

CHARLESTON CITY COUNCIL

Regular Meeting

April 1, 2019

at 7:00 PM



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

AGENDA

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. Claims

PROCLAMATIONS

1. Proclamations

COMMUNICATIONS

REPORTS OF STANDING COMMITTEES

PLANNING, STREETS AND TRAFFIC

1. Bill No. 7805 - A Bill to establish a No Parking Tow-Away zone on the west side of Zable Drive at Ledge Hill Drive to a point 50 feet south of Ledge Hill Drive and amending the Traffic Control Map and Traffic Control File.

FINANCE

1. Resolution No. 179-19 - Authorizing the Finance Director to amend the 2016, 2017 and 2018 Community Development Block Grant budgets.
2. Resolution No. 180-19 - Authorizing the City Manager to enter into a Credit Card Agreement with JP Morgan Chase Bank for City-wide use with a credit limit of up to \$20,000.
3. Resolution No. 181-19 - Authoring the Mayor or City Manager to receive and administer a supplemental award in the amount of \$100,500 from the WV Governor's Highway Safety Program, providing overtime reimbursement to the Charleston Police Department for highway safety-related enforcement activities.

REPORTS OF OFFICERS

NEW BILLS

1. New Bills

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

ROLL CALL

ADJOURNMENT

THE NEXT MEETING WILL BE HELD APRIL 15, 2019 AT 7:00 P.M.

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



AFFIDAVIT City of Charleston



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

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

CAROLYN MILLER, Claimant,

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

That this affiant resides at: 5308 VENABLE AVE CHAS. WV 25304

Telephone Number: 681-265-2763

and that on the 15th day of JANUARY, 2018/2019, at approximately 2:00 am/pm in the City of Charleston, West Virginia, he/she sustained

Damage to 2013 Honda Accord

Nature Of Injury And/Or Damage

As A Result Of:

Damage to 2013 Honda Accord Bumper & Trunk.
City truck dumped gravel in front of 5310 Venable Ave.
a gravel hit back of car

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

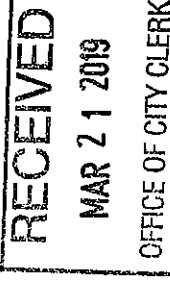
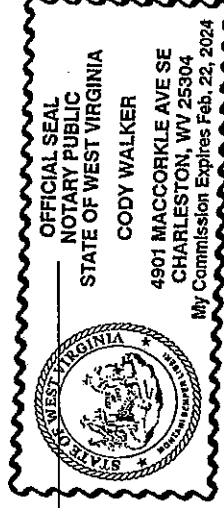
Carolyn Miller

Signature of Claimant

Taken, subscribed and sworn to before me this 8 day of March, 2019.
My commission expires 02/22/2024.

Cody Walker

Notary Public





AFFIDAVIT
City of Charleston



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

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

Carl Wilson, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 552 Earle St, Charleston, WV, 25302

Telephone Number: 681 265 2623

and that on the 26 day of Feb, 2018, at approximately 8:45 am/pm
in the City of Charleston, West Virginia, he/she sustained

The CSR crushed by brand new 40'7" gutter in a
trash truck. This was brand new with no scratches or dents
and laying beside my house.

As A Result Of:

CSR personnel being disrespectful and spiteful.

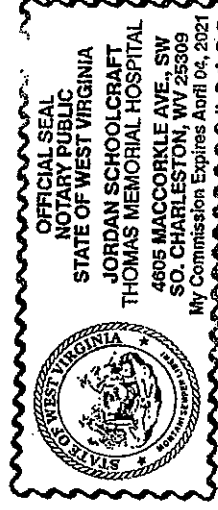
As a result of which accident the Claimant, Carl Wilson, does hereby
make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by
him/her in the future.

Carl Wilson

Signature of Claimant

Taken, subscribed and sworn to before me this 18 day of March, 2019.
My commission expires April 4 2021

John Schocraft
Notary Public



RECEIVED
MAR 25 2019
OFFICE OF CITY CLERK



**PLANNING, STREETS AND TRAFFIC
COMMITTEE REPORT**

Mary Beth Hoover, Chair

To: Miles Carey, City Clerk

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

Date: March 25, 2019

Subject: Bill No. 7805

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

Bill No. 7805 - A Bill to establish a No Parking Tow-Away zone on the west side of Zable Drive at Ledge Hill Drive to a point 50 feet south of Ledge Hill Drive and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Mary Beth Hoover
Chair

Chad Smith

Wesley

Mike R. Smith

Breanna C. Caperley

Naomi Bays

Jennifer Pharr (by phone)

1 **Bill No. 7805**

2 Passed by Council:

3 Introduced in Council

4 **March 4, 2019**

5 Referred to:

6 Introduced by:

Planning, Streets and Traffic

7 **Pat Jones**

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11 **Bill No. 7805** - A Bill to establish a No Parking Tow-Away zone on the west side of
12 Zable Drive at Ledge Hill Drive to a point 50 feet south of Ledge Hill Drive and
13 amending the Traffic Control Map and Traffic Control File, established by the code of
14 the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
15 Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

17 Section 1. No Parking Tow-Away zone on the west side of Zable Drive at Ledge Hill
18 Drive to a point 50 feet south of Ledge Hill Drive.

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

23
24 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
25 repealed to the extent of said inconsistency.

Resolution No. 179-19:

Introduced in Council:

April 1, 2019

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

Finance Committee

Resolution No. 179-19: “Authorizing the Finance Director to amend the 2016, 2017 and 2018 Community Development Block Grant budgets as indicated on the accounts listed below.”

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

That the Finance Director is hereby authorized and directed to amend the 2016, 2017 and 2018 Community Development Block Grant budgets as indicated on the accounts listed below:

<u>Account Number</u>	<u>Description</u>	<u>Increase/(Decrease)</u>
009-018-00-001-0-999	CD Admin	(15,000) Decrease
009-019-00-199-0-999	Unprogrammed Funds	15,000 Increase
009-016-00-199-0-999	Unprogrammed Funds	(29,525.63) Decrease
009-017-00-199-0-999	Unprogrammed Funds	(60,562.26) Decrease
009-018-00-199-0-999	Unprogrammed Funds	(138,323.11) Decrease
009-018-00-002-0-999	Kanawha Valley Fellowship Home HVAC System	45,800 Increase
009-018-00-013-0-999	Planning Dept. 5 Corners Historic District	15,000 Increase
009-018-00-032-0-999	ADA Ramps- Engineering	80,000 Increase
009-018-00-059-0-999	North Charleston Comm Center Renovations	59,320 Increase
009-018-00-059-0-999	MLK Comm Center – Renovations	28,291 Increase

MOECD proposes to allocate CDBG funds for Kanawha Valley Fellowship Home, 5 Corners Historic District, ADA Curb Ramps, MLK Community Center and North Charleston Community Center. The funds will come from unprogrammed funds.

Resolution No. 180-19

Introduced in Council:

April 1, 2019

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

Finance Committee

Resolution No. 180-19- “Authorizing the City Manager to enter into a Credit Card Agreement with JP Morgan Chase Bank for City-wide use with a credit limit of up to \$20,000.”

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

That the City Manager is hereby authorized to enter into a Credit Card Agreement with JP Morgan Chase Bank for City-wide use with a credit limit of up to twenty Thousand Dollars (\$20,000).

Resolution No. 181-19

Introduced in Council

Passed by Council

April 1, 2019

Introduced by
Joseph Jenkins

Referred from
Finance Committee

1 Resolution No. 181-19 - Authoring the Mayor or City Manager to receive and administer
2 a supplemental award in the amount of \$100,500 from the WV Governor's Highway
3 Safety Program. These funds will provide overtime reimbursement to the Charleston
4 Police Department for highway safety-related enforcement activities to include Click It
5 or Ticket, red light running, aggressive driving, work zone, child seats and drunk driving.
6 There will be a 10% match for the FICA and pension costs that will be covered by the
7 police department's salary and wage budget.

8

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

10

11 That the Mayor or City Manager is hereby authorized to receive and administer a
12 supplemental award in the amount of \$100,500 from the WV Governor's Highway
13 Safety Program. These funds will provide overtime reimbursement to the Charleston
14 Police Department for highway safety-related enforcement activities to include Click It
15 or Ticket, red light running, aggressive driving, work zone, child seats and drunk driving.
16 There will be a 10% match for the FICA and pension costs that will be covered by the
17 police department's salary and wage budget.

18

19

Bill No. 7807

Introduced in Council:

April 1, 2019

Introduced by:

Mary Beth Hoover

Passed by Council:

Referred to:

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

Bill No. 7807 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by clarifying notification requirements for petitions related to land use in the City of Charleston and eliminating a development standard related to parking in the C-8 Village Commercial District.

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows: by clarifying written notification requirements for petitions related to land use and eliminating a development standard requiring 80% of all required parking spaces to be behind the front building line in the C-8 Village Commercial District.

1) In Article 28 Amendments to the Text and Zoning Map

Sec. 28-030 Application Procedures

A. Amendment to the Zoning Map Initiated by Petitioner

1. A request for rezoning of property shall be filed in a format prescribed by the Planning Department. ~~The request shall include a list of the property owners' names and addresses located within 250 feet of the affected area, including the subject property, as of record in the Office of the Kanawha County Assessor. The applicant must also submit the tax map and parcel numbers for the list of properties.~~ In order to defray, in part, the expenses connected with the application, a filing fee in the amount of \$125.00 shall be submitted with the application.
2. The Planning Department will conduct a formal review of the completed application.
3. The Planning Department will publish a legal advertisement describing the request for rezoning in a local newspaper of general circulation at least fifteen (15) days prior to the scheduled public hearing before the Planning Commission. ~~Notification to the property owners located within 250 feet of the affected property shall be mailed no later than ten (10) days prior to the public hearing. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 250 feet of the affected property no later than ten (10) days prior to the public hearing.~~
4. The Planning Director shall cause official zoning notification signs to be placed in a prominent location on the property notifying that an application for rezoning has been made.

32 B. Amendments Initiated by the Governing Body

33 When an amendment to the Zoning Ordinance involves a change in the zoning classification or
34 dwelling unit density of any parcel of land, the governing body shall, no later than 30 days
35 before the public hearing:

- 36 1. Give written notice by certified mail to the landowner(s) whose property is directly involved
37 in the proposed amendment; and
38 2. Publish notice of the proposed amendment in a local newspaper of general circulation as a
39 Class II-O legal advertisement.

40
41 2) In Article 29 Conditional Uses

42 Sec. 29-020 Application for Conditional Use Approval

43 A. The applicant shall file a formal and complete application for a conditional use permit with
44 the Planning Department. The application shall include:

45 1. A preliminary site plan which demonstrates the overall site layout and building
46 locations, parking areas and circulation, access and egress locations, setbacks and buffer
47 areas, lighting, landscaping, signage and the location and extent of existing development
48 on adjacent parcels.

49 ~~2. A list of the property owners' names and addresses located within 250 feet of the~~
50 ~~affected area, as of record in the office of the Kanawha County Tax Assessor. The~~
51 ~~subject property also shall be included in the affected area.~~

52 ~~3.2.~~ Any other information deemed helpful by the applicant or necessary by the
53 Planning Director to explain the nature of the proposed use and its consistency with the
54 standards established by this article for conditional use permits.

55 ~~4.3.~~ A filing fee in the amount of \$125.00. The purpose of the fee shall be to defray, in
56 part, the expenses connected with the application.

57 B. The Planning Director will conduct a formal review of the complete application. As part of the
58 formal review process, the Planning Director will notify appropriate agencies and request
59 summaries of agency reviews.

60 C. The Planning Director shall publish a legal advertisement describing the request for a
61 conditional use permit in a local newspaper of general circulation at least fifteen (15) days prior
62 to the scheduled public hearing before the Board.

63 D. The Planning Director shall notify the owners of record most recently provided by the
64 Kanawha County Tax Assessor of properties located within 250 feet of the affected property no
65 later than ten (10) days prior to the public hearing. The Planning Director shall also cause a sign
66 to be posted and maintained on the subject property notifying area property owners and
67 residents that a request for a conditional use permit for the property has been made.

68 ~~D. E.~~ The Board shall hold a duly scheduled public hearing to review the complete site plan and
69 application for the conditional use permit request.

70 ~~E. F.~~ If the conditional use permit is granted by the Board, the applicant receives approval and is
71 formally notified in writing by the Planning Department.

72 ~~F. G.~~ If the conditional use is denied by the Board, the applicant is formally notified in writing of

the denial and the right to appeal the decision to the Circuit Court of Kanawha County within thirty (30) days.

3) In Article 30 Zoning Variances

Sec. 30-020 Application for Variance

A person desiring a variance from the terms of the Zoning Ordinance shall submit a written application for a variance request with the Planning Director. An application for a variance request shall be made on forms available at the Planning Department and shall describe the specific ~~use or~~ standard from which the variance is sought. In addition, the application request shall include a copy of a site plan, drawn to an appropriate scale, which shows:

- A. The subject property
- B. The location of all existing and proposed buildings, structures and improvements to be made to the subject property
- C. Accurate dimensions of the parcel, buildings, parking areas and ingress/egress driveways
- D. Location, right-of-way and pavement width of all streets adjacent to the subject property
- E. Any other relevant information required by the Planning Director.

The application shall also be accompanied by:

~~A. Names and addresses of all property owners within 100 feet of the subject property; and,~~

~~B. A.~~ The appropriate filing fee. In order to defray, in part, the expenses connected with the application a filing fee in the amount of \$125.00 shall be submitted with the application.

~~C. B.~~ Any other relevant information required by the Planning Director.

Sec. 30-030 Procedures for Variance Approval

D. Notice of the Board hearing on the application for variance approval shall be published in a local newspaper of general circulation at least thirty (30) days prior to the hearing. ~~Notification of the property owners located within 100 feet of the affected property shall be performed no later than 10 days prior to the hearing. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 100 feet of the affected property no later than ten (10) days prior to the public hearing. Concurrently, the~~ The Planning Director shall also cause a sign to be posted and maintained on the subject property notifying area property owners and residents that a request for a variance for the property has been made.

4) In Article 11 C-8 Village Commercial District

Sec. 11-050 Performance Standards

- A. All construction shall substantially conform in street orientation and massing to adjacent structures, except where this shall cause conflict with other provisions.

B. Duplex and triplex homes are encouraged to have substantial front porches oriented toward primary street frontage. Covered front porches shall not count toward the permitted maximum lot coverage.

~~C. Eighty percent of all required parking spaces shall be located behind the front building line.~~

~~D.C.~~ Open storage is restricted to automobile sales establishments and garden centers.

~~E.D.~~ Maximum gross square footage of commercial structures is limited to 30,000.

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

Bill No. 7808

Introduced in Council:

Passed by Council

April 1, 2019

Introduced by

Referred to

**Planning, Streets and Traffic
Committee**

Will Laird

Municipal Planning Commission

Bill No. 7808 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-6 & R-8 district to an I-2 district, Part-of-Parcels Nos. 2, 3, and 4, South Annex Tax Map No. 71 and Parcel 1 on South Annex Tax Map No. 72, more specifically shown on the attached plat dated March 25, 2019 by Richard E. Kinder Jr., P.S, Chesterfield Avenue, Charleston, West Virginia.

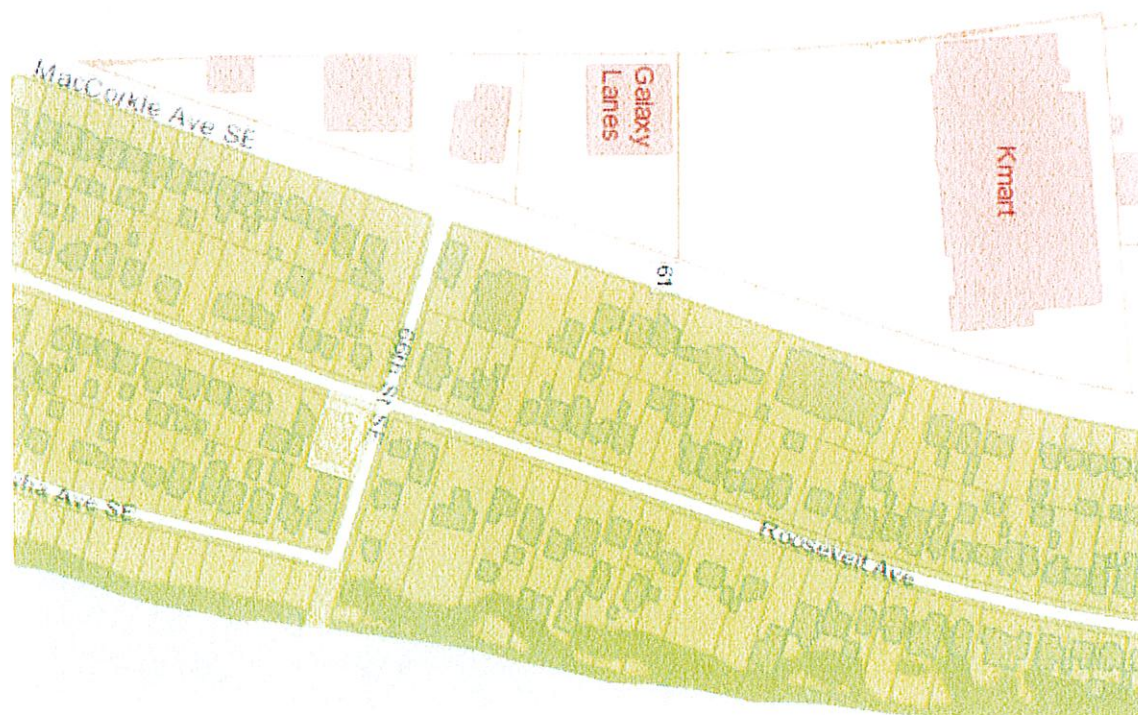
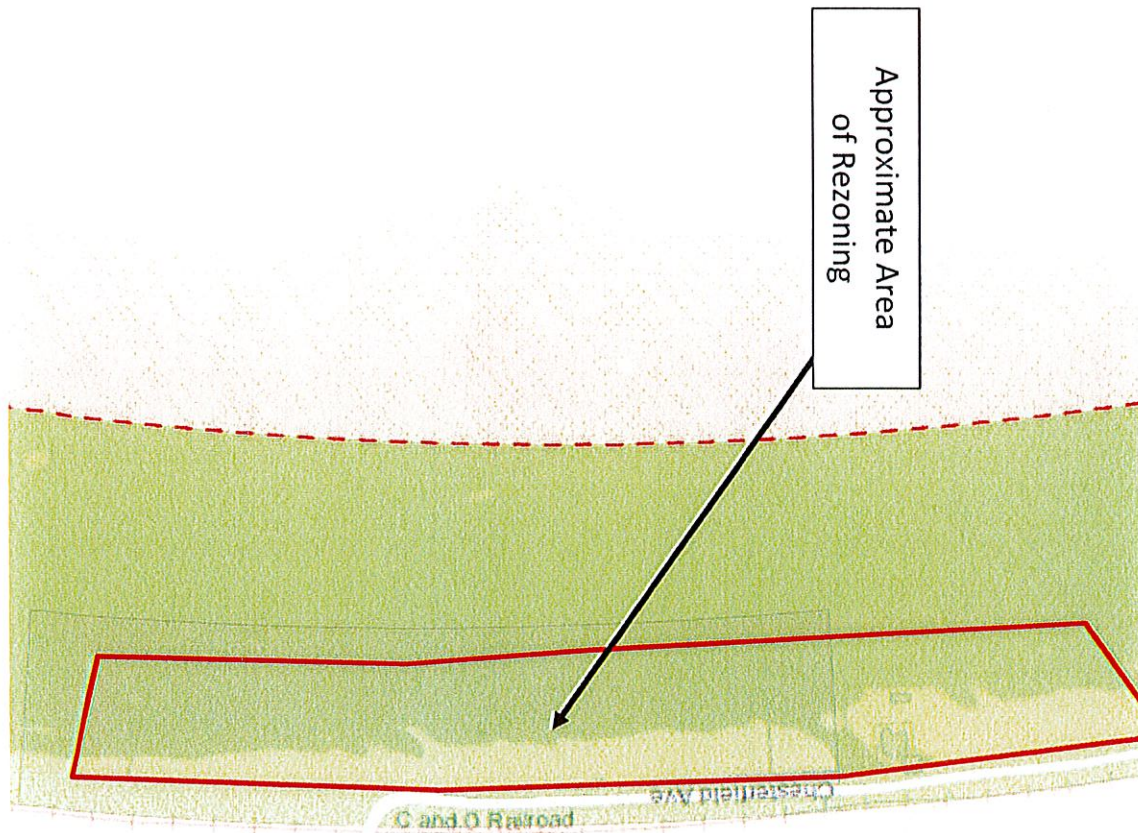
Be it Ordained by the City Council of the City of Charleston, West Virginia:

1 1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted
2 the 1st day of January 2006, as amended, is hereby amended by rezoning from an
3 R-6 & R-8 district to an I-2 district the whole of the following described parcels
4 of land:

5
6 Part-of-Parcels Nos. 2, 3, and 4, South Annex Tax Map No. 71 and Parcel
7 1 on South Annex Tax Map No. 72, more specifically shown on the
8 attached plat dated March 25, 2019 by Richard E. Kinder Jr., P.S. Said tax
9 maps are of record in the Planning Office.

10
11 2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is
12 hereby amended in accordance with Article 27 of this ordinance.

13
14 3. All prior ordinances, or parts of ordinances, inconsistent with this
15 ordinance are hereby repealed to the extent of such inconsistency.
16



1 **Bill No. 7809**

2 Passed by Council:

3 Introduced in Council

4 **April 1, 2019**

5 Introduced by:

Referred to:

6 **Jeanine Faegre:**

Planning, Streets and Traffic

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10 **Bill No. 7809** - A Bill to establish a Stop intersection on Grove Avenue at Costello
11 Street by placing a stop sign on the corner of Grove Avenue and amending the Traffic
12 Control Map and Traffic Control File, established by the code of the City of Charleston,
13 West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division
14 2, Article 4, Chapter 114, to conform therewith.

15
16 **Be it Ordained by the Council of the City of Charleston, West Virginia:**

17 Section 1. Stop intersection on Grove Avenue at Costello Street by placing a stop sign
18 on the corner of Grove Avenue

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

23
24 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
25 repealed to the extent of said inconsistency.

1 **Bill No. 7810**

3 Introduced in Council

Passed by Council:

4 **April 1, 2019**

5 Introduced by:

Referred to:

6 **Joseph Jenkins**

Planning, Streets and Traffic

8
9 **Bill No.7810** - A Bill to establish an All-Way Stop intersection at the intersection of
10 Maefair Drive and Wilkie Drive and amending the Traffic Control Map and Traffic
11 Control File, established by the code of the City of Charleston, West Virginia, two
12 thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4,
13 Chapter 114, to conform therewith.

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

15 Section 1. All-Way Stop intersection at the intersection of Maefair Drive and Wilkie Drive

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

20
21 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
22 repealed to the extent of said inconsistency.

Bill No. 7811:

Introduced in Council:

April 1, 2019

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

Finance Committee

Bill No. 7811: A Bill and Order relating to the laying of levies on real, personal and public utility property within the City of Charleston, West Virginia, including excess levies previously provided for in the Official Municipal Budget Document for the fiscal year beginning the first day of July, two thousand nineteen.

WHEREAS, each Municipality is required to hold a Statutory meeting of the Council on the third Tuesday in April each year to make and enter a levy order and rate sheet; and

WHEREAS, written approval of the West Virginia State Tax Commissioner has been received and notice of the Levy Estimate has been duly published as required by law; and

WHEREAS, the levy rate attached hereto is included in the City of Charleston Municipal Budget for July 1, 2019 through June 30, 2020, before City Council for approval at a special meeting of Council held on April 16, 2019, now, therefore

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

That the City of Charleston, West Virginia does hereby make and enter the levy order and rate sheet attached hereto, incorporated herein, and made a part hereof.