



Planning, Streets and Traffic Committee

Monday, July 8, 2024, at 5:00 p.m.

City Service Center – 915 Quarrier Street – Conference Room

AGENDA

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

Bill No. 8035 - A Bill to create a NO PARKING ANYTIME zone on the westerly side of Daughtery Street from Marianna Street to Price 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. 8042 - A BILL to amend and reenact Section 102-262 of the Municipal Code of the City of Charleston, as amended, relating to updating and increasing the notice provisions required when a person seeks to permanently close, abandon and discontinue a public street, alley, lane, road, or other public right-of-way.

- 4. Discussion**
- 5. Approval of the Minutes of the May 30, 2024, meeting**
- 6. Adjournment**

1 **Bill No. 8035**

2

Passed by Council:

3 Introduced in Council

4 **June 3, 2024**

5 Introduced by:

Referred to

6 Jeanine Faegre

Planning, Streets and Traffic

7

8 **Bill No. 8035** - A Bill to create a NO PARKING ANYTIME zone on the westerly side of
9 Daughtery Street from Marianna Street to Price Street and amending the Traffic Control
10 Map and Traffic Control File, established by the code of the City of Charleston, West
11 Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2,
12 Article 4, Chapter 114, to conform therewith.

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

14 Section 1. A Bill to create a NO PARKING ANYTIME zone on the westerly side of
15 Daughtery Street from Marianna Street to Price Street

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 hereby are
19 amended, to conform to this Ordinance.

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21 repealed to the extent of said inconsistency.

Bill No. 8042

Introduced in Council:

July 1, 2024

Introduced by:

**Joe Solomon, Beth Kerns
And Chelsea Steelhammer**

Adopted by Council:

Referred to:

**Planning, Streets and
Traffic Committee and
Finance Committee**

1 **Bill No. 8042** - A BILL to amend and reenact Section 102-262 of the Municipal Code of
2 the City of Charleston, as amended, relating to updating and increasing the notice
3 provisions required when a person seeks to permanently close, abandon and discontinue
4 a public street, alley, lane, road, or other public right-of-way.
5

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

7
8 That Section 102-262 of the Municipal Code of the City of Charleston, as amended, is
9 hereby amended and reenacted to read as follows:
10

11 **ARTICLE VI. – STREET AND ALLEY CLOSINGS.**

12 **Sec. 102-262. – Procedure.**

13
14 Any person seeking to permanently close, abandon and discontinue a public street, alley,
15 lane, road, or other public right-of-way, must file:
16

17 (a) A petition, the form of which shall be available in the office of the planning department,
18 which shall contain the following information and items as required by the planning
19 department:

20 (1) A current certified appraisal or other documentation indicating the fair and adequate
21 consideration for the property;

22 (2) A survey and map of the property requested to be closed which survey shall show the
23 names of all adjacent property owners and a list of all property owners whose property is
24 within ~~250~~ 1,000 feet of property being closed;

25 (3) A metes and bounds description of property requested to be closed;

26 (4) A statement of reasons for closure which must include a benefit to the public;

27 (5) A statement of justification for closure. Such statement may include unique
28 circumstances such as topography or slope limited access, or any-other physical;

29 (6) A statement as to whether the property requested to be closed is part of a pattern of
30 current City of Charleston roadways;

31 (7) A statement as to whether encroachments exist to the property requested to be closed;

32 (8) A filing fee of \$100.00; and

33 (9) A bill prepared by or at the request of a member of the Council of the City of Charleston

34 who has agreed to introduce the bill proposing closure,; and
35 ~~(10) If applicable, a request from non-profit or not for profit entity for a determination of~~
36 ~~eligibility to receive the property by donation from the City of Charleston under the laws~~
37 ~~of West Virginia, the City of Charleston and all other applicable laws. If such a request is~~
38 ~~made, the city attorney shall make such a determination, but only upon full cooperation~~
39 ~~from the petitioner in timely providing all information and documentation requested by the~~
40 ~~city attorney. The city attorney will report his/her determination to the committee on~~
41 ~~finance and city council.~~

42
43 ~~(b) Upon receipt of the petition, the planning commission shall deliver one copy of such~~
44 ~~documents to the office of the city clerk for the assignment of a number to the bill.~~
45 ~~Thereafter, the bill will be introduced at the next council meeting for its first reading. At~~
46 ~~the time of the first reading of the bill in council, the petition shall be assigned a bill number~~
47 ~~and introduced at the next council meeting where it shall be referred to the municipal~~
48 ~~planning commission for a public hearing, as prescribed by law, and any other committees~~
49 ~~of city council as necessary. Prior to holding a public hearing, the planning commission~~
50 ~~shall notify all persons on the list supplied by the petitioner of the place, time and date of~~
51 ~~the hearing. This notice shall be given to all persons on the list at least 45 30 days prior~~
52 ~~to the bill being first introduced in a full Council meeting to the public hearing.~~

53
54 The planning commission may seek the opinion of the city attorney as to any legal issues
55 concerning ownership of the property requested to be closed. In addition, at least 30 days
56 prior to the public hearing, the planning commission shall place neon-colored signs that
57 are at least 8.5" by 11" on the right-of-way that is the subject of the petition in order to
58 further alert the general community to the public hearing. After considering the evidence
59 which may come before the planning commission, the planning commission shall report
60 its recommendation to city council ~~at the next council meeting.~~ Such report shall include
61 a determination whether the property is needed for public use or convenience and/or
62 whether the closing and abandonment of the property will benefit the public.

63
64 (c) Upon receipt of the planning commission's recommendation, city council shall refer
65 the bill to the council's committee on planning, streets, and traffic for its consideration.
66 After consideration of the bill, the council's committee on planning, streets, and traffic
67 shall report back to city council with its recommendation for passage or rejection of the
68 bill.

69
70 (d) In any event, the mayor shall refer the bill to council's committee on finance with a
71 recommendation of appropriate consideration based on the certified appraisal and that
72 the applicant is qualified under this section for the vacating of the public street, alley, lane,
73 road, or other right-of-way. The committee on finance may consider the appraisal
74 submitted by the petitioner, other appraisals, the recommendations from the mayor and/or
75 city manager as to value and other factors when assessing the appropriate consideration
76 for the property requested to be closed. When the property requested to be closed is
77 located in a residentially zoned district, the committee on finance may assess
78 consideration in the amount of \$1.00 per square foot to be paid by low to moderate income
79 petitioners, as defined by United States Department of Housing and Urban Development

80 ~~(HUD), if satisfactory proof of such income is submitted (i.e. most recent federal income~~
81 ~~tax return).~~

82
83 ~~(e) After consideration of the bill by the council's committee on finance, it shall report its~~
84 ~~recommendations to council. Council shall then vote on the passage or rejection of the~~
85 ~~bill. Council's final action shall be a simple majority vote of the members present at a~~
86 ~~regular or special meeting~~

87
88 ~~(f) (c) If city council approves the bill after it is reviewed by any necessary committees,~~
89 ~~upon payment of the fair and adequate consideration in a manner consistent with~~
90 ~~Sections 3-13 or 3-14 of this Code or other relevant provisions of West Virginia Code, the~~
91 ~~City Attorney shall approve of a deed for signature by the Mayor. Any deed executed by~~
92 ~~the city pursuant to this section shall be limited to a quitclaim conveyance and shall~~
93 ~~reserve all necessary sewer and other utility easements.~~