs on any lot, premises, dwelling, building, structure, boat or living accommodation unless properly licensed as a commercial kennel in compliance with the zoning ordinance.

The question being on the passage of the Bill a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7174 Committee Substitute, adopted.

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. 7171, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a Stop intersection on Cyrus Point at Smith Road and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Stop intersection on Cyrus Point at Smith Road is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263,

Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7171, adopted.

2. Your Committee on Streets and Traffic has had under consideration Bill No. 7172, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a Stop intersection on Turley Lane at Turley Road and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A Stop intersection on Turley Lane at Turley Road is hereby established.

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as 22 amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

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

declared Bill No. 7172, adopted.

3. Your Committee on Streets and Traffic has had under consideration Bill No. 7176, and reports the same to Council with the recommendation that the Bill do pass.

A Bill to establish a 15 minute Stopping and Standing Zone on the easterly side of Capitol Street from a point 76 feet south of Washington Street, East to a point 112 feet south of Washington Street, East and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A 15 minute Stopping and Standing Zone on the easterly side of Capitol Street from a point 76 feet south of Washington Street, East to a Point 112 feet south of Washington Street, East is hereby established.

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

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

The question being on the passage of the Bill a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7176, adopted.

FINANCE

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

1. Your Committee on Finance has had under consideration Resolution No. 929-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 929-05 : “Authorizing “Citizen Appreciation Parking” for Saturday,

November 26, 2005, and four Saturdays in December 2005 (3rd, 10th, 17th and 24th). “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2), and all metered on-street parking spaces.”

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

That “Citizen Appreciation Parking” for Saturday, November 26, 2005, and four Saturdays in December 2005 (3rd, 10th, 17th and 24th), is hereby approved. “Citizen Appreciation Parking” shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2), and all metered on-street parking spaces.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 929-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 930-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 930-05 : “Authorizing the Finance Director to make revisions to the 2005-2006 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 2005-2006 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-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 930-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 931-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 931-05 : “Authorizing the Mayor to enter into a Commercial Account Agreement with Chase Bank, formerly Bank One, providing for commencement of the

Agreement to start on the date of receipt and acceptance by Chase Bank, and ending on the second anniversary of the commencement date with an option to renew for an additional two-year period.”

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 Commercial Account Agreement with Chase Bank, formerly Bank One, providing for commencement of the Agreement to start on the date of receipt and acceptance by Chase Bank, and ending on the second anniversary of the commencement date with an option to renew for an additional two-year period.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 931-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 932-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 932-05 : “Authorizing the Mayor to sign and submit fiscal year 2006 Local Economic Development Assistance (LEDA) grant applications and all related documents for the agencies designated on the attached list, located throughout the City of Charleston.”

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

The Mayor is hereby authorized and directed to sign and submit Fiscal Year 2006 Local Economic Development Assistance (LEDA) grant applications and all related documents for the agencies designated on the attached list, located throughout the City of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-22, nays-0, absent-5, abstain – 1, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

ABSTAIN: Harris

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 932-05, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 933-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 933-05 : “Authorizing the Mayor to sign a contract accepting the conditions between the City of Charleston and the West Virginia Development Office for a FY 2005 Governor’s Community Partnership Grant in the amount of \$5,000 for the Center of

Economic Options to create marketing materials to promote small business participation in Showcase West Virginia, located in the Town Center Mall, which will provide for market access and related technical assistance to approximately 300 small businesses in West Virginia.”

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

That the Mayor is hereby authorized and directed to sign a contract accepting the conditions between the City of Charleston and the West Virginia Development Office for a FY 2005 Governor’s Community Partnership Grant in the amount of Five Thousand Dollars (\$5,000) for the Center of Economic Options to create marketing materials to promote small business participation in Showcase West Virginia, located in the Town Center Mall, which will provide for market access and related technical assistance to approximately 300 small businesses in West Virginia.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 933-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 934-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 934-05 : “Authorizing the Mayor to sign a request for Project Amendment Scope/Activity Change for the REA of Hope Fellowship Home Project No. 05CPGP0148. The original scope of the project provided for purchase and installation of a mechanical lift and renovation of restrooms to comply with ADA regulations. These upgrades have been completed and the project has a balance of \$2,958.11. It is being requested that these funds be used to assist in the re-roofing of porches at the REA of Hope Fellowship Home.”

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 Amendment Scope/Activity Change for the REA of Hope Fellowship Home Project No. 05CPGP0148. The original scope of the project provided for purchase and installation of a mechanical lift and renovation of restrooms to comply with ADA regulations. These upgrades have been completed and the project has a balance of \$2,958.11. It is being requested that these funds be used to assist in the re-roofing of porches at the REA of Hope Fellowship Home.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 934-05, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 935-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 935-05 : “Authorizing the Mayor to submit a Letter of Interest to the National Park Service Rivers and Trails Program to establish a Groundwork Trust. If successful, the City may receive \$15,000 in grant funds for a feasibility study to determine if forming a Groundwork Trust is appropriate for the City.”

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

That the Mayor is hereby authorized and directed to submit a Letter of Interest to the National Park Service Rivers and Trails Program to establish a Groundwork Trust. If successful, the City may receive Fifteen Thousand Dollars (\$15,000) in grant funds for a feasibility study to determine if forming a Groundwork Trust is appropriate for the City.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 935-05, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 936-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 936-05 : “Authorizing the Mayor to sign Change Order No. 11 with Progressive Electric, Inc. for changes in Baseball Stadium Bid Package No. CI-2D—Electrical, in the amount of \$13,575, with a decrease in the amount of \$1,700, for a total of \$11,875. The new contract price for this project is \$864,944.86.”

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. 11 with Progressive

Electric, Inc. for changes in Baseball Stadium Bid Package No. CI-2D—Electrical, in the amount of \$13,575, with a decrease in the amount of \$1,700, for a total of \$11,875. The new contract price for this project is \$864,944.86. The change order provides for the following work:

1.	Replace receptacles (3) in the concession stands with GFCI receptacles per City Inspector	\$1,242
2.	Sound system relocation in press box	1,980
3.	Install correct power voltage for sewage pump and storm water pump for both dugouts	2,697
4.	Provide power for instant hot water panels for dugouts	858
5.	Provide power connection for temporary generators and field light towers	3,272
6.	Relocation of sound speakers at 601 Morris Street.....	364
7.	Relocation of sound speakers at press box	970
8.	Provide temporary power and controls for field sprinkler system	2,192
	Credit for painting white light fixtures	(1,700)
	TOTAL	\$11,875

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 936-05, adopted.

9. Your Committee on Finance has had under consideration Bill No. 7173, and reports the same to Council with the recommendation that the bill do pass.

Bill No. 7173 Amending and reenacting the schedule of rates, established on October 21, 2003, in Bill No. 7006, for the Spring Hill Cemetery Park.

WHEREAS, on October 21, 2003, the Spring Hill Cemetery Park Commission, in accordance with its duties and obligations under Chapter 22 of the City Code, established the below mentioned fees, which must be approved by City Council, pursuant to City Code § 22.

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;	No Spaces Available
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)	\$700.00
Wilson	\$900.00
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
* No Charge *(infants up to two years of age)	
Wilson, Block 6-A, 7-A & 8	\$900.00
Wehrle Addition, Section 16	\$850.00
Willow Lawn Addition	\$800.00
Cremation remains burial site	\$350.00
Park Land (when developed)	N/A
Columbarium AGM 64- 9-2005-1	Each Niche \$1000.00
Garden of Memories	
(Price includes first niche plate)	

The following Table of Service Pricing shall apply:

	(Includes Tent & Chairs)
Standard Adult	Opening/Closing
Weekdays M-F	\$750.00
Weekends, Sat. /Sun. (Weekends to include Monday before noon)	\$850.00
Baby Graves	Opening/Closing
Weekdays M-F (infants up to two years of age. No Charge)	\$200.00
Weekends & Holidays	
Weekends to include Monday Before noon and holidays)	\$250.00
Tent service for children's funeral	\$75.00
Mausoleum Committal Services	
Old Mausoleum	N/A
Mausoleum Crypt	Opening/Closing
Weekdays M-F	\$400.00
Weekends & Holidays	
Weekends to include Monday Before noon and holidays)	\$500.00
Optional tent service for outside mausoleums	\$150.00

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

Additional charges for rental of lift equipment will apply if crypt is above level 3 in a mausoleum.

(Rental costs are set by the supplier at time of need)

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

Standard setting fees apply to resetting repossessed monuments and markers

Government Supplied V.A. Memorials

No Charge

Only granite or bronze on granite markers are allowed.

(The exception shall be for Government VA Markers or matching of existing markers)

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 (Ground Burial)

Weekdays M-F

\$300.00

Weekends Sat. /Sun. (Weekends to include

Monday before noon)

\$400.00

Opening / Closing Columbarium

M-F

\$250.00

Weekends and Holidays

\$350.00

Committal Service Set Up

\$150.00

Steel Burial Vault Installation Fee

\$ 65.00

(Concrete setting not available)

The following Table of Merchandise Pricing shall apply:

Memorials and related merchandise not to exceed 300% of wholesale cost

Outside burial container charges are not to exceed 300% of wholesale cost

The purchase price and charges for other required

Services and materials for mausoleums and cremation
Depositories will be based on individual application

Custom design purchases will be priced per application

Flower Location/Setting Service Fee \$3.00 per flower arrangement
delivered by outside vendors
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 were; yeas-23, nays-
0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane,
Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware,
Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor
declared Bill No. 7173, adopted.

10. Your Committee on Finance has had under consideration Bill No. 7175, and
reports the same to Council with the recommendation that the bill do pass.

A Bill to amend and reenact §86-161(13), §54-105(13), §66-54(13) of said code; relating to legal
holidays; providing that the fourth Thursday and Friday of November shall be legal holidays;
combining Lincoln’s and Washington’s birthday into a single Presidents’ Day holiday.

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

That §86-161(13), §54-105(13), §66-54(13) of the code of the City of Charleston, 2003,
as amended, be amended and reenacted to read as follows:

DIVISION 6. HOLIDAYS AND OTHER LEAVE

Sec. 86-161. Paid Holidays

(a) The following days shall be regarded, treated and observed as legal holidays:

- (1) January 1st, New Year's Day;
- (2) The third Monday of January, Martin Luther King's Birthday;
- (3) The third Monday of February, Presidents' Day;
- (4) The last Monday in May, Memorial Day;
- (5) June 20th, West Virginia Day;
- (6) July 4th, Independence Day;
- (7) The first Monday of September, Labor Day;
- (8) The second Monday of October, Columbus Day;
- (9) November 11th, Veterans Day;
- (10) The fourth Thursday and Friday of November, Thanksgiving Day Holidays;
- (11) December 25th, Christmas Day;
- (12) Any national, state or other election day throughout the district or municipality wherein the election is held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, the City of Charleston may choose not to recognize the day of the election as a holiday if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday; and

(13) All days which may be appointed or recommended by the Mayor, the Governor or the President of the United States as days of thanksgiving or for the general cessation of business. When any of such days or dates falls on Saturday or Sunday, either the preceding Friday of the succeeding Monday shall be regarded, treated and observed as such legal holiday.

(b) Regular part-time employees shall receive half the number of vacation days afforded to regular full-time employees. An employee absent without authorized leave on the last working day preceding or the first working day following a holiday shall not receive regular compensation for the holiday. Holidays which occur during a full-time or regular part-time employee's regularly scheduled day off shall be compensated for by straight time pay or an additional shift off in lieu thereof. Such pay shall be for a normal working day at the straight hourly equivalent rate for his position classification. Employees who are required to work on a holiday shall be compensated in accordance with departmental rules and regulations.

(Ord. No. 6410, § 2-108, 6-1-1998)

Sec. 54-105. Legal Holidays.

(a) The following days shall be regarded, treated and observed as legal holidays:

- (1) January 1st, New Year's Day;
- (2) The third Monday of January, Martin Luther King's Birthday;
- (3) The third Monday of February, Presidents' Day;
- (4) The last Monday in May, Memorial Day;
- (5) June 20th, West Virginia Day;
- (6) July 4th, Independence Day;

- (7) The first Monday of September, Labor Day;
- (8) The second Monday of October, Columbus Day;
- (9) November 11th, Veterans Day;
- (10) The fourth Thursday and Friday of November, Thanksgiving Day Holidays;
- (11) December 25th, Christmas Day;
- (12) Any national, state or other election day throughout the district or municipality wherein the election is held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, the City of Charleston may choose not to recognize the day of the election as a holiday if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday; and

(13) All days which may be appointed or recommended by the Mayor, the Governor or the President of the United States as days of thanksgiving or for the general cessation of business.

When any of such days or dates falls on Saturday or Sunday, either the preceding Friday or the succeeding Monday shall be regarded, treated and observed as such legal holiday.

(b) Uniformed members on shift duty with the fire department who are off duty eight hours but are required to work 16 hours on a legal holiday shall be paid for an extra day at their regular hourly rates. Those who work eight hours and are off duty 16 hours on the legal holiday, or whose normally scheduled shifts off span such legal holiday, shall be allowed one day of equal time off, which may be taken in conjunction with their annual vacation leave or at such other time as approved by the fire chief or his designee.

(c) Uniformed members of the fire department on a 40-hour week who are required to work on a legal holiday shall be paid for an extra eight hours at their regular hourly rates. If the legal holiday falls on their regularly scheduled day off, they shall be allowed equal time off, which may be taken in conjunction with their annual vacation leave or at such time as approved by the fire chief or his designee.

(d) A member of the emergency medical service division who is working a 12-hour shift shall either be paid for the extra 12 hours worked on such holiday at his regular hourly rate or be allowed to add one day to his vacation leave. If the legal holiday falls on his regularly scheduled day off, he shall be allowed one day of equal time off, which may be taken at such time as approved by the fire chief.

(Ord. No. 6228, § 12-43.5, 5-6-1996)

Sec. 66-64. Legal Holidays.

(a) The following days shall be regarded, treated and observed as legal holidays:

- (1) January 1st, New Year's Day;
- (2) The third Monday of January, Martin Luther King's Birthday;
- (3) The third Monday of February, Presidents' Day;
- (4) The last Monday in May, Memorial Day;
- (5) June 20th, West Virginia Day;
- (6) July 4th, Independence Day;

- (7) The first Monday of September, Labor Day;
- (8) The second Monday of October, Columbus Day;
- (9) November 11th, Veterans Day;
- (10) The fourth Thursday and Friday of November, Thanksgiving Day Holidays;
- (11) December 25th, Christmas Day;
- (12) Any national, state or other election day throughout the district or municipality wherein the election is held, provided, that if a special or other election of a political subdivision other than the City of Charleston falls on a Saturday or Sunday, the City of Charleston may choose not to recognize the day of the election as a holiday if a majority of the City of Charleston City Council votes not to recognize the day of the election as a holiday; and

(13) All days which may be appointed or recommended by the Mayor, the Governor or the President of the United States as days of thanksgiving or for the general cessation of business.

When any of such days or dates falls on Saturday or Sunday, either the preceding Friday or the succeeding Monday shall be regarded, treated and observed as such legal holiday.

(b) A sworn member of the police department who is assigned to an eight-hour shift schedule and is required to work on a legal holiday, as set forth in subsection (a) of this section, shall either be paid for those hours worked during the holiday period, not to exceed eight hours, at his regular hourly rate of pay or be allowed to add up to eight hours to his vacation leave. If the legal holiday falls on his regularly scheduled day off, he shall be allowed eight hours of equal time off, which may be taken at such time as approved by the chief of police.

(c) A sworn member of the police department who is assigned to a 12-hour shift schedule and is required to work his entire 12 hours on a legal holiday, as set forth in subsection (a) of this section, shall either be paid for an extra 12 hours at his regular hourly rate or be allowed to add 12 hours to his vacation leave. If the legal holiday falls on his regularly scheduled day off, he shall be allowed 12 hours of equal time off, which may be taken at such time as approved by the chief of police.

(d) A sworn member of the police department who is assigned to a 12-hour shift schedule and is required to work a portion of his 12-hour shift on a legal holiday, as set forth in subsection (a) of this section, shall, for those hours actually worked during the holiday period, either be paid an amount equal to his regular hourly rate times the period of time worked on the holiday or be allowed to add an equal amount of time to his vacation leave. For that portion of his 12-hour shift that does not fall within the holiday period, the member shall be allowed to add an equal amount of time to his equal time off allowance, which may be taken at such time as approved by the chief of police.

(Code 1975, § 22-12)

NOTE: This Ordinance shall take effect immediately following passage by City Council with a vote in the affirmative from three-fifths of its members elected.

The question being on the passage of the Bill a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7175, adopted.

11. Your Committee on Finance has had under consideration Bill No. 7177, and reports the same to Council with the recommendation that the bill do pass.

AN ORDINANCE AUTHORIZING PARTICIPATION IN WVML MUNICIPAL REVENUE
ENHANCEMENT PROGRAM AND THE EXECUTION OF THE INTERGOVERNMENTAL
AGREEMENT FOR THE EXCHANGE OF INFORMATION AMONG THE CITY OF
CHARLESTON, THE WEST VIRGINIA MUNICIPAL LEAGUE, INC., AND
PARTICIPATING MUNICIPALITIES

Whereas, the City of Charleston (the “Municipality”) desires to promote the exchange and dissemination of information and ideas designed for the more efficient administration and conduct of municipal affairs; and

Whereas, the Municipality desires to avoid duplicative taxation; and

Whereas, the West Virginia Municipal League offers a municipal revenue enhancement program advancing the administration and collection of municipal revenues (including taxes and fees) by providing for the exchange of information among the Municipality, the League and such other municipalities which similarly adopt this Intergovernmental Agreement (“Participating Municipalities”); and

Whereas, the Municipality has determined that its efforts to achieve its above stated purposes will be furthered through the League’s municipal revenue enhancement program; and that the Municipality will receive benefits by the League performing audits and collection activities for multiple participating municipalities with joint interests; and

Whereas, pursuant to West Virginia Code §8-23-3, the attached Intergovernmental Agreement For The Exchange of Information Among the City of Charleston, the West Virginia Municipal League, Inc., and Participating Municipalities has been approved as to form by the West Virginia Attorney General.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY, as follows:

Section 1. It is hereby found and determined that the terms of the attached

Intergovernmental Agreement For The Exchange Of Information Among The City of Charleston, The West Virginia Municipal League, Inc. and Participating Municipalities in the form presented to this meeting and incorporated in this Ordinance are in the best interests of the Municipality.

Section 2. The Intergovernmental Agreement for the Exchange of Information Among the City of Charleston, the West Virginia Municipal League Inc., and Participating Municipalities is hereby approved. The Mayor and other officers of the Municipality who shall have power to execute contracts on behalf of the Municipality be, and each of them hereby is, authorized to execute, acknowledge and deliver the Intergovernmental Agreement, such approval to be conclusively evidenced by such execution and delivery of the Intergovernmental Agreement. The Mayor, Clerk or Recorder and any other officers of the Municipality who shall have the power to do so be and each of them hereby is, authorized to affix the official seal of the Municipality to the Intergovernmental Agreement and attest the same.

Section 3. The proper officer(s) of the Municipality be, and each of them hereby is authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Ordinance and enabling this Municipality to participate in the WVML Revenue Enhancement and Administration Program.

Section 4. The proper officer(s) of the Municipality shall, in order for the Intergovernmental Agreement to become effective, file a copy of the same with the recorder of all participating municipalities, the State Tax Commissioner and the West Virginia Municipal League.

Section 5. This Ordinance shall take effect immediately.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

The question being on the passage of the Bill a roll call was taken and there were; yeas-23, nays-0, absent-5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

NAYS:

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7177, adopted.

REPORTS OF OFFICERS

1. City Treasurer's Report to City Council Month Ending October 2005;
Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Marc Weintraub, on November 21, 2005:

Bill No. 7178 - A Bill approving certain modifications of the Washington Street, East Urban Renewal Plan for the City of Charleston with respect to strengthening neighborhoods through positive action rather than demolition; developing infill housing on vacant lots and rehabilitating existing housing where appropriate; developing recreational amenities for residents of varying age and physical ability, giving a high priority to locations north of Washington Street where facilities are most limited and the need is greatest; and encompassing recommendations of residents, property owners and business representatives who participated in a dynamic public planning process held at the Roosevelt Neighborhood Center in November, 2004.

Refer to Urban Renewal Committee.

ROLL CALL

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

YEAS: Chestnut, Clowser, Davis, Deitzler, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Monroe, Morton, Reed, Reishman, Sadd, Talkington, Ware, Mayor Jones.

ABSENT: Ealy, Nielsen, Robertson, Weintraub, White.

At 7:45 p.m., on motion of Councilman Lane, Council adjourned until Monday, December 5, 2005, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk