



Planning, Streets and Traffic Committee

Monday, August 21, 2023, at 6:00 p.m.

AV Room #308, City Hall, Charleston WV

AGENDA

- 1. Call to Order**
- 2. Unfinished Business**
- 3. New Business**

Bill No. 8008 - A Bill to amend Chapter 91, Article II of the Code of the City of Charleston, as amended, by updating the floodplain regulations by amending section 91-11 relating to the intent provision, adding section 91-52(h) relating to keeping copies of construction contracts or addendums, and amending section 91-101 to include a severability clause.

- 4. Discussion**
- 5. Approval of the Minutes of the June 15, 2023, meeting**
- 6. Adjournment**

Bill No. 8008

Introduced in Council:

August 7, 2023

Introduced by:

Mary Beth Hoover

Adopted by Council:

Referred to:

Planning, Streets and Traffic

Bill No. 8008 - A Bill to amend Chapter 91, Article II of the Code of the City of Charleston, as amended, by updating the floodplain regulations by amending section 91-11 relating to the intent provision, adding section 91-52(h) relating to keeping copies of construction contracts or addendums, and amending section 91-101 to include a severability clause.

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

That Chapter 91, Article II of the Code of the City of Charleston, West Virginia, as amended, is amended by amending section 91-11, adding sections 91-52(h) and amending 91-101 all to read as follows:

CHAPTER 91. - ZONING

ARTICLE II. - Floodplain Ordinance

DIVISION 1. - IN GENERAL

Sec. 91-11 Intent.

The provisions of this ordinance have been prepared with the intention of meeting the requirements of section 60.3 (d) of the National Flood Insurance Program, the National Floodplain Insurance Act of 1988 (Public Law 91-152) amended by the Congress of the United States through the 15th of February 1975, and West Virginia Code sections 8-12-14, 7-1-3v, 7-1-3n, 7-1-3kk, and 8A.

The intent of this Ordinance is to:

- (a) Promote the general health, welfare, and safety of the Community.
- (b) Encourage the utilization of appropriate minimum construction practices to prevent or minimize flooding damage.
- (c) Minimize danger to public health and safety by protecting the water supply and sanitary sewage disposal in cooperation with the City Sanitarian, and to protect natural drainage.

- (d) Assure the County Assessor obtains information concerning improvement of real property as required by WV Code §11-3-3a.
- (e) Assure all E-911 addresses are obtained and kept current to maintain the established emergency response dispatch systems.
- (f) Reduce financial burdens imposed on the residents, real property owners and its governmental units by preventing the unwise design and construction of development in areas subject to flooding.

Sec. 91-52 Basic Format.

The basic format of the permit shall include the following:

- (a) Name and address of applicant.
- (b) Name and address of owner of land on which proposed development is to occur.
- (c) Applicant shall provide names, addresses, and valid West Virginia license numbers of all contractors working at the building site, or affidavits stating that work is being performed by individuals exempt from contractor licensing as set forth in Title 28, Series 2, section 3.9(b) of the West Virginia Code of State Regulations or the most recent revision thereof, if known at the time the Permit Application is submitted. If not known, applicant shall provide the information within 14 days of execution of a contract with its contractor(s) prior to beginning construction.
- (d) A description of site location sufficient to locate the proposed development including district, tax map and parcel numbers and most recent deed book and page number.
- (e) A standard site plan showing size and location of the proposed development as well as any existing buildings or structures. The site plan shall also show all adjacent roads and watercourses with direction of flow, the lowest adjacent grade to the proposed foundation and/or toe of fill, the Base Flood Elevation, and the location of the Floodway boundary when applicable.
- (f) An acknowledgement that the applicant agrees to pay any and all fees associated with the permitting process as set forth in Division 7, Sections 91-73 and 91-79 of this Ordinance.
- (g) An acknowledgment that the applicant agrees to allow The Floodplain Administrator and authorized representatives of floodplain management programs access to the development to inspect for compliance.
- (h) The contract required by West Virginia Code of State Regulations, Title 28, Series 4, and all addendums to the contract(s) shall be presented to the Floodplain

82 Administrator for review within fourteen (14) business days of contract signing. The
83 Floodplain Administrator shall keep copies of all contracts or addendums and shall
84 file "redacted" copies of the contracts and addendums with the Clerk of the County
85 Court in the Applicant's Permit Application File. The Floodplain Administrator shall
86 consult with the applicant to redact proprietary and confidential information from the
87 contracts and addendums that are not otherwise public information. Failure to
88 present contract(s) or addendums for review shall void the permit. If a licensed
89 contractor is not involved, or the work is of an aggregate construction cost value of
90 less than ten thousand dollars including material and labor, a brief written
91 description of proposed work and the estimated value will suffice.
92
93

94 **DIVISION 10. – SEVERABILITY AND MUNICIPAL LIABILITY**

95 **Sec. 91-101 Liability.**

96 **Sec. 91-101 Severability.**

97
98 If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance
99 shall be declared invalid for any reason whatever, such decision shall not affect the
100 remaining portions of this Ordinance which shall remain in full force and effect and for this
101 purpose the provisions of this Ordinance are hereby declared to be severable.
102

103 **Sec. 91-102 Liability.**

104
105 The granting of a permit or approval of a subdivision, development plan in an
106 identified Special Flood hazard Area, shall not constitute a representation, guarantee, or
107 warranty of any kind by the City of Charleston or by any official or employee thereof of
108 the practicability or safety of the proposed use, and shall create no liability upon the City
109 of Charleston. This Ordinance does not create a private cause of action. All applicants
110 proposing construction in or near a Floodplain Area are urged to locate construction as
111 far away from, and as high above, all flooding sources as possible.
112
113

Planning, Streets and Traffic Committee

Thursday, June 15, 2023 at 5:00 p.m.

City Service Center – 915 Quarrier Street – Conference Room

Members Present

Mary Beth Hoover, Chair
Bobby Haas
Pam Burka
Becky Ceperley
John Gianola
Jennifer Pharr – via phone

Staff Present

Dan Vriendt
Matt Hartline
Terri Allen
Sgt. Oldham

Others in Attendance

Beth Kerns

1. Call to Order

2. Unfinished Business

3. New Business

Bill No. 7995 - A Bill to establish a 15 MPH Speed Limit on Laidley Street from Lee St East to Quarrier 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.

Mary Beth noted that Bill No. 7995 had been a discussion item at the May 22, 2023 meeting. This involves a location of bus travel. The buses are travelling in excess of the posted speed limit, as well as individual drivers. By putting up the 15 MPH speed limit, the bus drivers can be given a citation or warning.

MOTION AND VOTE: A motion was made by Becky Ceperley to approve Bill No. 7995. The motion was seconded by John Gianola and the committee voted unanimously 6-0 to approve Bill No. 7995.

Bill No. 7996 - A Bill to create no parking on pavement zone on the eastern side of Savory from Woodward Drive to the End of Savory 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.

Mary Beth noted that this item was a hot topic at the last City Council meeting. Councilman Jones called Mary Beth today and expressed his approval of Bill No. 7996 and hoped the committee would approve it as well.

Matt Hartline presented an explanation of Bill No. 7996 to the committee. There is a turnaround at the end of the road that is on private property. The landowner has allowed the city, by a “hand-shake” agreement, to back in and turn around. There is a resident beside the turnaround who was parking in the turnaround. They are no longer parking there after having their vehicle towed recently. They are now parking in front of their house, which blocks the street. The solution was to make parking on one side of the street. It is a very narrow street, with approximately 1,100 feet of continual roadway. There will be a significant number of signs going up throughout that area, more than 10 but less than 20 signs, depending on the curvatures of the road. There will probably be phone calls coming in due to the number of signs, but this is the only remedy to the situation. Matt said the signs would be ever 1,000 feet. Becky asked if it was required to place the signs in 1,000 foot increments. Matt said it was not required, but the signs have to be within sight distance of the next sign. It would not work to put one sign at the beginning of the road and one at the end of the road. The signs are ready to be placed along the road if the committee decides to approve Bill No. 7996. This is what the residents wanted, as expressed at the City Council meeting.

Mary Beth asked if anyone had any questions. There were no questions.

MOTION AND VOTE: A motion was made by Becky Ceperley to approve Bill No. 7996. The motion was seconded by Pam Burka and the committee voted unanimously 6-0 to approve Bill No. 7996.

4. Discussion

Councilwoman Kerns was present at the meeting and had two discussion items.

The first issue is the crosswalks at Spring Street and Bigley Avenue, where Donut Connection and 7-11 are located. The crosswalks are almost worn off completely. There has been some discussion over the past couple of years. The west side has a group called the Bigley Avenue Economic Development Foundation. Councilwoman Kerns was a part of this foundation at one time. Adam Knauff and Jeff Mace have been a part of this foundation as well. Councilwoman Kerns said they are wanting to honor the police by making the crosswalk from 7-11 to the Donut Connection blue and make the one on Spring Street across from that crosswalk red to honor the fire department. On Bigley Avenue, the proposal is to paint it green to honor the city workers. However, because Bigley Avenue is a state highway, Route 119, the state would have to approve this request.

Councilwoman Kerns has come before the committee to ask permission concerning the crosswalks that would be across Spring Street to be red and blue.

Mary Beth said that this request would go through Matt Hartline. Matt explained to Councilwoman Kerns that it is not permitted to have a crosswalk any other color than white. Matt further stated that there could be two parallel bars that run across the street in white but the center art is permitted. The crosswalk itself has to be white and reflective. Matt said the cost of color material is significantly higher than the white material because it is in less demand. There are also situations where utilities come in and dig up the area and cut up the crosswalk. Mary Beth said the situation with the utilities cutting up a design between the crosswalk had already occurred on the East End.

Matt said for the Street Department to be able to do the work Councilwoman Kerns is requesting, it would have to be approved through the administration due to the extra expense and maintenance costs. If the administration approves the work the Street Department can do the work. Councilwoman Kerns asked if she needed to do a resolution to that effect or a written request to the mayor's office. Matt Hartline recommended that Councilwoman Kerns start by contacting Matt Sutton's office. Councilwoman Kerns said she spoke with the mayor about this matter last December before Councilwoman Kerns took office. At that time the mayor was asking new council members for suggestions and recommendations for their specific wards.

Councilwoman Kerns said that since they turfed the ballfields near the intersections, there is a lot more foot traffic. So, there is definitely a safety concern and the crosswalks need to be redone regardless.

Matt Hartline said the Street Department could paint the crosswalk blue and red or white. This is material that they do not keep in stock and the approval would have to come from the administration.

Councilwoman Kerns went on to her second issue. Sam and Billy Jo Ashworth approached the councilwoman. They live up Garrison Avenue on a little side street. Their address is 1 Garrison Avenue. The road was paved by the city in the 1990's, but it is not included in the city when it comes to matters such as snow removal, salt etc. Councilwoman Kerns asked how she could get that small portion off Garrison Avenue, approximately 400' in length included in those services. Dan Vriendt told Councilwoman Kerns that she could start with him, Planning and Zoning. The City Engineer would go out and take a look at it and determine what the deficiencies are. The city does not bring it in unless it meets certain requirements and standards. In that case, the residents have to bring it up to standard.

5. Approval of the Minutes of the May 22, 2023, meeting

MOTION AND VOTE: A motion was made by Becky Ceperley to approve the minutes from the May 22, 2023 PS&T meeting. The committee voted unanimously 6-0 to approve the minutes.

6. Adjournment

Motion was made to adjourn the June 15, 2023 Planning Streets & Traffic Meeting.