



Planning, Streets and Traffic Committee

Monday, August 23, 2021, at 5:00 p.m.

City Service Center – 915 Quarrier Street – Conference Room

AGENDA

1. Call to Order

2. Unfinished Business

Bill No. 7899 - A Bill to establish a no parking zone on the westerly side of Evergreen Street from a point 146 feet north of Piccadilly Street to a point 204 feet north of Piccadilly Street 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.

Bill No. 7915 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new Article, designated Article XV, consisting of Section 114-940, relating to authorizing the use of low-speed vehicles consistent with state law.

3. New Business

Bill No. 7917 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a R-4 Single Family Residential District to a R-6 Medium Density Residential District, that certain parcel of land located at 808 Hendrix Avenue being Charleston West District, Map 10, Parcel 117, Charleston, West Virginia.

Bill No. 7918 - 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 the R-6: Medium Density Residential to the R-4: Single Family Residential zoning district three district areas within and adjacent to the Woodbridge Subdivision, as shown on the attached maps included as Exhibits A, B, & C, Charleston, West Virginia.

Bill No. 7920 - A BILL to amend and reenact Section 114-559 of the Municipal Code of the City of Charleston, as amended, relating to prohibiting parking in a turnaround, cul-de-sac, or similar portion of a street.

Bill No. 7921 - A Bill to repeal Ordinance 7301, which created a No Parking Anytime Tow-Away Zone on Hunters Ridge Road from a point 150 feet north of Buckhorn Road to a point 150 Feet south of Buckhorn 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 Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Bill No. 7922 - A Bill to establish a no parking zone from 7:00am – 7:00pm on the westerly side of Bream Street from the intersection of Bream Street and 7th Street to a point 165 feet south to alley way 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.

Bill 7923 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new Article consisting of sections 2-711, 2-712, 2-713, 2-714, and 2-715, all relating to creating the City Center Business Improvement District; detailing the terms, method of appointment, and powers and duties of the district boardmembers; creating the City Center BID Fund; stating the maximum rate of any annual fees that may be imposed upon the commercial properties in the district and the manner in which the rate will be imposed; generally stating the intention of the City to increase services within the district with the fees collected; summarizing the proposed services to be provided within the district and a reasonable estimate of the attendant cost; describing the boundaries of the district; and stating requirements for continuation or dissolution of the City Center BID.

Resolution No. 518-21 - Authorizing the City Manager or the Parking System Director to enter into a five-year parking lease agreement with the Supreme Court of Appeals of West Virginia for certain parking spaces located along Venable Avenue and California Avenue, where the terms of such lease are attached hereto.

4. Discussion
5. Approval of the Minutes of the July 26, 2021, meeting
6. Adjournment

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

1 **Bill No. 7899**

2

Passed by Council:

3 Introduced in Council

4 **March 15, 2021**

5 Introduced by:

Referred to:

6 **Adam Knauff**

Planning, Streets and Traffic

7

8

9 **Bill No. 7899** - A Bill to establish a no parking zone on the westerly side of Evergreen
10 Street from a point 146 feet north of Piccadilly Street to a point 204 feet north of
11 Piccadilly Street and amending the Traffic Control Map and Traffic Control File,
12 established by the code of the City of Charleston, West Virginia, two thousand and
13 three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to
14 conform therewith.

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

16 Section 1. A Bill to establish a no parking zone on the westerly side of Evergreen Street
17 from a point 146 feet north of Piccadilly Street to a point 204 feet north of Piccadilly
18 Street

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

Bill No. 7915

Introduced in Council:

June 22, 2021

Introduced by:

Keeley Steele

Adopted by Council:

Referred to:

Planning, Streets and Traffic

Bill No. 7915 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new Article, designated Article XV, consisting of Section 114-940, relating to authorizing the use of low-speed vehicles consistent with state law.

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

That the Municipal Code of the City of Charleston, as amended, be amended by adding thereto a new Article, designated Article XV, consisting of Section 114-940, to read as follows:

ARTICLE XV. - LOW-SPEED VEHICLES.

Sec. 114-940. – Use of low-speed vehicles.

(a) Low-speed vehicle means an electric low-speed vehicle that meets the definition contained in W. Va. Code § 17A-1-1, which is titled and registered by the West Virginia Division of Motor Vehicles pursuant to W. Va. Code § 17A-3-2(c) that meets all the requirements of the Division of Motor Vehicles, as well as state and federal law.

(b) As authorized in W. Va. Code § 17A-3-2(c) and § 17A-13-1, a person with a valid driver's license may operate a low-speed vehicle on a private road within the City or on public roads and streets within the City where the speed limit is 25 miles per hour or less and may cross state routes at traffic lights when the state route does not have a posted speed limit greater than 40 miles per hour.

Committee Substitute for Bill No. 7915

Introduced in Council:

June 22, 2021

Introduced by:

Keeley Steele

Adopted by Council:

Referred to:

Planning, Streets and Traffic
and Public Safety

Committee Substitute for Bill No. 7915 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new Article, designated Article XV, consisting of Section 114-940, relating to authorizing the use of low-speed vehicles consistent with state law.

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

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(b) As authorized in W. Va. Code § 17A-3-2(c) and § 17A-13-1, a person with a valid driver's license may operate a low-speed vehicle on a private road within the City or on public roads and streets within the City where the speed limit is 25 miles per hour or less and may cross state routes at traffic lights when the state route does not have a posted speed limit greater than 40 miles per hour.

(c) Low-speed vehicles shall comply with all City traffic and parking ordinances.

Municipal Planning Commission

Checklist for Application for Rezoning

MPC Hearing Date: Aug 4, 2021

Bill #: 7917

Applicant Information	Property Information
Name: <u>Kevin Jones, RCCR, Executive Director</u>	Address: <u>808 Hendrix Avenue Charleston WV 25312</u>
Address: <u>1117 Quarrier St Charleston WV 25302</u>	Tax Map and Parcel:
Phone: <u>304-346-6398</u>	Zoning District: <u>R-4 Single Family Residential</u>
Agents Name, Address, Phone (If other than Applicant):	Property Owner and Mailing Address: (if other than applicant) <u>Religious Coalition for Community Renewal</u> <u>PO Box 3911</u> <u>Charleston WV 25339</u>

IMPORTANT: This application must be typed or legibly printed and filed by the filing deadline with the Planning Department in person or by mail to 915 Quarrier Street, Suite 1 Charleston, WV 25301. The following items must accompany this application: 1) a petition to rezone using the format in the sample provided; 2) a Bill sponsored by a member of Charleston City Council using the format of the sample provided; 3) a map of the area proposed for rezoning, drawn to scale; 4) a list of the owners, with their mailing addresses, of the properties within a 250 foot radius of the property for which the rezoning is being sought; 5) \$125.00 filing fee in the form of a check or money order made payable to the City of Charleston. In addition, you or your representative must be present at the scheduled public hearing in order to present your request and answer questions. THE PLANNING DEPARTMENT WILL NOT ACCEPT ANY INCOMPLETE APPLICATIONS.

PETITION

The following items shall be included in the petition which shall be filed in the format of the attached sample:

Section I

1. Statement of petitioner's identity as contract purchaser, agent or owner.
2. Property Address including Kanawha County Tax map and Parcel No.

Section II

1. Description of the use for which a rezoning is being requested and specific district being requested.

Section III

1. Applicable Sections of the Zoning Ordinance.
2. Statement of compliance with the City of Charleston Comprehensive and Neighborhood Plans.
3. If applicable, justification for a variance from the City of Charleston Comprehensive Plan and Neighborhood Plans.

Section IV

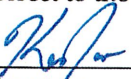
1. Statement of sponsorship of the Bill to Rezone by a member of City Council.
2. Statement of inclusion of a list of all property owners within 250 of the subject property.
3. Statement that the subject property is shown on a map of the subject property that is attached.
4. \$125.00 filing fee.

BILL

The following items shall be included in the Bill submitted along with the above petition:

1. Name of sponsoring member of City Council
2. Bill filed electronically with the Planning Department in the exact format shown on the attached sample Bill.

I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.


Signature

7-7-21
Date

Bill No. 7917

Passed by Council:

Introduced in Council

August 2, 2021

Introduced by:

Referred to:

Bobby Haas

Municipal Planning Commission
Planning, Streets and Traffic

Bill No. 7917 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a R-4 Single Family Residential District to a R-6 Medium Density Residential District, that certain parcel of land located at 808 Hendrix Avenue being Charleston West District, Map 10, Parcel 117, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from a R-4 Single Family Residential District to a R-6 Medium Density Residential District whole of the following described parcels of land:

Parcel No. 117 as shown upon West Charleston Tax Map No. 10. Subject Parcel commonly known as 808 Hendrix Avenue, Charleston, West Virginia. Said tax map is of record in the Planning Office.

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

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

Exhibit – A



**PETITION TO REZONE FROM R-4 AND R-6
808 HENDRIX AVE, CHARLESTON WV 25387
CHARLESTON, WEST VIRGINIA**

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

I

The Religious Coalition for Community Renewal a 501c3 ("Petitioner") owns 808 Hendrix Ave, Charleston, Kanawha County, West Virginia which is more specifically described as follows: District 12, Map 10, Parcel 17 ("Property"). The above-mentioned tax maps are of record in the office the Charleston Planning Department.

II

Presently, the Property is zoned R-4 (Single Family Residential), and the Petitioner hereby requests that the zoning designation of the property be changed R-6 (Medium Density Residential)

III

Petitioner proposes to redevelop the property using HOME Investment Partnerships Program funds in compliance with the West Side Community Renewal Plan outlining construction of multi-family units targeting low to moderate income families. Petitioner will submit a proposal to the West Virginia Housing Development Fund consisting of two (2) units with two bedrooms (2) and four (4) parking spaces and \$410,000 in funding to complete the project.

IV

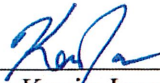
Prior to submitting this Petition, Petitioner spoke with, and obtained the support of this Petition from, Bobby Haas, Ward 2.

Although the Municipal Planning Commission's Checklist for Application for Rezoning still mentions the need for Petitioner to provide a list of all property owners within two hundred fifty (250) feet of the subject Property, I understand from Dan Vriendt, Director of the Municipal Planning Commission, that this is no longer a requirement, as the Municipal Planning Commission now handles this part of the notice process. Accordingly, Petitioner did not append any such list to this Petition.

Lastly, please find attached hereto and enclosed herewith (i) a Bill to accomplish the requested rezoning of the Property, (ii) a map of the subject Property (iii) a check in the

amount of One Hundred Twenty-Five and 00/100 Dollars (\$125.00) to serve as Petitioner's filing fee.

Respectfully submitted this 7th day of July 2021

By: 
Name: Kevin Jones
Company: Religious Coalition for Community Renewal
Title: Executive Director
Mailing Address: PO Box 3911 Charleston WV 25339
Physical Address: 1117 Quarrier Street Charleston WV
25302
Tel: (304) 346-6398
Email: kjones@rccr.org

Planning, Streets, and Traffic Committee
Staff Analysis
August 23, 2021

REQUEST:

A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a R-4 Single Family Residential District to a R-6 Medium Density Residential District, that certain parcel of land located at 808 Hendrix Avenue being Charleston West District, Map 10, Parcel 117, Charleston, West Virginia.

APPLICABLE CODE:

Charleston Zoning Ordinance, adopted November 21, 2005, Article 28-030

STANDARD OF REVIEW:

A rezoning is a change to the zoning map, which requires a legislative decision. Therefore, the Committees role is to make a recommendation to City Council for final action. The Committee should determine if the request is spot zoning and if it is consistent with the Comprehensive Plan. A rezoning is considered spot zoning when all the following factors are present: A small parcel of land is singled out for special and privileged treatment; The singling out is not in the public interest but only for the benefit of the landowner; the action is not in accordance with the comprehensive plan. If a request is inconsistent with the comprehensive plan, the commission should consider if the original zoning classification was in error, or if the character of the area has changed significantly since the adoption of the comprehensive plan. Proposed uses should be treated with care, because once rezoned, any use that is permitted within the district would be permitted 'by right' with no review by the Committee or Council.

HISTORY:

The adjacent parcel at 806 Hendrix Avenue is also owned by the applicant. They petitioned and were approved for rezoning of that parcel to the R-6 zoning district in 2019. The two properties are to be combined and utilized as one property. To avoid conflict in zoning classification this rezoning petition attempts to bring both parcels into agreement.

ANALYSIS:

Existing Land Use and Zoning: The property is zoned R-4 Single Family Residential District and is a vacant home.

Surrounding Land Use and Zoning: The surrounding areas include single family residential, a Dollar General Store, the Kanawha Charleston Housing Authority Offices, and vacant commercial buildings along the West Washington Street corridor. The adjacent parcel at 806 Hendrix Avenue is zoned R-6: Medium Density Residential.

Current Zoning: The R-4 district allows for single family housing and as a conditional use, educational institutions, community centers, and hospitals, among others.

Proposed Zoning: The R-6 district allows up to four dwelling units on a lot depending on the density.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the property as "Traditional Neighborhood", Which is defined as predominately single family homes where duplexes, triplexes, and multi-family units may respect the character of the surrounding urban, historic fabric, while large-scale modern multi-family is less appropriate.



Summary: This application to rezone the property is in pursuit of allowing the property to be used for a duplex by the Religious Coalition for Community Renewal (RCCR). The Future Land Use Map depicts this area as “Traditional Neighborhood”. The comprehensive plan describes the purpose of the “Traditional Neighborhood” as:

“predominantly single family homes where duplexes, triplexes, and multi-family units may respect the character of the surrounding urban, historic fabric, while large-scale modern multi-family is less appropriate”.

No opposition to the request has been received and the Municipal Planning Commission unanimously recommended approval.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

1. The rezoning is consistent with the future land use map which designates this property as “Traditional Neighborhood”.
2. The adjacent parcel was approved for rezoning in 2019 and the petitioner intends to consolidate the two properties to be utilized as one property for redevelopment.
3. Rezoning from R-4 to R-6 is a good transition along the West Washington Street corridor.

Bill No. 7918

Introduced in Council

Passed by Council

August 2, 2021

Introduced by

Referred to

Shannon Snodgrass

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

Bill No. 7918 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from the R-6: Medium Density Residential to the R-4: Single Family Residential zoning district three district areas within and adjacent to the Woodbridge Subdivision, as shown on the attached maps included as Exhibits A, B, & C, Charleston, West Virginia.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from R-6: Medium Density Residential to the R-4: Single Family Residential whole of the following described parcels of land:

Those certain zoning district areas being within and adjacent to the Woodbridge Subdivision, as shown on the attached map included as Exhibits A, B, & C, Charleston, West Virginia.

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

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

Exhibit – A



Exhibit –B

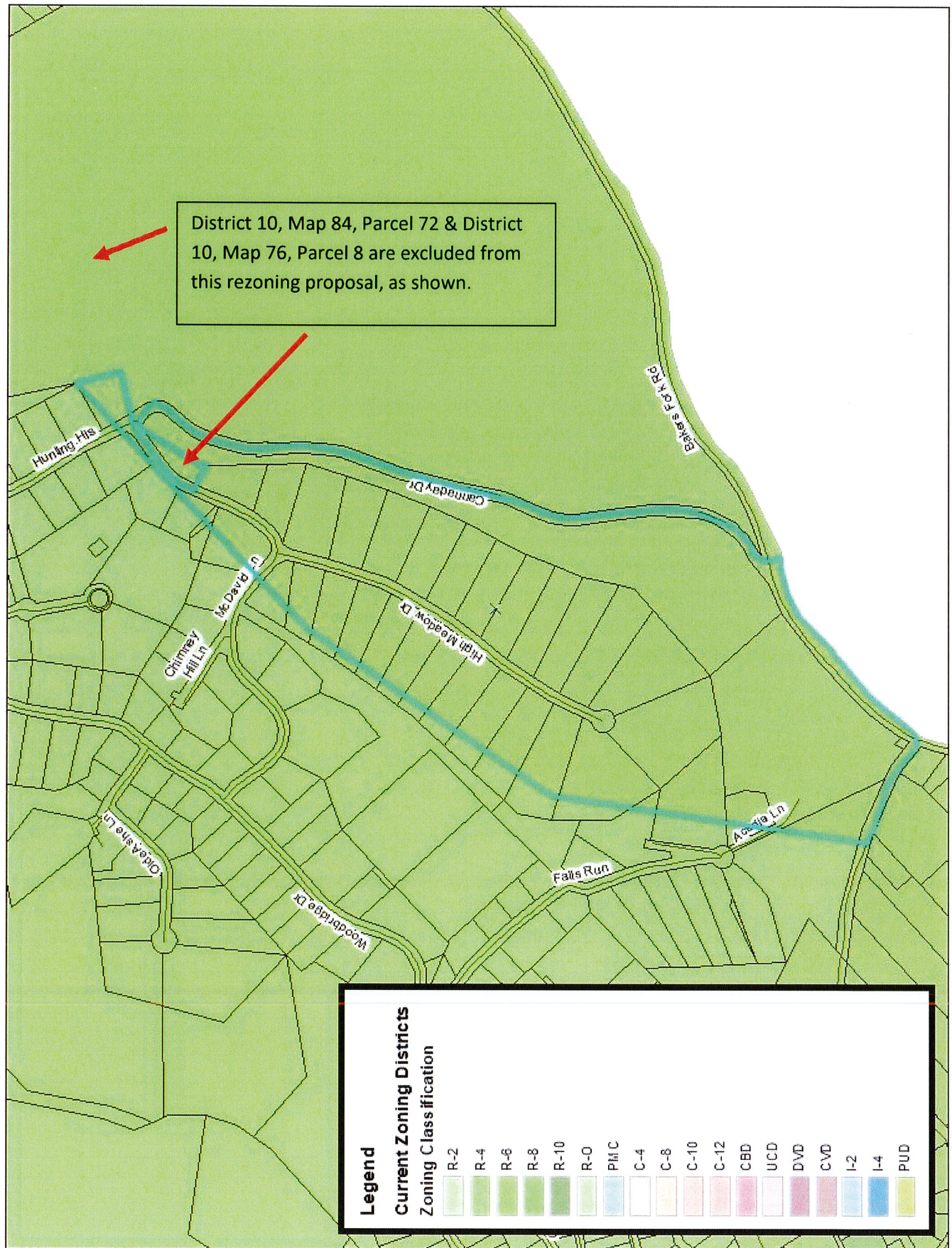
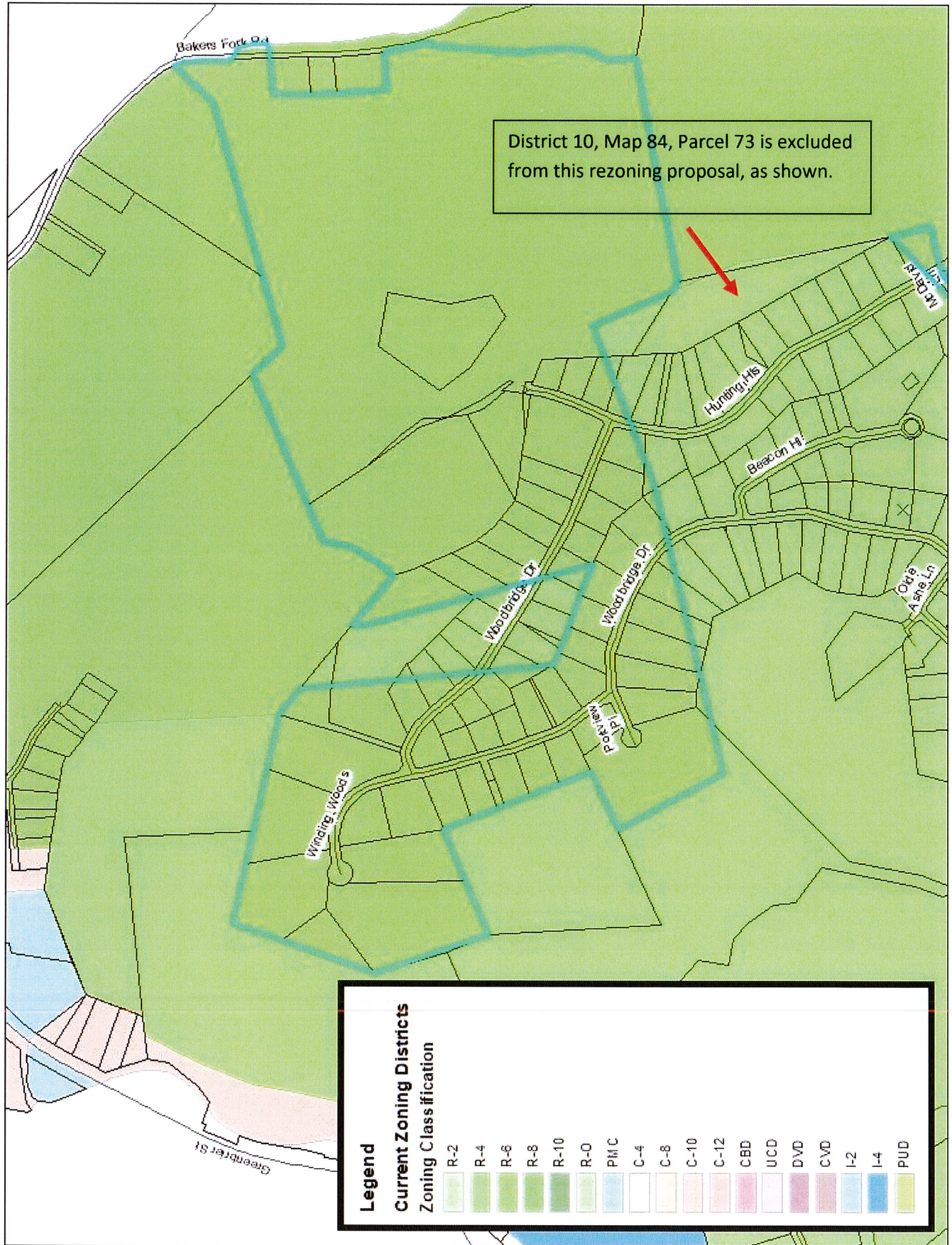


Exhibit –C



**Planning, Streets, and Traffic Committee
Staff Analysis
August 23, 2021**

REQUEST:

Bill No. 7918 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 the R-6: Medium Density Residential to the R-4: Single Family Residential zoning district three district areas within and adjacent to the Woodbridge Subdivision, as shown on the attached maps included as Exhibits A, B, & C, Charleston, West Virginia.

APPLICABLE CODE:

City of Charleston Zoning Ordinance, Effective January 1, 2006, as amended, Article 28-030.

STANDARD OF REVIEW:

A rezoning is a change to the zoning map, which requires a legislative decision. Therefore, the Committee's role is to make a recommendation to City Council for final action. The Committee should determine if the request is spot zoning and if it is consistent with the Comprehensive Plan. A rezoning is considered spot zoning when all the following factors are present: A small parcel of land is singled out for special and privileged treatment; The singling out is not in the public interest but only for the benefit of the landowner; the action is not in accordance with the comprehensive plan. If a request is inconsistent with the comprehensive plan, the commission should consider if the original zoning classification was in error, or if the character of the area has changed significantly since the adoption of the comprehensive plan. Proposed uses should be treated with care, because once rezoned, any use that is permitted within the district would be permitted 'by right' with no review by the Committee or Council.

HISTORY:

A similar, prior bill was heard before the MPC in 2020. An objection from a property owner was received by the discussion regarding the impact of the rezoning proposal resulted. This current proposal excludes the parcels owned by the concerned owner.

The Municipal Planning Commission, through recommendations adopted in the Imagine Charleston comprehensive plan and through the work of the MPC Comprehensive Rezoning Committee, has undertaken the process of modernizing the City's Zoning Map. As a regulatory tool that tells us what type of development is appropriate in which places it is essential that this map provide a clear and up-to-date vision to guide land use rules.

In the process of modernizing the map to the latest GIS technology and through careful analysis of the current uses of properties, development trends, and best regulatory practices staff has proposed to change the zoning district of large swaths of property currently part of or adjacent to the Woodbridge Subdivision from R-6: Medium Density Residential to R-4: Single Family Residential. The designation of these areas for multi-family-style development dates to at least before 1983 and is not consistent with how Woodbridge was developed or continues to be used. Cleaning up this disagreement will make applicable zoning rules clearer for property owners and protect the existing character of the neighborhood.

The 1983 zoning map and its predecessors did not follow parcel boundaries and commonly split properties between two zoning districts. This creates challenges for development and regulation for both property owners and administrators. Further, these far-flung areas of higher-density zoning were designated in an era when growth was still anticipated in the population of Charleston.

ANALYSIS:

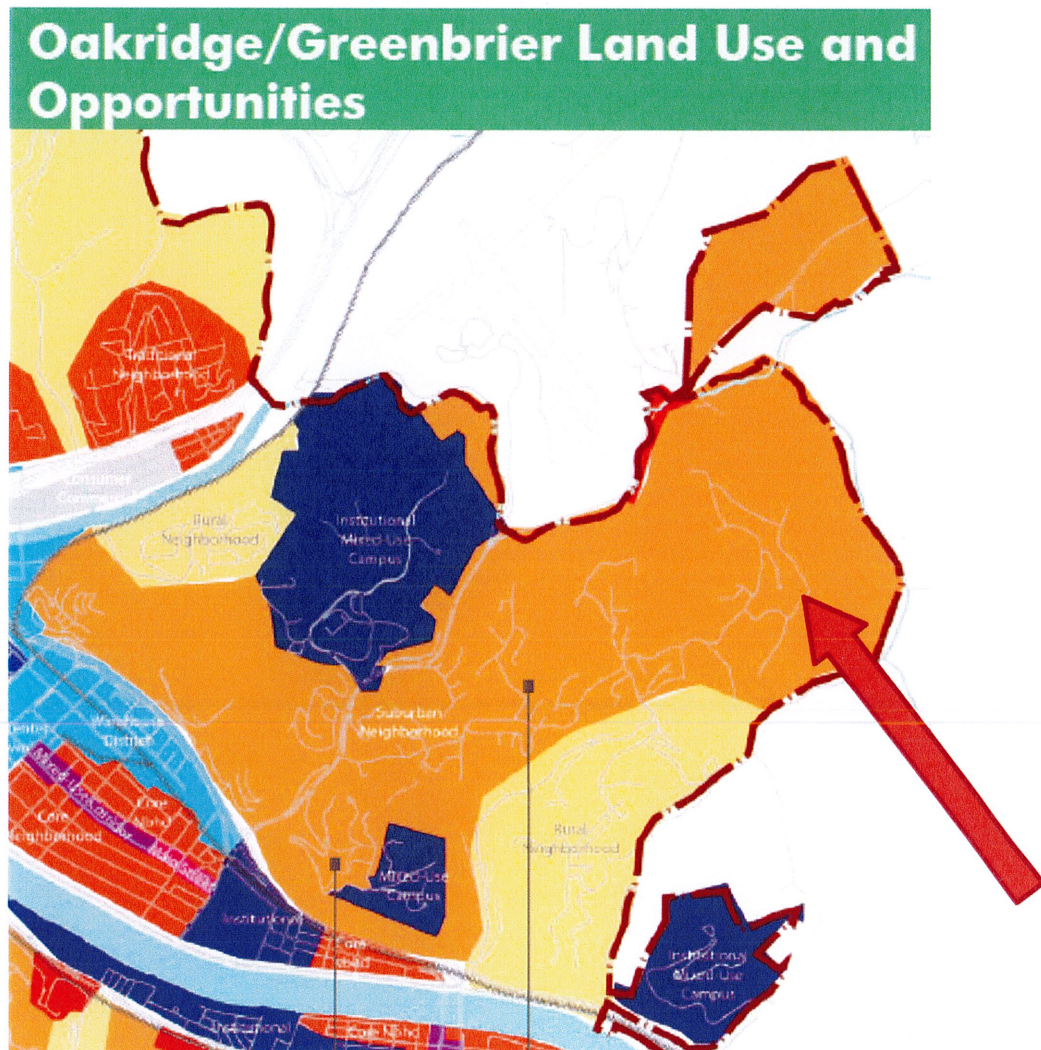
Existing Land Use and Zoning: The identified zoning districts are zoned R-6 Medium Density Residential District. The properties within these districts are either developed as single-family homes within the Woodbridge Subdivision or are vacant or sparsely developed land adjacent to the subdivision.

Surrounding Land Use and Zoning: The surrounding areas includes almost exclusively single-family style development with some agricultural or rural-style development.

Current Zoning: The R-6 district allows for medium-intensity residential uses including single and two-family uses, up to 4 units of multi-family dwellings per lot of record, and as a conditional use assisted living facilities, hospitals, and bed and breakfasts, among others.

Proposed Zoning: The R-4 district allows for single-family dwellings, owner occupied accessory dwelling units, and as a conditional use schools, home-based level II businesses, among others.

Compliance with the Comprehensive Plan: The comprehensive plan's future land use map designates the properties as "Suburban Neighborhood" and "Rural Neighborhood". In these areas multi-family development is considered appropriate "along major streets, transit routes". The areas proposed for rezoning from multi-family to single-family zoning are served by neighborhood or rural roads and are not served by transit.



Summary: This application to rezone the property is in pursuit of removing the conflict between R-6 and R-4 zoning in the area. This is compliant with the comprehensive plan as it will promote the preservation of the suburban and rural character of existing neighborhoods.

No opposition to the request has been received and the Municipal Planning Commission unanimously recommended approval.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

1. The rezoning is consistent with the future land use map which designates this property as “Suburban Neighborhood” or “Rural Neighborhood”.
2. The rezoning will remove the prescence of two zoning districts on many parcels making development standards more clear and easier to adminster.
3. The rezoning bring the zoning classification into agreement with the use of the land.
4. The Comprehensive Plan indicates an opportunity for this area of “Retain existing single-family neighborhoods”. Rezoning to a single-family district will support this goal.

Bill No. 7920

Introduced in Council:

August 3, 2021

Adopted by Council:

Introduced by:

Chad Robinson

Referred to:

Planning/Streets & Traffic

Bill No. 7920 - A BILL to amend and reenact Section 114-559 of the Municipal Code of the City of Charleston, as amended, relating to prohibiting parking in a turnaround, cul-de-sac, or similar portion of a street.

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

That Section 114-559 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

ARTICLE VII. STOPPING, STANDING AND PARKING.

Section 114-559. Stopping, standing or parking prohibited in specified places.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection or within 30 feet of an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk, or within ten feet of a crosswalk not at an intersection.
- (6) Within 20 feet of a crosswalk at an intersection.
- (7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone unless a different length is indicated by signs or markings.
- (9) Within 50 feet of the nearest rail of a railroad crossing.
- (10) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly signposted).
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (13) Upon any bridge or other elevated structure upon a highway or within a highway

36 tunnel.

37 (14) At any place where official traffic control signs prohibit stopping.

38 (15) Within 20 feet of any mail receptacle served regularly by a carrier using a motor
39 vehicle for daily deliveries, if such parking interferes with or causes delay in the carrier's
40 schedule.

41 (16) Upon any controlled-access highway.

42 (17) At any place on any highway where the safety and convenience of the traveling
43 public is endangered.

44 (18) In front of the entrance to any school, hospital, church, hotel, theater, assembly
45 hall or place of amusement.

46 (19) In a turnaround, including but not limited to Hammerheads, 3-point sides, cul-
47 de-sacs, and 3-point wyes.

48 (b) No person shall move a vehicle not lawfully under his their control into any such
49 prohibited area or away from a curb such distance as is unlawful.
50
51

1 **Bill No. 7921**

2 Passed by Council:

3 Introduced in Council

4 **August 2, 2021**

5 Introduced by:

Referred to:

6 **Brady Campbell**

Planning, Streets and Traffic

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8
9 **Bill No. 7921** - A Bill to repeal Ordinance 7301, which created a No Parking Anytime
10 Tow-Away Zone on Hunters Ridge Road from a point 150 feet north of Buckhorn Road
11 to a point 150 Feet south of Buckhorn Road and amending the Traffic Control Map and
12 Traffic Control File, established by the code of the City of Charleston, West Virginia, two
13 thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4,
14 Chapter 114, to conform therewith.

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

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2 Passed by Council:

3 Introduced in Council

4 **August 2, 2021**

5 Introduced by:

Referred to:

6 **Larry Moore**

Planning, Streets and Traffic

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8 **Bill No. 7922** - A Bill to establish a no parking zone from 7:00am – 7:00pm on the
9 westerly side of Bream Street from the intersection of Bream Street and 7th Street to a
10 point 165 feet south to alley way and amending the Traffic Control Map and Traffic
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13 Chapter 114, to conform therewith.

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

15 Section 1. A Bill to establish a no parking zone from 7:00am – 7:00pm on the westerly
16 side of Bream Street from the intersection of Bream Street and 7th Street to a point 165
17 feet south to alley way

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

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

Bill No. 7923

Introduced in Council:

August 16, 2021

Adopted by Council:

Introduced by:

Becky Ceperley and Brent Burton

Referred to:

Planning/Streets & Traffic

Bill No. 7923 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new Article consisting of sections 2-711, 2-712, 2-713, 2-714, 2-715, and 2-716, all relating to creating the City Center Business Improvement District; detailing the terms, method of appointment, and powers and duties of the district boardmembers; creating the City Center BID Fund; stating the maximum rate of any annual fees that may be imposed upon the commercial properties in the district and the manner in which the rate will be imposed; generally stating the intention of the City to increase services within the district with the fees collected; summarizing the proposed services to be provided within the district and a reasonable estimate of the attendant cost; describing the boundaries of the district; and stating requirements for continuation or dissolution of the City Center BID.

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

That the Municipal Code of the City of Charleston, as amended, is amended by adding thereto a new Article, consisting of sections 2-711, 2-712, 2-713, 2-714, and 2-715 all to read as follows:

ARTICLE VII. – BOARDS, COMMITTEES AND COMMISSIONS.

DIVISION 11. – CITY CENTER BUSINESS IMPROVEMENT DISTRICT.

Sec. 2-711. – Creation of the City Center Business Improvement District.

Pursuant to West Virginia Code Chapter 8, Article 13A, a group of owners of commercial property in the City of Charleston submitted a Petition to initiate a Business Improvement District to the City Clerk. Following the appointment of a district planning committee by City Council, members of the committee timely submitted a written report to City Council requesting the creation of the City Center Business Improvement District. The written report is titled City Center Business Improvement District FY2021 BID Work Plan and Budget.

The City Council of the City of Charleston, having held a public hearing on the matter, hereby determines that it is advisable and in the public interest to establish the City Center Business Improvement District. Accordingly, upon the adoption of this ordinance, the City Center Business Improvement District, which is sometimes referred to as the City Center BID, is created.

Resolution No. 518-21

Introduced in Council:

Adopted by Council:

August 2, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance and Planning, Streets and Traffic

1 Resolution No. 518-21 - Authorizing the City Manager or the Parking System Director to enter into a
2 five-year parking lease agreement with the Supreme Court of Appeals of West Virginia for certain
3 parking spaces located along Venable Avenue and California Avenue, where the terms of such lease
4 are attached hereto.

5
6 Be it Resolved by the Council of the City of Charleston, West Virginia:

7 That the City Manager or the Parking System Director is authorized to enter into a five-year parking
8 lease agreement with the Supreme Court of Appeals of West Virginia for certain parking spaces
9 located along Venable Avenue and California Avenue, where the terms of such lease are attached
10 hereto.

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") made this ____ day of _____, 2021, by and between THE CITY OF CHARLESTON, (the "Lessor"), party of the first part, and THE SUPREME COURT OF APPEALS OF WEST VIRGINIA, (the "Lessee"), party of the second part.

RECITALS

WHEREAS, the Lessor is a municipal subdivision of the State; and

WHEREAS, the Lessee is the Judicial Branch of State Government; and

WHEREAS, Lessor desires to lease unto the Lessee and Lessee desires to lease from Lessor certain Premises (hereinafter defined) for the purpose of Lessee using the Premises as a parking area; and

WHEREAS, W. Va. State Code § 8-12-18 permits municipalities to lease real property to the state or any agency or instrumentality thereof for a public purpose for an adequate consideration without considering the commercial or market value of the property; and

WHEREAS, Lessor has no specific need or necessary use for the Premises and Lessee requires the Premises for a public use.

NOW, THEREFORE, WITNESSETH that in consideration of the mutual promises contained herein, the mutual benefits to be derived hereby by the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged,

- 1) Lessor does hereby GRANT, DEMISE and LEASE unto Lessee the exclusive rights to use those certain parking spaces located along Venable Avenue, Charleston, West Virginia 25304, to be referred to herein as the "Premises at Venable"; and
- 2) Lessor does hereby MODIFY and EXTEND the term of a previous lease granted unto the Lessee the exclusive rights to use those three certain parking spaces located along California Avenue, Charleston, West Virginia 25302, to be referred to herein as the "Premises at California." The original lease of these Premises at California commenced on the 1st day of February 2017, to expire at midnight on the 31st day of January 2022.

The Premises at Venable and the Premises at California, collectively referred to herein as "the Premises," are more fully described in **Exhibit A** attached hereto;

TO HAVE AND TO HOLD the Premises for a term of five (5) years, effective upon

the date this agreement is signed by authorized representatives of both Lessor and Lessee, and expiring at midnight on the 30th day of June 2026, unless this Lease shall sooner end and terminate as hereinafter provided.

LEASE TERMS

Section 1 - Designation of Area. Lessee shall install and maintain the appropriate signs to indicate that the Premises are for use by the Lessee.

Section 2 - Permitted Use. The Premises shall be used by Lessee for on-street parking purposes with respect to the Premises at California and off-street parking purposes within the City's right of way with respect to the Premises at Venable. No other use shall be permitted. Use shall be in full compliance with all federal, state, City of Charleston, and other applicable laws and regulations and the individual owners of all vehicles shall be liable for any failures of such compliance; provided, Lessee shall exercise commercially reasonable efforts to notify all authorized users of the terms, conditions, and restrictions of this Lease and of any applicable laws and regulations related to the use of the Premises.

Section 3 - Maintenance and Alteration. Lessor shall maintain the Premises in good condition as required by law, except with regard to: (1) damage caused by Lessee, its agents, representatives, or employees above normal wear and tear relative to similar property, (2) damage caused by Lessee, its agents, representatives, or employees as a result of willful misconduct or negligence and (3) damage to signage. Such damage, above normal wear and tear or caused as a result of willful misconduct or negligence shall be repaired at the expense of Lessee. Lessee shall in no way alter, modify, or improve the Premises, without the written consent of the Lessor, which shall not be unreasonably withheld. In the event that any improvements are made to the Premises, said improvements shall become part and parcel of the Premises and shall remain upon and be surrendered with the Premises at the end of the term of this Lease.

Section 4 - Enforcement. Lessor shall have no obligation to enforce Lessee's right to exclusive use. Enforcement of regulations governing the Premises will be the responsibility of Lessee by and through the Parking Section of the West Virginia Real Estate Division or other enforcement mechanisms within the control of the Lessee. Lessee may call the City of Charleston Parking System at 304-348-0739 to request assistance with enforcing the Lease, but Lessee acknowledges that Lessor will not routinely monitor the Premises. If Lessor requests assistance with enforcing the Lease, Lessor shall ensure that all vehicles properly parked on the Premises pursuant to the Lease shall be designated with a placard, sticker, or other clear marking indicating it has permission to be parked on the Premises.

Section 5 - Consideration. In exchange for the exclusive use of the Premises, Lessee shall pay a monthly rate of \$40.00 per parking space. As shown in Exhibit A, this Lease is for twelve (12) parking spaces. Accordingly, the monthly payment due pursuant to this Lease is

\$480.00. The \$480.00 per month shall be made payable to "City of Charleston – Parking System" and remitted to PO Box 2749, Charleston, WV 25330.

Section 6 - Responsibility for Claims. Lessor will be responsible for any claims or damages arising from willful, intentional, or unlawful acts of Lessor, or its employees or agents. Lessee will be responsible for any claims or damages arising from willful, intentional, or unlawful acts of Lessee, or its employees or agents. Liability for any other claims will be fact dependent.

Section 7 - Liability Insurance. Lessee acknowledges that it has the right and authority to obtain and maintain liability insurance coverage for any property it keeps on the Premises or for any claims brought against it related to the Premises. Lessee further acknowledges that Lessor does not have the authority to obtain and maintain liability insurance coverage for the property Lessee keeps on the Premises.

Section 8 -Termination. Lessor or Lessee may terminate the Lease upon thirty (30) days written notice.

Section 9 - Assignment and Subletting. Lessee shall not sublet, assign, or encumber this Lease without express written consent of Lessor, which consent shall not be unreasonably withheld.

Section 10 - Notice. All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed to have been given at the time delivered or deposited in the United States mails, certified or registered and postage prepaid, addressed to the parties as follows:

If to Lessor: City of Charleston
Attn: City Manager's Office
501 Virginia Street E
Charleston, WV 25301

If to Lessee: Supreme Court of Appeals
Attn: Administrative Director
Building #1 Room # E-100
1900 Kanawha Blvd East
Charleston, WV 25305

Section 11 - Authority. Lessor and Lessee each hereby represent and warrant unto the other that (i) all necessary action has been taken on the part of Lessor and Lessee, respectively, to obtain approval and authority to enter into this Lease and to perform their respective obligations hereunder and (ii) that the person executing this Lease on behalf of Lessor and Lessee is fully authorized to bind the Lessor and Lessee respectively.

Section 12 - Choice of Law, Dispute Resolution, and Consent to Jurisdiction.

This Agreement shall be deemed to be executed in the City of Charleston, State of West Virginia, and shall be governed by the laws of the State of West Virginia. If any breach, default, or other dispute arises out of this Agreement, the Parties agree that they will exercise good faith and commercially reasonable efforts to resolve said breach, default, or other dispute through negotiation.

IN WITNESS WHEREOF, the parties hereunder have subscribed their signatures as of the date first above written.

THE CITY OF CHARLESTON

By: _____

Its: _____

Date: _____

**THE SUPREME COURT OF APPEALS OF
WEST VIRGINIA**

By: _____

Its: _____

Date: _____

EXHIBIT A – Premises at California

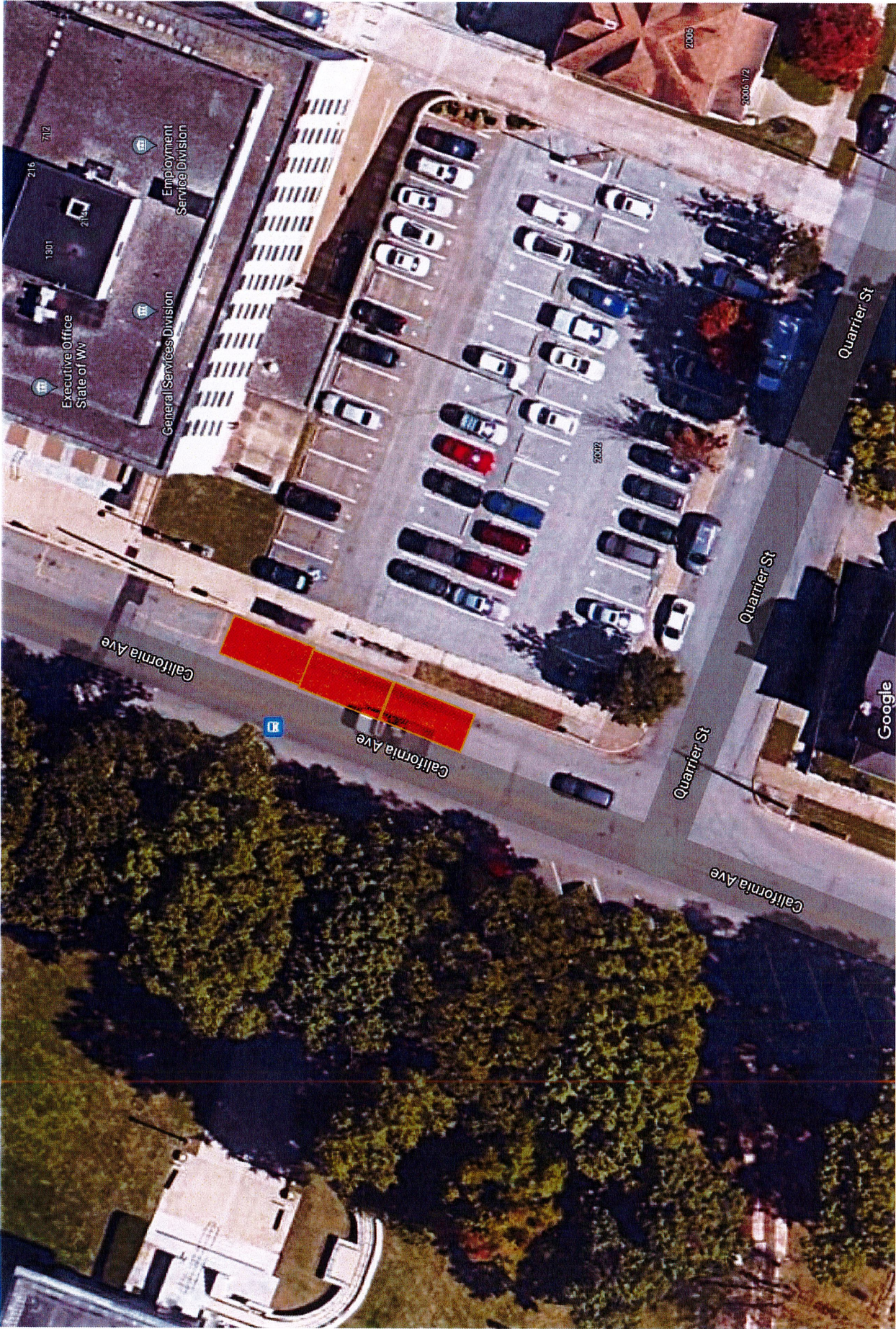


EXHIBIT A – Premises at Venable



Municipal Planning Commission

Wednesday, August 4, 2021

Members Present

Aric Margolis, Chairman
Quintie Smith
Shawn Taylor
Lisa Fischer-Casto
Mary Beth Hoover (meeting Chair)
Terry Pickett
JoEllen Zacks
Alice Hypes
J. D. Stricklen, Kanawha Co. Representative

Members Absent

Reverend Braxton Brody
Teresa Arthur
Margo Teeter
Adam Krason
Todd Dorcas
Deanna McKinney

Staff Present

Dan Vriendt

Attendees

Kevin Jones, RCCR
Shannon Snodgrass – Sponsor of Bill No. 7918
Lee Legg – 18 High Meadow Drive

CALL TO ORDER: Mary Beth Hoover

1. UNFINISHED BUSINESS

Text Amendment: Bill No. 7905 amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by creating a land category and definition for syringe service program and making it a permitted land use in the PMC - Profession Medical Campus District, CBD - Central Business District, UCD - Urban Corridor District, and CVD - Corridor Village District. POSTPONED

2. NEW BUSINESS

Rezoning: Bill No. 7917 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a R-4 Single Family Residential District to a R-6 Medium Density Residential District, that certain parcel of land located at 808 Hendrix Avenue being Charleston West District, Map 10, Parcel 117, Charleston, West Virginia.

Kevin Jones spoke on behalf of RCCR, presenting the basis for RCCR's interest in having the property rezoned. RCCR would like to use 806 Hendrix Avenue for building a duplex and 808 for parking.

No opposition to the proposed rezoning was voiced.

Dan Vriendt presented the Staff Analysis for the rezoning which recommended approval based on (1) the rezoning is consistent with the future land use map which designates the property as "Traditional Neighborhood"; (2) the adjacent parcel was approved for rezoning in 2019 and the petitioner, RCCR, intends to consolidate the adjacent parcel with the subject parcel; and (3) rezoning from an R-4 to an R-6 is a favorable transition along the West Washington Street corridor.

Kevin Jones answered questions from the Commission.

Motion and Vote: On a motion by Alice Hypes, seconded by Terry Pickett, the Commission voted 8-0, to approve Bill No. 7917.

Rezoning: Bill No. 7918 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 the R-6: Medium Density Residential to the R-4: Single Family Residential zoning district three district areas within and adjacent to the Woodbridge Subdivision, as shown on the attached maps included as Exhibits A, B, & C, Charleston, West Virginia.

Dan Vriendt presented the Staff Analysis for the rezoning which recommended approval based on (1) the rezoning is consistent with the future land use map which designates the property as "Suburban Neighborhood" or "Rural Neighborhood"; (2) the rezoning will remove the presence of two zoning districts on many parcels, making development standards clearer and easier to administer; (3) the rezoning brings the classification into agreement with the use of the land; and (4) the Comprehensive Plan indicates an opportunity for this area of "retain existing Family neighborhoods". Rezoning will support this goal.

Councilwoman Shannon Snodgrass (Ward 11), who also resides at 22 High Meadow Drive of the Woodbridge Subdivision, spoke in support of Bill No. 7918. Lee Legg of 18 High Meadow Drive also attended the meeting in support of Bill No. 7918.

No opposition to the proposed rezoning was voiced.

Motion and Vote: On a motion by Terry Pickett, seconded by Alice Hypes, the Commission voted 8-0, to approve Bill No. 7918.

3. Minutes of the May 5, 2021, MPC meeting

On motion of Shawn Taylor, seconded by Quintie Smith, the Commission voted 8-0 to approve the Minutes of the May 5, 2021 MPC meeting.

4. Announcements

Extensive Sign Ordinance Changes: Reed v. Town of Gilbert – invalidated sign codes

5. Adjournment

On motion of Shawn Taylor the meeting was adjourned.

36
37 **Sec. 2-712. – Board Members Terms, Appointment, Powers, and Duties.**
38

39 (a) The City Center BID Board shall consist of seven members, appointed by the
40 Mayor with the approval of City Council. The initial appointments shall be staggered such
41 that two members are appointed for 5-year terms, one member is appointed for a 4-year
42 term, two members are appointed for 3-year terms, one member is appointed for a 2-year
43 term, and one member is appointed for a 1-year term. After the initial appointments, all
44 subsequent appointments shall be for terms of 5 years. At all times, a majority of City
45 Center BID Board members shall be owners of commercial property situated within the
46 boundaries of the City Center BID. Members of the Board may not receive compensation,
47 either directly or indirectly, for service on the Board.
48

49 (b) The City Center BID Board shall have the following powers and duties:

50 (1) Oversee the operations of the City Center BID;

51 (2) Adopt bylaws to govern the procedures of the City Center BID;

52 (3) Adopt an annual budget;

53 (4) To prepare spending requests to be submitted to the City Manager, or his or her
54 designee, who shall act as the fiscal agent for the City Center BID;

55 (5) Calculate and provide to the City Collector the annual amount due by each
56 commercial property owner within the City Center BID within 30 days of the adoption of this
57 ordinance and by July 1 of each subsequent year;

58 (6) Coordinate and plan the Clean and Safe line of business within the City Center
59 BID;

60 (7) Coordinate and plan the Entertainment and Recreation line of business for the
61 City Center BID;

62 (8) Coordinate and plan the Beautification and Image line of business within the City
63 Center BID;

64 (9) Collaborate on efforts for the City Center BID with the City of Charleston and
65 other community partners; and

66 (10) Submit an annual report on or before May 15, 2022, and by May 15 each year
67 thereafter to City Council that includes, at a minimum, the following:

68 (A) An itemized statement of its receipts and disbursements for the preceding fiscal
69 year;

70 (B) A description of its activities for the preceding fiscal year;

71 (C) A recommended program of services to be performed or provided within the
72 district for the coming fiscal year; and

73 (D) A proposed budget to accomplish its objectives.
74

75 (c) Meetings of the City Center BID Board are subject to the West Virginia Open
76 Governmental Proceedings Act, West Virginia Code Chapter 6, Article 9A. Members of the
77 City Center BID are subject to the West Virginia Governmental Ethics Act, West Virginia
78 Code Chapter 6B.
79

80 **Sec. 2-713. – Creation of Fund; Rate and Manner of Fees.**
81

82 (a) There is hereby created a special revenue fund within the city treasury to be
83 known as the City Center BID Fund, along with any subaccounts deemed necessary by the
84 district board.

85
86 (b) The City Center Business Improvement District FY2021 BID Work Plan and
87 Budget sets the rate of annual fees for the City Center BID on each private for-profit
88 property owner at the equation of (total land lot size square footage x .075) + (total building
89 square footage x .03325). The maximum rate of any annual fees that may be imposed
90 upon a single commercial property in the City Center BID, as calculated by the
91 aforementioned formula, will be \$25,000 annually. It is anticipated that cumulative revenue
92 from the initial annual fee will be \$100,000.

93
94 (c) The fees assessed by the City Center BID upon the property owners shall be
95 collected through the City of Charleston's City Collector in conjunction with the assessment,
96 notice, billing, and collection process for the City's fire service fee on a monthly basis. If this
97 collection is impractical, the City Collector may send out a separate bill, under separate
98 cover, that clearly states it is assessing fees for the City Center BID. All funds collected
99 from the fees shall be placed in the City Center BID Fund created by this section. The City
100 Center BID Fund may also receive other voluntary contributions.

101
102 **Sec. 2-714. – Services within the City Center Business Improvement District.**

103
104 (a) All revenues generated from assessments for the City Center Business
105 Improvement District shall be used to maintain, enhance, promote, market and otherwise
106 increase services to the City Center Business Improvement District and may not be used to
107 reduce, replace, or supplant existing funds or services. In particular, the increased services
108 provided within the City Center Business Improvement District may include, but are not
109 limited to, the following:

110 (1) Beautification of the district, by means such as landscaping and construction and
111 erection of fountains, shelters, benches, sculptures, signs, lighting, decorations and similar
112 amenities;

113 (2) Provision of special or additional public services, such as sanitation, security for
114 persons and property and the construction and maintenance of public facilities including
115 sidewalks and other public areas;

116 (3) Making principal or interest payments on bonds issued by the municipality for
117 public improvements located within and designated to improve the economic viability of the
118 district;

119 (4) Providing financial support for public transportation and vehicle parking facilities
120 open to the general public;

121 (5) Constructing, operating and maintaining parking facilities;

122 (6) Developing plans for the general architectural design of public areas and
123 developing plans and programs for the future development of the district;

124 (7) Developing, promoting and supporting community events and activities open to
125 the general public;

126 (8) Providing the administrative costs for a district management program; and

127 (9) Providing any other services which the municipality or district board is authorized

to perform and which the municipality does not also perform to the same extent on a municipality-wide basis.

(b) At the outset of the City Center BID, the board is focused on three lines of business with the following proposed services and reasonable estimate of cost:

(1) Clean and Safe: by spending \$60,000 on an ambassador/safety/cleaning program and \$5,000 on materials and supplies;

(2) Beautification and Image: by spending \$15,000 on conceptual master planning, \$10,000 on greenery, \$20,000 on master plan implementation, and \$10,000 on marketing/branding; and

(3) Entertainment and Recreation: by spending \$5,000 on Slack Plaza equipment and \$10,000 on Slack Plaza public art/lighting.

Other expected initial funds are for project management services or unallocated.

Sec. 2-715. – Description of boundaries of the City Center Business Improvement District.

The City Center Business Improvement District boundary is shown in Appendix A to the City Center Business Improvement District FY2021 BID Work Plan and Budget, currently consisting of thirty-seven commercial properties that are owned by taxable entities.

The City Center Business Improvement District boundary is further described as follows: Beginning at the intersection of the Virginia Street and Court Street centerlines; Thence following said centerline of Court Street northeasterly to the intersection of the Court Street and Washington Street, East centerlines; Thence southeasterly along the centerline of Washington Street, East to a point perpendicular with the southerly side of the Summers Street right-of-way; Thence southwesterly along the Summers Street right-of-way to the northern most corner of land owned by SNIVLAC LLC (Deed Book 2396, Page 672 and known in Kanawha County as District 11, Map 9, Parcel 84); Thence with said property line southeasterly to the eastern most corner of said land; Thence continuing southwesterly with said property line to a point extending to the centerline of Lee Street, East; Thence northwesterly along the Lee Street, East, centerline to point perpendicular with the westerly most property line of land owned by REALCO LLC (Deed Book 2446, Page 949 and known in Kanawha County as District 11, Map 8, Parcel 45); Thence with said property line southwesterly across an unnamed alley to a point perpendicular with land owned by CARLISLE DEVELOPMENT COMPANY LLC (Deed Book 3051, Page 317 and known in Kanawha County as District 11, Map 8, Parcels 44 and 43); Thence with said property line southeasterly to the western most corner of said land; Thence along said property line southwesterly and continuing across the Brawley Walkway right-of-way to a point on the division line between two parcels of land owned by DUPONT HOTEL LLC (Deed Book 3051, Page 178 and known in Kanawha County as District 11, Map 8, Parcel 41) and the CITY OF CHARLESTON (Court Order Book 94, Page 968 also recorded at Deed Book 2365, Page 743 and known in Kanawha County as District 11, map 8, Parcel 42); Thence southeasterly along the Brawley Walkway right-of-way to a point on the northerly side on an unnamed alley; Thence southwesterly along said right-of-way to a point on the division line

174 between two parcels of land owned by the CITY OF CHARLESTON/CHARLESTON
175 URBAN RENEWAL AUTHORITY (Court Order Book 94, Page 968 also recorded at Deed
176 Book 2365, Page 743 AND partial conveyance recorded at Deed Book 2397, Page 249 and
177 known in Kanawha County as District 11, Map 9, Parcel 38) and 209 CAPITOL LLC (Deed
178 Book 2713, Page 205 and known in Kanawha County as District 11, Map 8, Parcel 63);
179 Thence continuing southwesterly along the property line of land owned by the CITY OF
180 CHARLESTON/CHARLESTON URBAN RENEWAL AUTHORITY (Court Order Book 94,
181 Page 968 also recorded at Deed Book 2365, Page 743 AND partial conveyance recorded
182 at Deed Book 2397, Page 249 and known in Kanawha County as District 11, Map 9, Parcel
183 38) and continuing across the Quarrier Street right-of-way to a point on the land owned by
184 the KANAWHA COUNTY PUBLIC LIBRARY (Deed Book 1415, Page 517 and known in
185 Kanawha County as District 11, Map 7, Parcel 28); Thence southeasterly along said
186 property to the intersection of the Quarrier Street and Capitol Street right-of-way; Thence
187 continuing along said property lines for four calls to point at the intersection of the land
188 owned by KANAWHA COUNTY PUBLIC LIBRARY (Deed Book 1415, Page 517 and
189 known in Kanawha County as District 11, Map 7, Parcel 28) and the MIDWINTER
190 INVESTMENT GROUP LLC (Deed Book 2575, Page 327 and known in Kanawha County
191 as District 11, Map 7, Parcel 29); Thence southwesterly of said property line to a point at
192 the centerline of the Virginia Street right-of-way; Thence northwesterly along said centerline
193 to the point of the beginning, containing 27.37 acres more or less.

194
195 **Sec. 2-716. – Continuation or Dissolution and Other Provisions.**
196

197 (a) Pursuant to West Virginia Code § 8-13A-15(b), the City Center BID may not exist
198 for a period beyond ten years unless it is reinstated pursuant to state code. In order for the
199 City Center BID to be continued beyond July 1, 2031, the City Council shall adopt a bill
200 amending this section of Code during calendar year 2031 that sets forth findings in the title
201 of the bill declaring that the City Center BID has complied with all of the requirements and
202 procedures set forth in this article and in West Virginia Code Chapter 8, Article 13A during
203 the initial ten years of existence and therein amend this section to set a new deadline for
204 reauthorization no further than ten years thereafter.

205
206 (b) Dissolution of the City Center BID, along with any other provisions not stated in
207 this article, shall be governed by the provisions of West Virginia Code Chapter 8, Article
208 13A. Pursuant to West Virginia Code § 8-13A-15, upon dissolution of the City Center BID
209 any amounts remaining in the City Center BID Fund shall be transferred to the General
210 Maintenance Fund for the benefit of the area included within the City Center BID.



PUBLIC HEARING NOTICE

Notice is hereby given that City Council of the City of Charleston, West Virginia will hold a public hearing:

TIME: 7:00 p.m.

DATE: Monday, September 7, 2021

PLACE: Council Chambers, third floor of City Hall
601 Virginia Street, Charleston, WV

CASE DESCRIPTION

Bill No. 7923: A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new Article consisting of sections 2-711, 2-712, 2-713, 2-714, and 2-715, all relating to creating the City Center Business Improvement District; detailing the terms, method of appointment, and powers and duties of the district boardmembers; creating the City Center BID Fund; stating the maximum rate of any annual fees that may be imposed upon the commercial properties in the district and the manner in which the rate will be imposed; generally stating the intention of the City to increase services within the district with the fees collected; summarizing the proposed services to be provided within the district and a reasonable estimate of the attendant cost; describing the boundaries of the district; and stating requirements for continuation or dissolution of the City Center BID.

The file is available for your inspection in the City Planning Department office, City Service Center, 915 Quarrier Street, Suite 1. For more information, please call (304) 348-8105 or visit the office.

Public testimony for and against will be taken at the public hearing. Persons wishing to favor or object to the case described above may do so by personal appearance or representative at the hearing

Sincerely,

Dan Vriendt
Planner Director

City Center Business Improvement District

FY2021 BID Work Plan and Budget



Submitted to Charleston City Council on: August 2, 2021

City Center Business Improvement District

Charleston City Council can create a bill designating a Business Improvement District in downtown Charleston, West Virginia as authorized by the West Virginia State Code, Chapter 8 Article 13A (Section 8-13A-9).

Section 8-13A-0 of the West Virginia Code provides for the creation of a Business Improvement District (BID) by a municipality, following a public hearing. Said BID shall be created by ordinance as provided for in West Virginia Code section 8-11-1.

Property owners from within the proposed BID area, submitted a petition to Charleston City Council on November 13, 2020, to initiate procedures for the establishment of a business improvement district. On December 7, 2020, Mayor Goodwin appointed, with consent of City Council, a seven-member planning committee to study and develop preliminary plans for the establishment of a proposed district.

The planning committee members include: Lewis Payne, Matt Bond, Kent George, Bobby Blakley, Will Carter, Rebecca Ceperley and Brent Burton. Additional assistance provided by Susie Salisbury, Charleston Area Alliance, Terri Cutright, TRC & Associates, John Butterworth, Charleston Planning Office, Dan Vriendt, Charleston Planning Office and Mayor Amy Goodwin.

The planning committee conducted extensive outreach consisting of one-on-one meetings with property owners, monthly planning committee meetings, property owner surveys, two well attended property owner group meetings, presentation to Charleston Area Alliance's Community Development Committee and Charleston Urban Renewal Authority.

Then on August 2, 2021, a report of the committee's recommendation was presented by the planning committee for the City Council's consideration.



Name and Boundary Description of the BID

The name of the business improvement district is City Center Business Improvement District (BID). Appendix A is a map and description of the boundaries for the City Center BID. The said BID includes 37 commercial properties that are owned by taxable entities.

BID Vision Statement

Downtown Charleston, WV is the region's most vibrant center of culture, business and entertainment for all residents and visitors.

BID Mission Statement

The City Center Business Improvement District's (BID) mission is to collaborate with all stakeholders to provide an outstanding downtown that is active, thriving and inclusive. This downtown district will be a destination for shopping, entertainment, recreation and services. The City Center BID will achieve this through its leadership, investments in sound, sustainable infrastructure and civic amenities and will build an enhanced economic vitality while supporting and encouraging historic preservation.

Lines of Business

The three main lines of business will include:

1. Clean and Safe
2. Entertainment and Recreation
3. Beautification and Image

Collection of Fees

The fees attendant to this project and assessed upon the property owners within the City Center Business Improvement District shall be collected by the City of Charleston Collector's Office in conjunction with the assessment, notice, billing process and collection procedure of the City's fire service fee.

Revenue Designation

The revenues generated from the assessment fee collection shall be designated for the implementation of the services provided by Ordinance of Charleston City Council. A special business improvement district fund shall be established for the City Center BID. Upon collection of the revenue derived from any assessments, grants, gifts or appropriations, said revenue shall be paid into said fund pursuant to WV Code 8-13A-13. The revenue collected shall be used to maintain, enhance, promote and market the designated area of downtown. No fees generated or collected under the authority of the City Ordinance, may be used to reduce, replace or supplant existing funds or services provided by the municipality to the area encompassed by the City Center BID. Moneys in another municipal fund or funds may be advanced to the City Center BID fund only if reimbursement is made to such other fund or funds prior to the end of the fiscal year WV Code 8-13A-13. It is anticipated that the assessment funds will be used to leverage additional investments within the City Center BID.

District Management Board Members

Within the first year of the enactment of a City Ordinance, the Mayor, with approval of City Council, will appoint seven members to the City Center BID District Board. The majority of the members of said Board shall be owners of commercial property situated within the improvement district. The Board Members shall be appointed for the following staggered terms: two Board Members shall be appointed for a term of 5 years; one Board Member shall be appointed for a term of 4 years; two Board Members shall be appointed for a term of 3 years; one Board Member shall be appointed for a term of 2 years; and one Board Member shall be appointed for a term of 1 year. Subsequent appointments shall be made for a term of 5 years.

Fiscal Agent for Year One

The Charleston Area Alliance, with the support of the CADCO Foundation, a 501(c)(3) organization, will serve as the fiscal agent for the first year of the BID. The District Board and the Charleston Area Alliance will evaluate that relationship after year one.

Funding (\$175,000)

City Center BID (\$100,000)

The BID will collect \$100,000 from private property owners in 2021. Government and nonprofit owned properties are excluded from the assessment. The method of the BID financing is based on a combination of total lot size and total building square footage. Each property owner will be assessed using the following equation: $(\text{total land lot size} \times .075) + (\text{total building square footage} \times .03325)$. These funds will be held by the City of Charleston in a special business improvement district fund for the City Center BID and will be acquired as an attachment to the City Fire Service Fees.

City of Charleston (\$50,000)

The City of Charleston will contribute \$50,000 to the City Center BID in 2021. These funds may be paid into the special business improvement district fund for the City Center BID or the Charleston Area Alliance/CADCO Foundation as the fiscal agent.

Other Funding (\$25,000)

The City Center BID District Board will continue to seek additional funding sources to meet the three main lines of business. For the first year of operation, they plan to raise at least an additional \$25,000 from exempt property owners and other funding sources.

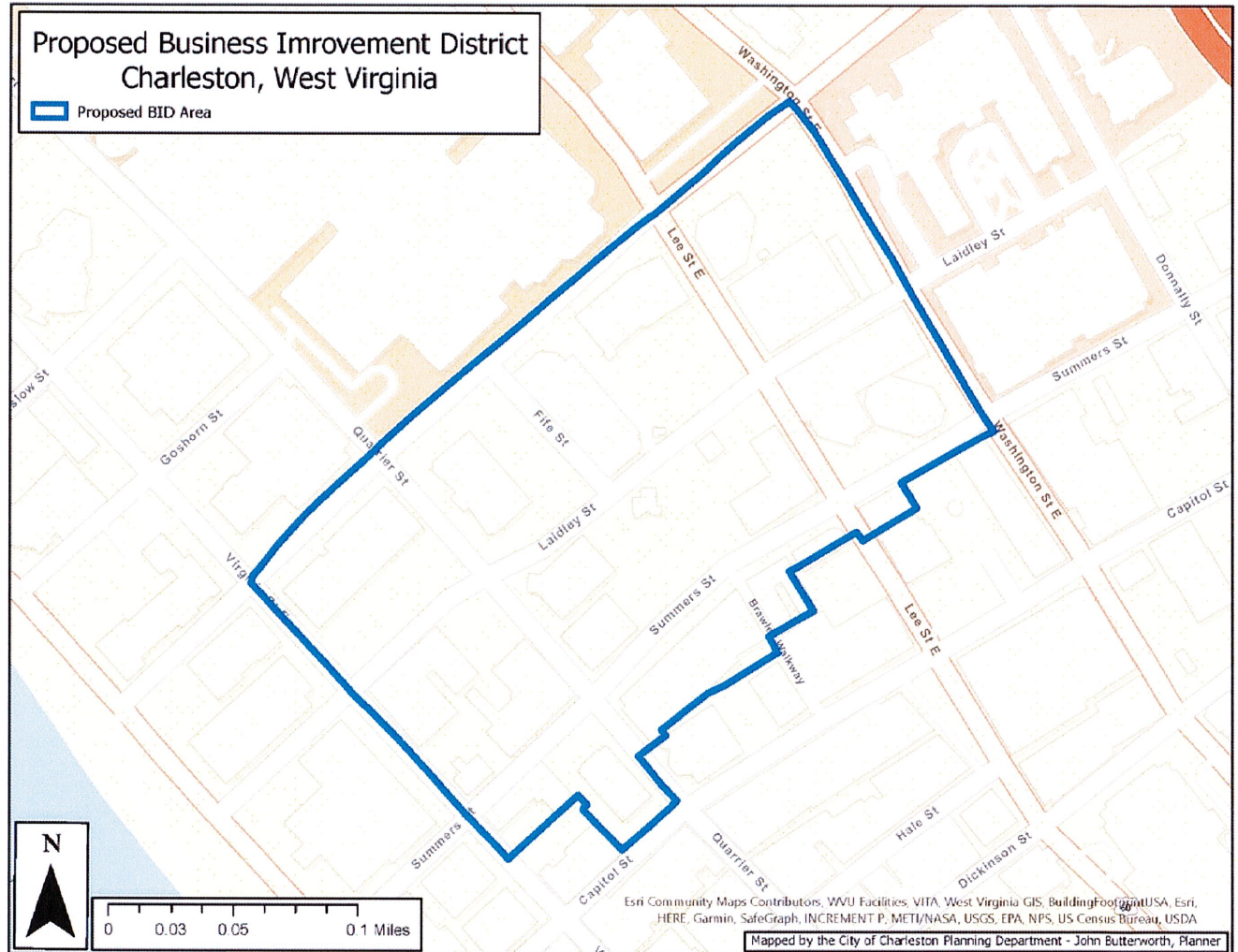
Proposed Center City Business Improvement District Year One Budget

The proposed budget anticipates line items expenditures can be reallocated within the proposed budget. Budget may be supplemented by additional funding sources and will be allocated by the District Board.

Expenses	Amount	Revenues	Amount
Clean and Safe		Property Owner Assessments	\$ 100,000
Ambassador/Safety/Cleaning Program	\$ 60,000		
Materials and supplies	\$ 5,000	City of Charleston	\$ 50,000
Beautification & Image		Other contributions	\$ 25,000
Conceptual Master Planning	\$ 15,000		
Greenery	\$ 10,000		
Master Plan implementation	\$ 20,000		
Branding/Marketing	\$ 10,000		
Entertainment and Recreation			
Slack Plaza equipment	\$ 5,000		
Slack Plaza public art/lighting	\$ 10,000		
Other			
Project management services	\$ 20,000		
Unallocated	\$ 20,000		
Total	\$ 175,000	Total	\$ 175,000



Appendix A



Boundary Description for Business Improvement District

1. Beginning at the intersection of the Virginia Street and Court Street centerlines;
2. Thence following said centerline of Court Street northeasterly to the intersection of the Court Street and Washington Street, East centerlines;
3. Thence southeasterly along the centerline of Washington Street, East to a point perpendicular with the southerly side of the Summers Street right-of-way;
4. Thence southwesterly along the Summers Street right-of-way to the northern most corner of land owned by SNIVLAC LLC (Deed Book 2396 Page 672);
5. Thence with said property line southeasterly to the eastern most corner of said land;
6. Thence continuing southwesterly with said property line to a point extending to the centerline of Lee Street, East;
7. Thence northwesterly along the Lee Street, East, centerline to point perpendicular with the westerly most property line of land owned by REALCO LLC (Deed Book 2446 Page 949);
8. Thence with said property line southwesterly across an unnamed alley to a point perpendicular with land owned by CARLISLE DEVELOPMENT COMPANY LLC (Deed Book 3051, Page 317);
9. Thence with said property line southeasterly to the western most corner of said land;
10. Thence along said property line southwesterly and continuing across the Brawley Walkway right-of-way to a point on the division line between two parcels of land owned by DUPONT HOTEL LLC (Deed Book 3051 Page 178) and the CITY OF CHARLESTON (Deed Book C094 Page 968);
11. Thence southeasterly along the Brawley Walkway right-of-way to a point on the northerly side on an unnamed alley;
12. Thence southwesterly along said right-of-way to a point on the division line between two parcels of land owned by the CHARLESTON URBAN RENEWAL AUTHORITY (Deed Book 2397 Page 249) and 209 CAPITOL LLC (Deed Book 2713 Page 205);
13. Thence continuing southwesterly along the property line of land owned by the CHARLESTON URBAN RENEWAL AUTHORITY (Deed Book 2397 Page 249) and continuing across the Quarrier Street right-of-way to a point on the land owned by the KANAWHA COUNTY PUBLIC LIBRARY (Deed Book 1415 Page 517);
14. Thence southeasterly along said property to the intersection of the Quarrier Street and Capitol Street right-of-way;
15. Thence continuing along said property lines for four calls to point at the intersection of the land owned by KANAWHA COUNTY PUBLIC LIBRARY (Deed Book 1415 Page 517) and the MIDWINTER INVESTMENT GROUP LLC (Deed Book 2575 Page 327);
16. Thence southwesterly of said property line to a point at the centerline of the Virginia Street right-of-way;
17. Thence northwesterly along said centerline to the point of the beginning containing 27.37 acres more or less.