

**JOURNAL  
OF THE  
COUNCIL  
CITY OF CHARLESTON  
WEST VIRGINIA**

**July 1, 2013**

THE COUNCIL MET IN THE CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF JULY ON THE 1<sup>ST</sup> DAY, IN THE YEAR 2013, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY COUNCILMAN STAJDUHAR AND THE PLEDGE OF ALLEGIANCE WAS LED BY COUNCILMAN MILLER.

BURKA  
DODRILL  
HOOVER  
MINARDI  
RICHARDSON  
SMITH  
TALKINGTON  
MAYOR JONES

BURTON  
EALY  
KIRK  
NICHOLS  
RUSSELL  
SNODGRASS  
WARE

DAVIS  
HAAS  
LANE  
PERSINGER  
SALISBURY  
STAJDUHAR  
WHITE

DENEALT  
HARRISON  
MILLER  
REISHMAN  
SHEETS

WITH TWENTY- SEVEN MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

***PUBLIC SPEAKERS***

1. Lisa Tackett – Presented the City with a check in the amount of \$2,000.00 in appreciation with the City helping with an annual charity event.

***CLAIMS***

1. A claim of Threasa Tittle, 603 ½ Randolph St., Charleston, WV; alleges personal injury. Refer to City Solicitor.

2. A claim of Benny & Susan Parker, 705 Mayflower Drive., Charleston, WV; alleges damage to property.  
Refer to City Solicitor.
3. A claim of Anna M. Miller, 603 Preston Ave, St. Albans, WV; alleges damage to property.  
Refer to City Solicitor.

**COMMUNICATIONS**

TO: JAMES REISHMAN  
CITY CLERK

FROM: DANNY JONES  
MAYOR

RE: CENTRAL WEST VIRGINIA REGIONAL AIRPORT AUTHORITY

DATE: JULY 1, 2013

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I recommend that R. Charles Dusic III, P. O. Box 11848, Charleston, WV 25339, be appointed to the Central West Virginia Regional Airport Authority, with a said term to expire June 30, 2014.

I respectfully request City Council's approval of this recommendation.

DJ/dmp

# CITY OF CHARLESTON

## PROCLAMATION

### By the Mayor

**WHEREAS:** Recognizing similarities in population, geography, commerce, health care, economic activities and promotion of arts and culture, the City of Charleston, West Virginia, and Banska Bystrica, Slovakia, established a Sister City relationship five years ago; and

**WHEREAS:** Since that time, delegations from both cities have travelled between Banska Bystrica and Charleston to develop cultural, economic and educational ties and to solidify our Sister City relationship; and

**WHEREAS:** That relationship has been strengthened by the dedication of time and energy from actively involved citizens and government leaders of Banska Bystrica and Charleston; and

**WHEREAS:** For the past week, a delegation from Banska Bystrica, led by Mayor Peter Gogola and his wife, have graced our city, explored Charleston thoroughly and experienced FestivALL in many different ways; and

**WHEREAS:** In addition to substantive meetings among colleagues involved in education, health care and government, our visiting friends have seen Charleston from a sternwheeler on the Kanawha river, on foot, by car and from a KRT Trolley; and

**WHEREAS:** Our friends from Banska Bystrica shared their musical talents at the Sister City Gala at the University of Charleston as well as during official FestivALL events, including Mayor Gogola's performance on drums during the Moses Auto Group Live on the Levee, Adam Straniavski's piano performance with the West Virginia Youth Symphony and the traditional folk music offered by Jozef Mak and Veronika Bodnarikova on the street stages of FestivALL;

**NOW THEREFORE, I,** Danny Jones, Mayor of the City of Charleston, do hereby express our appreciation for Mayor Gogola and our friends from

### **BANSKA BYSTRICA – OUR SISTER CITY**

For their treasured friendship and many contributions to Charleston during their visit with us in 2013.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the Executive Department to be affixed this 1<sup>st</sup> day of July 2013.



**DANNY JONES, MAYOR**

## ***STREETS AND TRAFFIC***

Councilperson Joe Deneault, Chairperson of the Council Committee on Streets and Traffic, submitted the following reports.

1. Your Committee on Streets and Traffic has had under consideration Bill No. 7584, reports the same to Council with the recommendation that the Bill do pass.

### Bill No. 7584

Introduced in Council  
June 17, 2013

Introduced by  
Mike Nichols and Rick Burka

Passed by Council  
July 1, 2013

Referred to  
Council Committee on  
Streets and Traffic

Bill No. 7584 - A Bill to repeal Ordinance No. 7530 passed by Council on June 18, 2012 relating to No Parking in Turnaround on Breezemont Drive and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. A No Parking in Turnaround on Breezemont Drive is hereby repealed.

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

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

The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, absent-1, as follows:

YEAS: Burka, Burton, Davis, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Clowser

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7584, passed.

**PLANNING**

Councilperson Mary Jean Davis, Chairperson of the Council Committee on Planning, submitting the following reports:

1. Your Committee on Planning has had under consideration Bill No. 7579, reports the same to Council with the recommendation that the Bill do pass, as a committee substitute.

Bill No. 7579

Introduced in Council

Passed by Council

June 3, 2013

July 1, 2013

Introduced by  
Mary Jean Davis, Jack  
Harrison, Joe Deneault,  
Kasey Russell,  
Mary Beth Hoover, Mike  
Nichols

Referred to  
Planning Committee  
Municipal Planning  
Commission

Bill No. 7579 amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 to amend the land use table to provide for urban agriculture, community gardens and urban farms as either a permitted use or conditional use in certain in zoning districts and to provide supplemental regulations pertaining to said uses.

WHEREAS, the City of Charleston is committed to increasing access to fresh, locally grown, wholesome foods for all residences; and

WHEREAS, to ensure the health and safety of all its residents, the City seeks to create and encourage programs and policies that sustain greater local food security and improve access to healthy food in underserved neighborhoods; and,

WHEREAS, urban agriculture contributes to the local economy by generating living-wage jobs, sales of food at farmers markets, grocery stores, and on-site farm stands and offering the opportunity for resident entrepreneurship in creating food-related small-business; and,

WHEREAS, urban agriculture provides a proven tool for improving the City's quality-of-life by reducing the negative impact of vacant lots, buildings and unused rooftops and helps to support neighborhood stabilization and recovery; and,

WHEREAS, state and national policies are encouraging home gardens to produce their own food; and,

WHEREAS, there is local interest in additional community gardens, community farms and

small commercial farms; and,

WHEREAS, growing local food eliminates both the need for fossil fuels in transporting food and the use of destructive chemicals that are a part of large scale food production operations; and,

WHEREAS, urban agriculture at a residential scale provides a valuable supplement to a family food budget; and,

WHEREAS, urban agriculture at a community scale provides an invaluable opportunity for students to learn about nutrition and where food comes from; and,

WHEREAS, new technologies for growing food, including indoor growing technologies such as aquaponics and hydroponics are the basis for new agricultural opportunities, partnerships and research;

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective November 21, 2005, is hereby amended as follows:

#### Sec. 2-020 Definitions of Terms

**Agriculture, Urban (Urban Agriculture).** An umbrella term that describes a range of food growing practices that may include the keeping of chickens and/or bees, but does not include other livestock.

**Aquaponics.** The cultivation of fish and plants together in a constructed, re-circulating ecosystem utilizing natural bacterial cycles to convert fish waste to plant nutrients.

**Apiary (Bee Keeping).** The keeping or propagation of honeybee colonies for collection of honey or other bee products.

**Community Garden.** A neighborhood-based development with the primary purpose of providing space for members of the community to grow plants for beautification, education, recreation, community distribution, or personal use. Sites managed by public or civic entities, nonprofit organizations or other community-based organizations are responsible for maintenance and operations. Processing and storage of plants or plant products are prohibited on site. Gardening tools and supplies may be stored within an accessory building that is in compliance with Article 3-080(A) of this ordinance.

**Gardens.** A planned space, set aside for the display, cultivation, and enjoyment of plants including

vegetables, flowers, and fruits, which may include the keeping of chickens and/or bees, for private/personal use.

Hydroponics. The cultivation of plants in nutrient solution rather than soil.

Urban Farm. Growing, washing, packaging and storage of fruits, vegetables and other plant products for wholesale or retail sales.

Sec. 3-050 Permitted Land Uses

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CB D	UC D	PM C	I-2	I-4	PU D	SU PP.
<b>Community Garden</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	50
<b>Urban Agriculture</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	50
<b>Urban Farm</b>							C	C	P	P	C			P	P	C	50

Sec. 3-060 Supplemental Regulations Pertaining to Land Use Table

50. Urban Agriculture in any district shall be regulated as follows:

1. The Board of Zoning Appeals must determine the Urban Farm use is compatible with area.
2. The Board of Zoning Appeals may limit the Urban Farm hours of operation.
3. The use shall not create a nuisance due to noise, smoke, electrical interference, dust, or obnoxious odor.
4. The use shall not create unacceptable congestion or traffic hazards on the neighboring streets.
5. Land devoted to agricultural use shall be well-maintained, regularly cleared of debris and free of excessively tall weeds and grass (inspection code). Urban Agricultural uses may include greenhouses as accessory structures, subject to applicable setbacks, and shall also be well maintained.
6. Hens may be kept on residential properties only. Ownership, care and control of the hens shall be the responsibility of a resident of the dwelling on the lot. A maximum of six (6) hens may be kept on lots smaller than one acre (although health regulations may further limit the number and/or manner of keeping of hens on lots). Roosters are strictly prohibited except as provided in the land use table under poultry. Henhouses are subject to accessory structure setback requirements. Hens and henhouses are not permitted in front yards.
7. Honeybees may be kept on residential properties only. Ownership, care and control of the honeybees shall be the responsibility of a resident of the dwelling on the lot. A maximum of three (3) colonies may be kept on lots smaller than one acre (although health regulations may further limit the number and/or manner of keeping of bees on lots). Structures for honeybees are subject to accessory structure setback requirements. Honeybees and beekeeping materials are not permitted in front yards.
8. Roof farms must receive a building permit. All applicable West Virginia building and fire codes must be met.

9. Commercial farming/greenhouse, including but not limited to aquaponic and hydroponic farming, is permitted on municipal land, in municipal buildings, on roofs of municipal buildings and/or in greenhouses on municipal land.
10. Farms and greenhouses shall be subject to building code requirements and any applicable rules and regulations.
11. Hoop houses, cold frames, or other similar structures shall be allowed as accessory structures subject to the building code and subject to the zoning ordinance, and the cover shall be removed and stored when plants are not being cultivated.

All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed

The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, absent-1, as follows:

YEAS: Burka, Burton, Davis, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Clowser

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7579, passed.

2. Your Committee on Planning has had under consideration a request to name an unnamed drive located in the Wallace Point Subdivision near the intersection of Stonehenge, Hampton and South Ruffner Roads to Stirling Court, reports the same to Council with the recommendation that the street naming do pass.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared street name, Stirling Court, affirmed.

## ***FINANCE***

Councilperson Bobby Reishman, Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 332-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 332-13 \_\_\_\_: “Authorizing the Mayor to receive and administer supplemental grant funds from the West Virginia Homeland Security State Administrative Agency in the amount of \$98,776 for purchase of miscellaneous equipment for the Charleston Fire Department.”

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

That the Mayor is hereby authorized and directed to receive and administer supplemental grant funds from the West Virginia Homeland Security State Administrative Agency in the amount of \$98,776 for purchase of miscellaneous equipment for the Charleston Fire Department.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 332-13 adopted.

2. Your Committee on Finance has had under consideration Resolution No 334-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 334-13 : “Authorizing the Finance Director to allocate funds in the amount of \$20,000 for acquisition of one (1) HOME project located in the East End of Charleston.”

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

That the Finance Director is hereby authorized and directed to allocate funds in the amount of \$20,000 for acquisition of one (1) HOME project located in the East End of Charleston.

The question being on the passage of the Resolution. A roll call was taken and there were; yeas – 27, absent-1, as follows:

YEAS: Burka, Burton, Davis, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Clowser

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 334-13, adopted.

3. Your Committee on Finance has had under consideration Resolution No 335-13, and reports the same to Council with the recommendation that the resolution be adopted.

Resolution No. 335-13 : “A Resolution authorizing participation and ratifying prior participation of the City of Charleston, Kanawha County , West Virginia (the “City”) with the Department of the Army, Corps of Engineers (the “Department”), for the construction of the Kanawha River Section 14 Emergency Streambank Protection Project - 35<sup>th</sup> Street Bridge to Greenbrier Street, and authorizing the Mayor, City Manager, and City Attorney of the City and other appropriate City officials, to act for and on behalf of the City in executing, accepting or otherwise approving all documents, agreements, instruments, or other necessary papers required by the Department to implement said participation in the project;

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

That the Council hereby authorizes participation and ratifies prior participation of the City of Charleston, Kanawha County , West Virginia (the “City”) with the Department of the Army, Corps of Engineers (the “Department”), for the construction of the Kanawha River Section 14 Emergency Streambank Protection Project - 35<sup>th</sup> Street Bridge to Greenbrier Street, and further authorizes the Mayor, City Manager and City Attorney of the City and other appropriate City officials, to act for and on behalf of the City in executing, accepting or otherwise approving all documents, agreements, instruments, or other necessary papers required by the Department to implement said participation in the project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 335-13 adopted.

4. Your Committee on Finance has had under consideration a proposal submitted by Smiths Detection, in the amount of \$63,950, for purchase of a HazMat ID Elite Command Package – Dual-Diamond Yellow, a handheld chemical identifier to be used by the Charleston Fire Department to identify unknown solid and liquid substances when applicable and performs an analysis in one minute or less.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

**ROLL CALL**

*The Clerk called the roll:*

YEAS: Burka, Burton, Davis, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Stajduhar, Talkington, Ware, White, Mayor Jones.

ABSENT: Clowser

At 7:28 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, July 15, 2013, at 7:00 p.m.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk