

JOURNAL
OF THE
COUNCIL
CITY OF CHARLESTON

WEST VIRGINIA

December 19, 2005

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF DECEMBER ON THE 19th DAY, IN THE YEAR 2005, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY JACK HARRISON, AND THE PLEDGE OF ALLEGIANCE WAS LED BY MARY JEAN DAVIS.

THE CLERK CALLED THE ROLL AND THE FOLLOWING MEMBERS ANSWERED TO THEIR NAMES:

CHESTNUT	CLOWSER	DAVIS
DEITZLER	EALY	HALL
HANNA	HARRIS	HARRISON
HIGGINS	JONES	LANE
LANHAM	LOEB	MORTON
MILLER		MARKHAM
NIELSEN	REED	REISHMAN
ROBERTSON		TALKINGTON
WARE	WEINTRAUB	WHITE
MAYOR JONES		

TWENTY- SIX 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. None

Councilman Robert Reishman, Chairman of the Council Committee on Finance, submitted the following report, second by Councilman Tom Lane.

Bill No. 7181

Introduced in Council

Adopted by Council

December 5, 2005

Introduced by

Referred to

Tom Lane

Charlie Loeb

Bobby Reishman

Finance Committee

Bill No. 7181 -Authorizing the City of Charleston to accept an offer made to the City of becoming the transferee of a charitable gift by 1266 Corporation., of a parcel of real property located in the City of Charleston, Charleston South Annex District, deed book 2239, page 669, and listed as Parcel No. 2, and authorizing and directing the Mayor to accept a deed of said property on behalf of the City of Charleston. Attached hereto is a deed proposed by the transferor.

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

That the Council for the City of Charleston hereby authorizes and directs the Mayor to accept the offer on behalf of City of Charleston of becoming the transferee of a charitable gift of a parcel of real property, and to accept a deed of said property, upon approval by legal counsel for the City, on behalf of the City of Charleston.

The property is described as follows:

Beginning at a concrete monument in the westerly line of Loudon Heights Road at the original southerly corner of the 29.963 acre tract owned by Chilton Realty & Development Corporation, said point being a common corner to the tract of land now or formerly owned by James W. Miller, and running thence from said beginning point leaving Loudon Heights Road and running with nine (9) original outer boundary lines of said 29.963 acre tract and with part of a tenth (10th) line N. 57° 43' W. 511.15 feet to a concrete monument with 18 inch White Oak pointer; thence N. 31° 03' W., 334.67 feet to a concrete monument; thence N. 31° 22' W.,

99.44 feet to a concrete monument with 14 inch and 18 inch Poplar pointer; thence N. 43° 57' W., 97.92 feet; to a concrete monument; thence N. 43° 47' E., 257.08 feet to a concrete monument; thence N. 44° 23' E., 124.21 feet to a concrete monument; thence N. 44° 26' E. 373.72 feet to a concrete monument; thence N. 44° 22' E., 299.42 feet to a concrete monument with an 18 inch Poplar pointer; thence N. 74° 30' E., 79.00 feet to a concrete monument; thence N. 82° 12' E., 268.92 feet to a point in the westerly line of Loudon Heights Road; thence leaving said original outer boundary line and running with the westerly line of Loudon Heights Road with a curved line to the right with three chords thereof S. 24° 25' W., a chord distance of 63.65 feet to a point; thence S. 31° 39' W., a chord distance of 30.10 feet to a point; thence S. 54° 37' W., a chord distance of 70.51 feet to a point; thence S. 79° 58' W., 83.26 feet to a point at the reverse curve; thence running with a curved line to the left with three (3) chords thereof S. 74° 18' W., a chord distance of 85.88 feet to a point; thence S. 61° 00' W., a chord distance of 91.57 feet to a point; thence S. 48° 57' W., a chord distance of 86.72 feet to a point at reverse curve; thence with a curved line to the right with three chords thereof S. 51° 32' W., a chord distance of 108.71 feet to a point; thence S. 62° 37' W., a chord distance of 59.17 feet to a point; thence S. 63° 31' W., a chord distance of 149.00 feet to a point at reverse curve; thence with a curved line to the left with seven (7) chords thereof S. 24° 48' W., a chord distance of 39.68 feet to a point; thence S. 16° 51' 30" W., a chord distance of 94.95 feet to a point; thence S. 10° 08' E., a chord distance of 143.58 feet to a point; thence S. 36° 52' E., a chord distance of 143.13 feet to a point; thence S. 48° 14' E., a chord distance of 146.77 feet to a point; thence S. 72° 24' E., a chord distance of 112.16 feet to a point at reverse curve; thence with a curved line to the right with six (6) chords thereof S. 71° 45' E., a chord distance of 94.89 feet to a point; thence S. 46° 24' E., a chord distance of 72.72 feet to a point; thence S. 24° 08' E., a chord distance of 66.86 feet to a point; thence S. 2° 26' W., a chord distance of 86.24 feet to a point; thence S. 11° 41' W., a chord distance of 41.97 feet to a point; thence S. 32° 32' W., a chord distance of 67.80 feet to the place of beginning, containing 6.098 acres, more or less.

NOTE: This Ordinance shall take effect immediately following passage by City Council with a vote in the affirmative from three-fifths of its members elected.

The question being on the passage of the Bill a roll call was taken and there were; yeas-26, nays-0, absent-2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Monroe, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7181, adopted.

MISCELLANEOUS RESOLUTIONS

Resolution No.: 965-05

Introduced in Council: December 19, 2005

Passed by council: December 19, 2005

Introduced by: Tom Lane

RESOLUTION RECOGNIZING ROBERT CHILTON AND HIS FAMILY

WHEREAS, the Charleston Land Trust was formed in 2004 for the purpose of promoting green space and public recreation areas in the City of Charleston; and

WHEREAS, Robert Chilton and his family have offered to donate a significant piece of property to the City of Charleston comprising six (6) acres along Loudon Heights Road; and

WHEREAS, the Chilton property constitutes beautiful scenic and wooded property and the preservation of this property in perpetuity greatly enhances the South Hills and Loudon Heights sections of Charleston; and

WHEREAS, the donation of this property by the Chilton family is the first significant property conveyed as a gift to the City of Charleston since formation of the Charleston Land Trust;

NOW, THEREFORE, the Council of the City of Charleston hereby agrees to accept the contribution of this valuable property and recognizes the generosity of Robert Chilton, his wife Jane Cline and the entire Chilton family for their generosity and community service to the City of Charleston and hereby offers its thanks for the contribution which will preserve the scenic beauty of Charleston.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 965-05, adopted.

Members of the Chilton Family came forward to accept the Resolution.

Resolution No. 964-05

Introduced in Council: December 19, 2005

Introduced by: Tom Lane

Commending Gaddy Engineering Company for its dedicated and valuable community service to the City of Charleston.

WHEREAS: Gaddy Engineering Company relocated its offices from Huntington to Charleston and in the process renovated the old Custer Theater on West Washington Street; and

WHEREAS: The revitalization and modernization of this historic theater was accomplished in partnership with its sister company, Paul D. Marshall Architects and Engineers, and this improvement was a giant step in the renaissance of the West Side of Charleston; and

WHEREAS: To further its commitments to the West Side and the City of Charleston, Gaddy Engineering Company is renovating the Ork Building on the corner of Tennessee and Washington Streets; and

WHEREAS: This expansion and move has created 10 new jobs along with an additional 10 jobs that have relocated to Charleston; and

WHEREAS: Gaddy Engineering Company and its affiliated companies have worked to assist others on the West Side to preserve and restore the cultural heritage of that important part of Charleston; and

WHEREAS: Gaddy Engineering Company is dedicated to the development and preservation of natural resources in Charleston and West Virginia; and

WHEREAS: Gaddy Engineering Company employees volunteer their time to give “tree walks” at the Spring Hill Cemetery; and

WHEREAS: Gaddy Engineering Company has volunteered 100 hours of community service to Charleston by providing forest management services to the Charleston Land Trust and the Sunrise Carriage Trail; and

WHEREAS: Gaddy Engineering Company is a charter member of the West Side Main Street.

Now, therefore, be it resolved that the Council of The City of Charleston, West Virginia hereby recognizes and commends John Bullock, President, and Gaddy Engineering Company for their investment in Charleston; their contribution to the improvement of the West Side of Charleston; their creation of jobs for the Capital City and their outstanding dedication to community service.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 964-05, adopted.

Members of Gaddy Engineering came forward to accept the Resolution.

COMMUNICATIONS

Honorable Danny Jones and
City Council Members
Charleston, West Virginia 25301

Dear Mayor Jones and Councilmember's:

On December 7, 2005, the Municipal Planning Commission held public Hearings and its regular monthly meeting. The following cases should be referred to the Council Committee on Planning.

Special Permit #1216 – Application of Roger Talbert requesting a Special Permit for a Bar/Nightclub serving alcoholic beverages in a C-6 Community Commercial District accessory to the business located at 1941 Sissonville Drive.

Special Permit #1220 – Application of G&S Holdings, LLC requesting a special permit for a restaurant/bar serving alcoholic beverages in the Downtown Village Urban Renewal District accessory to the business located at 205 Capitol Street.

Special Permit # 1221 – Application of Cozumel Mexican Restaurant requesting a special permit to serve alcoholic beverages other than beer and wine accessory to the restaurant located in a C-6 Zoning District at 1120 Fledderjohn Road.

Special permit #1223 – Application of Lyne Ranson requesting a special permit to establish a professional office use in an R-10 and East End Historic District zoning district located at 1528 Kanawha Boulevard, East.

Street naming and Dedication – Application of Charleston Area Medical Center for the naming and dedication of the City of Charleston the newly relocated 33rd Street, S.E.

Sincerely,
Municipal Planning Commission
Phyllis White, Administrative Assistant

The Mayor referred the Cases to the Council Committee on Planning.

APPOINTMENTS

To: James Reishman, City Clerk
From: Danny Jones, Mayor
Re: Civil Service Commission

Date: December 19, 2005

I recommend that James S. Arnold, P.O. Box 3842, Charleston, WV 25338, be reappointed to the Civil Service Commission. Mr. Arnold's term will expire September 3, 2007.

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

Council approved the appointment.

To: James Reishman, City Clerk

From: Danny Jones, Mayor

Re: Civil Service Commission

Date: December 19, 2005

I recommend that Kasey Russell, 1237 Highland Road, Charleston, WV 25302, be appointed to the Charleston Land Trust, with an unexpired term to expire October 4, 2006. She is replacing Barry Cunningham.

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

Council approved the appointment.

REPORTS OF STANDING COMMITTEES

PLANNING

Councilwoman Mary Jean Davis, Chairman of the Council Committee on Planning, submitted the following reports.

1. Your Committee on Planning has had under consideration Special Permit #1219, attached hereto and made a part thereof.

Your Committee finds the following:

1. The request complies with the zoning requirements relating to number of parking spaces required.
2. The Municipal Planning Commission and city Council have approved similar requests in the area.
3. The establishment of this professional office should not cause damage, hazard, nuisance, or be a detriment to persons in the vicinity.

and reports the same to Council with the recommendation that the Special Permit be

approved.

The question being on the approval of the Special Permit a vote was taken. There being no dissent the Mayor declared Special Permit #1219, approved.

PUBLIC SAFETY

Councilman Harry Deitzler, Vice Chairman of the Council Committee on Public Safety, submitted the following reports.

1. Your Committee on Public Safety has had under consideration Bill No. 7180, Committee Substitute, and reports the same to Council with the recommendation that the Bill do pass.

Bill No. 7180, Committee Substitute, A Bill amending and reenacting Chapter 10 of the Code of the City of Charleston, 2003, as amended, by amending Section 123 and adding Section 124; with respect to adding certain provisions to enable a person to keep or harbor more than two dogs with certain conditions.

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

That Chapter 10, Sections 123 and 124 of the Code of the City of Charleston, 2003, as amended, is amended to read as follows:

Section 10-123. Restriction on number of dogs.

No person shall own, keep or harbor more than two (2) dogs on any lot, premise, dwelling, building, structure, boat or living accommodation unless: properly licensed as a commercial kennel in compliance with the zoning ordinance; or

1. approved for a Special Permit under the provisions of section 10-124; or
2. previously granted a variance for the keeping of more than two dogs from the Board of Zoning Appeals. The variance shall remain in effect until such time as the property is no longer in compliance with the conditions set forth in said variance.

Sec. 10-124. Special Permit.

(a) The intent of the Special Permit application is to allow responsible pet owners to keep or harbor more than 2 dogs if adequate conditions exist in which the animals will not cause damage, hazard, nuisance, or be a detriment to any persons or property.

(b) Any person desiring to keep or harbor more then 2 dogs shall submit a written application for Special Permit with the Humane Officer. The Special Permit application shall include a copy of a site plan of the subject property showing all structures, fences and open space.

(c) The Humane Officer may grant a Special Permit if the following conditions are met:

1. The subject property is larger than 6500 square feet, unless the dogs are kept predominately indoors; and
2. The dogs must be kept indoors or in a secure area with a fence of sufficient height and durability to prohibit the dog(s) from escaping, or effectively controlled by electronic device; and
3. Adequate shelter be provided for each dog from the weather, as defined by the Humane Association; and
4. Applicants shall not be eligible for a Special Permit if they are known in the neighborhood or community for causing disruptions related to dogs.

(d) Special Permits are non-transferable. A change in the number or type of dogs or transfer of property ownerships requires a new Special Permit.

(e) The fee for a special permit shall be \$50.00.

(f) A previously approved Special Permit may be rejected or revoked at any time if the Humane Officer determines the issuance of a Special Permit has caused damage, hazard, nuisance, dangerous conditions, or is a detriment to any person or property.

(g) Any person aggrieved by the denial or granting of a special permit shall have the right to appeal to the Public Safety Committee of Council.

Councilman Lobe submitted an amendment to the Committee Substitute, a roll call was taken and there were; yeas-4, absent – 2, Nays –22, as follows:

YEAS: Lane, Loeb, Nielsen, Weintraub

NAYS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lanham, Markham, Miller, Morton, Reed, Reishman, Robertson, Talkington, Ware, White, Mayor Jones.

ABSENT: Monroe, Sadd

With a majority of members elected recorded thereon as voting in the negative the Mayor declared the amendment to the Committee Substitute failed.

Council voted on the Committee Substitute as it was submitted:

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, nays – 2, absent – 2, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Markham, Miller, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, White, Mayor Jones.

NAYS: Loeb, Weintraub

ABSENT: Monroe, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7180, Committee Substitute, passed.

URBAN RENEWAL

Councilman Marc Weintraub, Chairman of the Council Committee on Urban Renewal, submitted the following reports.

1. Your Committee on Urban Renewal has had under consideration Bill No. 7178, as amended, and reports the same to Council with the recommendation that the Bill do pass.

A Bill approving certain modifications of the Washington Street, East Urban Renewal Plan for the City of Charleston with respect to:

strengthening neighborhoods through positive action rather than demolition;

developing infill housing on vacant lots and rehabilitating existing housing where appropriate;

developing recreational amenities for residents of varying age and physical ability, giving a high priority to locations north of Washington Street where facilities are most limited and the need is greatest; and

encompassing recommendations of residents, property owners and business representatives who participated in a dynamic public planning process held at the Roosevelt Neighborhood Center in November, 2004.

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

1. City Council finds that:
 - a. The Charleston Urban Renewal Authority has recommended certain modifications of the Washington Street East Urban Renewal Plan for the City of Charleston, West Virginia;
 - b. A general plan known as the Comprehensive Plan for the City of Charleston has been adopted by City Council and is recognized and used as a general guide for the development of the City;
 - c. The Municipal Planning Commission of the City of Charleston has submitted to the Charleston Urban Renewal Authority its findings that these proposed modifications conform with said Comprehensive Plan;
 - d. City Council has duly considered said findings; and
 - e. Section F. of said Washington Street, East Urban Renewal Plan provides that the plan may be changed from time to time in compliance with requirements of the law.
2. The modifications of the Washington Street, East Urban Renewal Plan which are set forth above are hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston.
3. The Washington Street, East Urban Renewal Plan is hereby renamed the East End Community Renewal Plan, and is presented here in strike-through and underline format:

Section A: General Discussion and Description of Project

A.1. Introduction

This East End Community Renewal Plan for the East End of Charleston, West Virginia, is provided for review by the Charleston Urban Renewal Authority as specified under Section 16-18 of West Virginia Statutes. The first phase of this plan was adopted in 1990 for the revitalization of the 1300 block, 1400 block, 1500 block, and part of the 1600 block of Washington Street, East through a series of actions, including preservation and rehabilitation of

existing structures, installation of new site improvements, designation of types of uses permitted in redevelopment of new sites, redevelopment of sites by private owners, changes in zoning designations, and the acquisition of sites for development and redevelopment.

The second phase of this plan, adopted in 2005, calls for expansion of and amendment to the original project area boundaries in order to revitalize the area north of Washington Street, East to Piedmont Road through a series of actions, including preservation and rehabilitation of existing structures, installation of new site improvements, redevelopment of sites by private owners, and the acquisition of sites for development and redevelopment.

Any property acquisition that may occur in the amended boundaries will require CURA to adhere to applicable relocation policies for any owners or tenants CURA may not use eminent domain proceedings to acquire owner-occupied residential property. Required by law, the plan is sufficiently complete to indicate its relationship to definite objectives for the preservation and redevelopment of the area, particularly concerning appropriate land uses, zoning, traffic improvement, public improvements, and building requirements.

A.2. Phase I Legal Statement of Project Area

Beginning at the northwest corner of the intersection of Washington Street, East right-of-way and the right-of-way Morris Street and proceeding northerly along the westerly right-of-way line of Morris Street 104 feet to a point being the property line of parcel 107 East Charleston Tax Map No. 18 thence proceeding easterly across the right-of-way of Morris Street to a point being the northwest corner of parcel 118 East Charleston Tax Map No. 18; thence proceeding easterly along northerly property line of parcel 118 to a point being the northeast corner of parcel 118 and westerly right-of-way line of O'Conner Alley; thence proceeding northerly along the westerly right-of-way of O'Conner Avenue to a point 20 feet north of the northeast corner of parcel 121 East Charleston Tax Map No. 18; thence proceeding across the right-of-way of O'Conner Avenue to a point being the northwest corner of parcel 133 East Charleston Tax Map No. 18; thence proceeding easterly along northerly property line of parcels 133 and 134 to a point being the northeast corner of parcel 134 East Charleston Tax Map No. 18 and the westerly right-of-way of Jacob Street; thence proceeding southerly along westerly right-of-way line of Jacob Street to a point being 40 feet south of the northeast corner of parcel 142 East Charleston Tax Map No. 18; thence proceeding across the right-of-way of Jacob Street to a point being the northeast corner of the intersection of Jacob Street right-of-way and the right-of-way of Washington Court; thence proceeding easterly along the northerly side of said Washington Court right-of-way to a point in the westerly property line of parcel 117 East Charleston Tax Map No. 17; thence proceeding northerly along westerly property line of parcel 117 to a point being the southwest corner of parcel 114 East Charleston Tax Map No. 17 and the right-of-way of alley; thence proceeding northerly along the westerly property line of several parcels to a point being the northwest corner of parcel 111 East Tax Map No. 17 and the right-of-way. Elmwood Avenue; thence proceeding easterly along the northerly property line of parcel 111 to a point being the westerly right-of-way line Bradford Street; thence proceeding southerly along the westerly side of said right-of-way of Bradford Street to a point being the southeast corner parcel 114 East Charleston Tax Map No. 17 and the right-of-way of an alley; thence proceeding across the right-of-way of Bradford Street to a point being the southwest corner of parcel 255 East Charleston Tax Map No. 17; thence proceeding westerly along the southerly property line of parcel 255 to a point being the westerly property line of parcel 251 East Charleston Tax Map No. 17; thence proceeding northerly along the westerly property line of parcel 251 to a point being the northwest corner of parcel 251, thence proceeding easterly along the northerly property line of parcel 251 to a point being the right-of-way line of Shelton Avenue; thence proceeding southerly along the westerly side of said right-of-way of Shelton Avenue 170 feet to a point; thence proceeding across the right-of-way Shelton Avenue to a point being the northwest corner of parcel 285 East Charleston Map No. 17; thence proceeding westerly along the northerly property line of parcel 285 and crossing the right-of-way of Beauregard Street to a point being the northeast corner of the intersection of Beauregard Street right-of-way and the right-of-way of an alley; thence proceeding easterly along the northerly side of said alley across the right-of-way of Ruffner Street to a point in the north right-of-way of an alley; thence proceeding easterly along the northerly side of said alley to a point at the end of said alley right-of-way; thence proceeding southerly along said right-of-way to a point being the northwesterly corner of parcel 158 East Charleston Tax Map No. 20; thence proceeding easterly along northerly property line of parcels 158, 157, and 156 to a point said point being northerly right-of-way of an alley; thence proceeding easterly along the northerly right-of-way of said alley to a point in the westerly right-of-way of Thompson Street; thence proceeding northerly along westerly side of Thompson Street right-of-way to a point being the southwesterly intersection of Thompson Street right-of-way and the Jackson Street right-of-way; thence proceeding easterly across the right-of-way of Thompson Street to a point in the southeasterly intersection of Thompson Street right-of-way and Jackson Street

right-of-way; thence proceeding southerly along the easterly right-of-way of Thompson Street to a point said point being the northerly right-of-way of an alley; thence proceeding easterly along said alley right-of-way to a point at the end of said alley right-of-way and the property line of parcel 47 East Charleston Tax Map No. 23; thence, proceeding northerly to a point being the northwest corner of parcel 47, thence proceeding easterly along northerly property line of parcel 47 to a point being the northeast corner of said parcel; thence proceeding southerly along the easterly property line of parcel 47 to a point the southeast corner of parcel 47 and the northwest corner of parcel 71 East Charleston Tax Map No. 23; thence proceeding easterly along the northerly property line of parcel 71 to a point in the property line of parcel 70; thence proceeding northerly along the westerly property line of parcel 70 to a point being the northwest corner of parcel 70; thence proceeding easterly along the northerly property line of parcel 70 to a point being the northeast corner of parcel 70; thence proceeding southerly along the easterly property line of parcel 70 to a point and being the northwest corner of parcel 69, thence proceeding easterly along the northerly property line of several parcels to a point being the corner of parcel 64, 61, and 60; thence proceeding northerly along the westerly property line of parcel 60 to a point being the northwest corner of parcel 60; thence proceeding easterly along the northerly property line of parcel 60 to a point in the easterly right-of-way of Nancy Street; thence proceeding northerly along Nancy Street to a point in the right-of-way of Jackson Street being the northwest corner of the intersection of the Nancy Street right-of-way and Jackson Street right-of-way; thence proceeding easterly across the right-of-way of Nancy Street to the northeast corner of the intersection of the Nancy Street right-of-way and the Jackson Street right-of-way; thence proceeding southerly along easterly side of Nancy Street right-of-way to a point being the northwest corner of parcel 145 East Charleston Tax Map No. 23; thence proceeding easterly along the property line of parcel 145 to a point being northwest corner of parcel 154 East Charleston Tax Map No. 23; thence proceeding easterly along the northerly property line of parcel 154 to a point in the easterly right-of-way of Maxwell Street; thence proceeding northerly along the westerly right-of-way of Maxwell Street to a point being the northwest corner of the intersection of the Maxwell Street right-of-way and the Jackson Street right-of-way; thence proceeding easterly across right-of-way of Maxwell Street to a point being the southeast corner of the intersection of Maxwell Street right-of-way and the Jackson Street right-of-way; thence proceeding southerly along the easterly side of Maxwell Street right-of-way to a point being northwest corner of parcel 164 East Charleston Tax Map No. 23; thence proceeding easterly along the northerly property line of parcel 164 to a point being the southwest corner of parcel 172 East Charleston Tax Map No. 23; thence proceeding easterly along the southerly property line of said parcel 172 to a point being the westerly right-of-way line of Elizabeth Street; thence proceeding northerly along the westerly side of Elizabeth Street right-of-way and crossing Jackson Street right-of-way to a point being the northwest corner of the intersection of Elizabeth Street right-of-way and the Jackson Street right-of-way; thence proceeding easterly across the Elizabeth Street right-of-way to a point being the northeast corner of the intersection of the Elizabeth Street right-of-way and the McClung Street right-of-way; thence proceeding southerly along the easterly side of Elizabeth Street to a point being the northwest corner of parcel 161 East Charleston Tax Map No. 26; thence proceeding easterly along the northerly property line of said parcel 161 to a point being the northeast corner of said parcel 161; thence proceeding southerly along the easterly property line of parcel 161 to a point being the northerly right-of-way of Warwick Court; thence proceeding easterly along the northerly right-of-way of Warwick Court to a point being the southwest corner of parcel 168 East Charleston Tax Map no. 26; thence proceeding southerly across the right-of-way to a point being northwest corner of parcel 187 East Charleston Tax Map No. 26; thence proceeding southerly along westerly side of parcel 187 across the right-of-way of Washington Street, East to a point being the northeast corner of Parcel 11, East Charleston Tax Map No. 25 and the right-of-way of Washington Street, East, thence proceeding westerly along the southerly right-of-way of Washington Street, East to a point being northwest corner of parcel 9 East Charleston Tax Map No. 25; thence proceeding southerly along the westerly property line of parcel 9 to a point being the southeast corner of parcel 2 East Charleston Tax Map No. 25; thence proceeding westerly along the southerly property line of parcel 2 to a point being the southwest corner of parcel 2 and the right-of-way of Elizabeth Street; thence proceeding southerly along the easterly right-of-way of Elizabeth Street 20 feet to a point; thence proceeding westerly across the right-of-way of Elizabeth Street to a point being the southwest corner of the intersection of the right-of-way of Elizabeth Street and the right-of-way of Lee Street, East; thence proceeding northerly across the right-of-way of Lee Street, East to a point being the northwest corner of the right-of-way of Lee Street, East and right-of-way of Elizabeth Street; thence proceeding northerly along the westerly side of Elizabeth Street right-of-way to a point being the northeast corner of parcel 220 East Charleston Tax Map No. 23; thence proceeding westerly along the northerly property line of parcel 220 to a point being the northwest corner of parcel 220 and the right-of-way of an alley; thence proceeding westerly along the southerly side of said alley to a point being the corner of parcel 235 East Charleston Tax Map 23; thence proceeding southerly along westerly property line of said parcel 235, 20 feet to a point; thence proceeding westerly across the right-of-way of said alley to a point being the northeast corner of parcel 236 East Charleston Tax Map No. 23;

thence proceeding westerly along northerly property line several parcels to a point being the east right-of-way of Ruffner Walk; thence proceeding southerly along the easterly right-of-way of Ruffner Walk to a point being the northeast corner of the intersection of the right-of-way of Ruffner Walk and the right-of-way of Lee Street East; thence proceeding westerly across the right-of-way of Ruffner Walk to a point being the northwest corner of the intersection of the right-of-way of Ruffner Street and the right-of-way of Lee Street East; thence proceeding northerly along the westerly side of the right-of-way of Ruffner Walk to point being the northeast corner of parcel 245 East Charleston Tax Map No. 23; thence proceeding westerly along the northerly property line of several parcels to a point in the southerly right-of-way of an alley; thence proceeding westerly along southerly right-of-way of said alley and crossing the right-of-way of Ruffner Street to the southerly right-of-way of an alley and proceeding in the same direction and crossing Beauregard Street right-of-way to a point being the northeast corner of parcel 303 East Charleston Tax Map No. 17; thence proceeding westerly along the northerly property line of parcel 303 and crossing the Shelton Avenue right-of-way to a point being the westerly right-of-way of Shelton Avenue; thence proceeding southerly along westerly right-of-way of Shelton Avenue to a point being the northeast corner of parcel 296 East Charleston Tax Map No. 17; thence proceeding westerly along northerly property line of parcel 296 and crossing Bradford Street right-of-way to a point being the southeast corner of parcel 145 East Charleston Tax Map No. 17 and the westerly right-of-way line of Bradford Street; thence proceeding northerly along the westerly right-of-way Bradford Street to a point being the northeast corner of parcel 145 East Charleston Tax Map No. 17; thence proceeding westerly along the northerly property line of parcel 145 to a point in the property line of parcel 149 East Charleston Map No. 17; thence proceeding southerly along the easterly property line parcel 149 to a point being the southeast corner of parcel 149 and the right-of-way of Lee Street thence proceeding westerly along the right-of-way line of Lee Street to a point being southwest corner of parcel 149; thence proceeding northerly along the westerly property line of parcel 149 to a point being the northeast corner of parcel 150; thence proceeding westerly along the northerly property line of several parcels to a point being the Northwest corner parcel 154 East Charleston Tax Map No. 17; thence proceeding southerly along the westerly property line of parcel 154 to a point being the southwest corner of parcel 154, 135 and the right-of-way of Lee Street; thence proceeding westerly along the northerly right-of-way of Lee Street to a point being the southwest corner of parcel 135 East Charleston Tax Map No. 17; thence proceeding northerly along the westerly property line of parcel 135 to a point being the northwest corner of parcel 158 East Charleston Tax Map No. 17; thence proceeding westerly along the northerly property line of parcel 158 to the northerly right-of-way line of an alley and proceeding with said alley westerly crossing Morris Street right-of-way to a point in the westerly right-of-way Morris Street; thence proceeding northerly along westerly side of Morris Street right-of-way and crossing Washington Street East right-of-way to the point beginning.

A.2.a. Phase II Legal Statement of Project Area

Beginning at the intersection of Smith Street and Morris Street; thence proceeding in a southerly direction along Morris Street to a point of the northwestern corner of the boundary of the existing Washington Street East Urban Renewal Area boundary line; thence proceeding in an easterly direction along said boundary line to a point in Sydney Avenue; thence continuing in an easterly direction to a point in Piedmont Road; thence following Piedmont Road in a northwesterly direction to a point of the northeastern corner of existing boundary of the Shrewsbury/Smith Streets Urban Renewal Area; thence proceeding in a southerly direction along said boundary line to point in Hansford Street; thence in a easterly direction along Hansford Street to a point in Ruffner Avenue; thence in a southerly direction along Ruffner Avenue to a point in Smith Street; thence in a westerly direction along Smith Street to the point of the beginning.

A.3. Phase I Existing Uses and Conditions

The area shown in Exhibits 1 represents the area of entrance to the State Capitol Complex linking the Capitol to the City's central business district. The upper and lower ends of the area are basically retail/commercial in character with residential in between. Existing zoning within the area is shown in Exhibits 2. Land use is a mix of retail, commercial, and housing within the project area.

A.3.a. Phase II Existing Uses and Conditions

The area shown in Exhibit 1A represents the amended boundary for the Washington Street East Urban Renewal Plan. The area is a mixture of residential, industrial, and commercial uses; it also represents a patchwork of ownership, large and small sites, regular blocks of land and odd parcels, and other patterns and configurations. Existing zoning in the area is shown in Exhibit 2A.

A.4. Phase I Findings of Area Survey

- A. One Hundred Fifty (150) structures were surveyed. Of those structures, 76 were residential and 74 non-residential.
- B. The residential structures, while almost totally occupied, have 22% in need of major repair. And it is estimated in excess of 50% could be considered substandard by the City's codes with the majority of housing units in the area constructed prior to 1939. The housing units are for the most part low-income rental units. (The majority of these blocks are severely blighted as a result of building conditions and as indicated by, among other factors, long term vacancy in commercial properties and deterioration of commercial and residential properties. In addition, the large-scale absentee ownership of properties and low income rental market further contribute to the problems of poor maintenance, lack of interest, and overall decline being experienced in these blocks.)
- C. Roughly a 30% vacancy rate is present in the non-residential structures.
- D. The conditions of infrastructure in the area are restrictive to development with most of the sidewalks and curbs and streets being in fair to poor condition.
- E. Other problems include poor placement of parking meters, need for off-street parking lot, lack of access to interior portions of blocks, poor lighting, lack of trash receptacles, inappropriate storefronts and a generally run-down image.

Based on these findings, City Council adopted on January 2, 1990, Resolution No. 901-90, determining that the area is a slum or blighted area. This plan addresses conditions of slum and blight within that designated area.

A.4.a. Phase II Findings of Area Survey

- A. The area has good visibility and access to the Interstate. However, access is confusing when you exit the Interstate and upon reentry.
- B. There are also numerous conflicts between adjacent land uses such as the open storage of industrial equipment and materials adjacent to housing.
- C. The existing land uses conflict in some areas and give an unorganized appearance.
- D. A property survey indicated the existence of deteriorated and deteriorating conditions and the potential for the spreading of these conditions and the lack of connectivity both pedestrian and vehicular.
- E. There is a shortage of housing which is of sound standards and adequate for family life, and the deteriorating conditions in the project area and the shortage of decent, safe and sanitary housing contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety and welfare. Further, the development of residential uses is an integral part of and essential to the program of the community for the prevention of blight.

Based on these findings, the Charleston City Council adopted on November 17, 2003, Resolution 121-02 stating that this amended boundary area is in need of a workable plan of action for elimination, prevention or spread of deteriorating conditions and for conservation and rehabilitation within a certain area of the community as shown in Exhibit 1-A.

Section B: Redevelopment Plan Objectives

Primary objectives of the redevelopment plan are to:

- 1. Preserve and enhance the existing environment of this area of the City.
- 2. Acquire and remove such structurally substandard and obsolete buildings in the project area as any be detrimental to the safety or welfare of the community, or which otherwise retard the purposes of this plan, including those buildings exhibiting blighting influences which tend to cause physical and environmental deterioration.

3. Encourage the assembly and coordinated development of adjacent properties to the extent that coordinated development represents a potential benefit to the area, and where lack of cooperation among diverse owners might otherwise discourage such development.
4. Encourage owners of existing properties not to be acquired to extend the useful life of structures on those properties, in a manner compatible with land uses proposed herein, in order to improve the surrounding environment.
5. Strengthen the tax base of the City through new development in the project area in a manner that will bring about the rehabilitation of existing structures to the maximum extent possible, the replacement of deteriorated buildings where rehabilitation is not possible, and the gradual renovation of portions of the area through the encouragement of selected projects based on joint public and private efforts, development incentives and other means.
6. Provide public improvements to complement and serve new development, including needed utilities, street and alley design treatments, landscaping, pedestrian facilities and parking.
7. Develop recreational amenities for residents of varying age and physical ability, giving a high priority to locations north of Washington Street where facilities are most limited and the need is greatest.
8. Strengthen neighborhoods through positive action rather than demolition. Develop infill housing on vacant lots and rehabilitate existing housing where appropriate.

The proposed projects will cost several million dollars. There are many potential sources of funding for implementation. The major sources of public funding, in addition to local organizations such as CURA itself, the City and Charleston Area Alliance, are described below:

- US Department of Housing and Urban Development (HUD) Special Projects Grants fund urban revitalization and neighborhood development projects.
- The HUD Small Cities Block Grants may be used to fund a wide array of projects in the plan area. The grants range in size from \$500,000 to \$2.5 million.
- The US DOT's Transportation Enhancement program may be used for such recreational projects associated with trails and the development of projects with historic or community-oriented transportation themes. Some components of the park at Hobo Junction may be eligible. Funding proposals may need to be coordinated through the City of Charleston and the West Virginia Department of Transportation.
- The Economic Development Administration of the US Department of Commerce may fund infrastructure projects that support economic development as well as office buildings housing technology employment initiatives.
- The US Small Business Administration (SBA) may fund real estate development or rehabilitation projects that support small businesses. The SBA could be helpful in providing support for small business development in the neighborhood in conjunction with the commercial project and the entertainment district.
- The Appalachian Regional Commission funds entrepreneurial development, job development and education-related projects throughout West Virginia.
- The West Virginia Land and Water Conservation Fund supports recreational and infrastructure projects and may be a source of funds for park projects.
- The West Virginia Economic Development Administration administers a Guaranteed Loan Program for Business and Industry that may help private developers finance projects.
- The West Virginia Housing Development Fund can support infrastructure projects and help finance mortgages, especially for first time homebuyers. This may be a potential funding source for some infill residential projects.
- The West Virginia Infrastructure, Jobs, and Development Council (IJDC) considers applications for infrastructure and economic development projects.
- The State of West Virginia's Community Partnership funds may be used for community facilities, infrastructure, and economic development projects.

- The City and County hotel and motel tax revenues may be used for marketing and related activities to support tourism in downtown.

The West Virginia Development Office administers many of the funding programs could be used to help implement the revitalization plan. In particular it administers ARC funds, Land and Water Conservation funds, Small Cities Block Grants, IJDC funds and Community Partnership funds. In many cases the City of Charleston or Kanawha County would have to apply for funds or grants noted above. It may be helpful for CURA to bring the major parties from the City, the State, federal government, with neighborhood groups, present the plan and discuss potential funding sources and commitments.

Section C: Land Use Plan

The land use to be permitted in the Redevelopment Area and the regulations to which they shall be subject are specified below. The regulations are imposed to ensure the satisfactory development of the designated area in accordance with the objectives of this Plan.

C.1. Permitted Land Uses

The general framework for redevelopment within which the specified uses are permitted and the location of all streets are identified on the Land Acquisition and Redevelopment Map, Exhibit 3 and the Project Map, Exhibit 4.

The redevelopment projects are subsequently described with respect to redevelopment responsibilities, as follows: (1) private redevelopment; and (2) public redevelopment. The Charleston Urban Renewal Authority intends that properties designated for private redevelopment shall be predominately owned and redeveloped by private enterprise, and that the Authority shall not acquire such properties unless private interests are unsuccessful in assembling parcels or otherwise carrying out redevelopment actions as envisioned in this Plan and provided, further, that sufficient funds are available to acquire such properties or undertake such actions. Redevelopment of properties designated for public redevelopment shall be the responsibility of the Authority, the City of Charleston and other governmental units, as appropriate. Minor modifications consistent with the general intent of this plan may be made at the discretion of the Authority in accordance with local regulations and requirements. The General Land Use Provision and Regulations (C.2) and Specific Provisions and Regulations by Use Area (C.3) shall apply to the areas designated within this Plan, and these subsections shall constitute covenants and conditions running with the land and shall be incorporated as covenants in disposition deeds and other disposition instruments or incorporated therein by reference to a written declaration of them duly recorded and shall be binding upon all parties and persons claiming under such deed or other disposition instruments. The permitted use of parcels shall be limited to the uses specified and subject to the regulations specified herein.

C.2. General Land Use Provisions and Regulations

The following general regulations and controls shall apply to all land within the Project Area. These regulations and controls are in addition to those set forth in subsequent sections.

C.2.a. Pedestrian Walks, Open Space and Recreation Facilities

All pedestrian walks, open space areas and recreation facilities shall be suitably paved or surfaced, landscaped with trees and shrubs and provided with benches, trash receptacles and lighting where appropriate. Structures that are customary and incidental to parks, such as concession stands, amphitheaters and bus stop shelters, shall be permitted. A bus shelter, if constructed, shall measure no more than 10 feet by 15 feet at the outer roof lines and shall be provided with benches and lighting.

C.2.b. Parking and Loading

1. Minimum Off-Street Parking

- For the re-use of structures found by an independent study of the Washington Street East corridor to qualify as contributing to the creation of a historic district, all parking requirements shall be waived. A list of those structures is attached to this plan.
- For mixed-use developments, the parking requirements for all residential uses not located on the first floor shall be waived.
- Otherwise, the number of spaces required will be in accordance with the Zoning Ordinance of the City of Charleston.
- No parking spaces will be allowed within fifteen feet of the front property line

2. Minimum Off-Street Loading

No loading or unloading operations shall be performed from a public right-of-way. All uses shall be responsible for providing adequate loading and unloading facilities on the premises of the principal buildings; these may be provided in common for more than one commercial use.

3. Parking Facilities

All parking facilities shall be paved with a permanent surface and properly lighted with each parking space having a minimum width of 8.5 feet and minimum depth of 18 feet, an area of not less than 153 square feet. Parking areas shall be designated with adequate ingress and egress from a public right-of-way and have an appropriate maneuvering area. Parking shall be clearly delineated and identified. For parking areas containing more than ten parking spaces, at least ~~ten~~ five percent of the parking area shall be landscaped. If a parking area other than an automobile dealership is located directly behind a front setback or adjacent to a public street, the parking area shall be screened with a hedge, earth berm, or decorative wall at least two and one-half feet in height, extending the length of the street frontage. See Figure 1. Such landscaping shall not be more than two and one-half feet in height in triangles at the intersection of a driveway with the street right-of-way or at street intersections. The triangles shall be determined according to Section C-2-D of this document. Within any parking area, all sections not used for parking stalls or maneuvering of vehicles shall be landscaped. Parking requirements may be met by joint parking facilities or off-site facilities provided that the required spaces shall not be more than 300 feet from the entrance of the use.

C.2.c. Landscaping

Any land not covered by buildings or pavement shall be suitably landscaped and maintained. Plans for treatment of landscaped areas shall be submitted to the Charleston Urban Renewal Authority for approval.

C.2.d. Corner Visibility

Corner visibility shall be regulated in accordance with the Zoning Ordinance of the City of Charleston.

C.2.e. Signs

A sign is hereby defined as a visual assembly of letters or any other device for attracting attention or conveying information. The maximum area of a sign shall not exceed 2 square feet for each linear foot of building wall fronting on a street. The area of signs is the sum of the smallest rectangle enclosing all such letters and devices. The maximum area allowed is the greatest sum of all those rectangles visible from any public right-of-way. Only one sign per place of business may be a monument or post and panel sign. For residentially zoned areas and commercially zoned areas outside the Corridor Village District, the sign regulations now or hereafter prescribed by the Zoning Ordinance of the City of Charleston shall govern.

1. Prohibited signs and devices
 - Roof, and ground pole.
 - Intermittent or moving, except time, temperature or date.
 - Portable signs.
 - Signs mounted higher than the roof, eave or parapet line of any building or silhouetted against the sky.
 - Pertain to anything or activity other than those primary activities on the same premises.
 - Pennants, spinners, or streamers.
 - Signs that contain or are an imitation of an official traffic sign or signal, such as “stop,” “go,” “slow,” “caution,” “danger,” “warning,” or other similar words.
2. Whenever there is a change in use of a property or ownership of a business, all non-conforming signs shall be removed and shall not be put back unless it completely conforms to said regulations.
3. General sign restrictions
 - a. Monument sign
 - Such signs shall not exceed 6 feet in height;
 - Such sign shall not exceed 36 square feet in area including the base;
 - The general area in the vicinity of a monument sign shall be landscaped and kept clear of weeds, debris, trash, and other refuse.
 - b. Post and panel sign shall be allowed, provided that such sign shall not exceed 36 square feet in area.
 - c. In multi-tenant buildings, there may only be one directory-style monument sign or post and panel sign, all other signs for individual tenants must be a wall sign or awning sign.
 - d. Wall signs shall not project from any building facade more than 6 inches. However, suspended and projecting signs made of wood or metal are permitted in order to provide orientation to a pedestrian. Such signs shall be a maximum of 3 feet wide and 2 feet high and must not contain letters, emblems or devices exceeding 6 inches in height. Such sign shall not have any part lower than nine feet above a sidewalk nor higher than 12 feet above a sidewalk.
 - e. Wall signs shall not contain a single letter, emblem or device exceeding 30 inches in height.
 - f. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Ordinance.

C.2.f. Aesthetic Controls and Approval of Plans and Specifications

In order to establish and maintain property values and insure aesthetic and functional coordination essential to carrying out the Plan and the continued maintenance of the Redevelopment Area, developers shall agree to controls through such means as are deemed appropriate by the Charleston Urban Renewal Authority. Such controls will be concerned solely with aesthetic and functional considerations and will not relieve developers of their responsibility to comply with all ordinances and governmental rules and regulations. The Charleston Urban Renewal Authority specifically reserves the right to review and approve the developers’ detailed plans, final working drawings and specifications. Review and approval will be specifically concerned with, but not limited to, site planning, architectural layout, materials of construction, landscaping, access, advertising and identification signs, streets and sidewalks.

Applicable portions of the City’s guidelines regarding historic and special architectural structures shall also be followed in preparing construction plans. Preliminary sketch drawings of site plans and building elevations in sufficient detail to show access, layout, landscaping and building construction shall be submitted to the Charleston Urban Renewal Authority for review and approval before working drawings are made.

C.2.g. Easement

No structure shall be erected on or over any utility easement without prior specific written consent of the utility involved and the Charleston Urban Renewal Authority.

C.2.h. Property Maintenance and Building Codes

All property within the redevelopment area shall be kept in good condition. All finished surfaces shall be maintained in good condition so as to prevent deterioration, flaking, peeling, weathering, blistering and other exterior defects. City building codes, already in effect for the City as a whole, shall be applicable to new construction and rehabilitation within the redevelopment area. The Authority may authorize exceptions to applicable City codes if such exceptions do not result in a reduction of public safety standards and, further more, an exception is necessary to achieve the objectives of redevelopment as described herein.

C.2.i. Servicing

An off-street loading space shall have a minimum size of 10 by 50 feet, a minimum clear height of 14 feet, and be provided a direct access to a public street or service alley. Off-street loading shall be designed and located so that no public right-of-way or off-street parking area is blocked in any way by a vehicle using a loading space. Off-street loading shall be on the same parcel as the building served and shall not be used for any other purpose, such as parking or storage. Open-air storage of equipment, merchandise and materials is prohibited except as specifically authorized in writing by the Charleston Urban Renewal Authority.

C.2.j. Lighting

Lighting of all property shall be designed so as to prevent visual glare to a dwelling unit or motor vehicle operator. Public walks or malls, plazas and parking areas shall be illuminated to permit these areas to function without being objectionable to any adjacent users and to provide for the safety and comfort of persons using them. Lighting of walks, malls and plazas shall be compatible with architectural plans for new development and shall be considered a part of the landscape plan and subject to approval by the Charleston Urban Renewal Authority.

C.2.k. Curb Cuts

No part of a driveway leading from a public street shall be nearer than 20 feet to the street right-of-way line of any intersecting street or nearer than 10 feet to the end of a curb radius at an intersecting street, no shall the driveway be nearer than 15 feet to any part of another driveway entering a public right-of-way. The width of any driveway leading from a public street shall not exceed 35 feet at the curb line or 25 feet at the street right-of-way line.

C.2.l. Satellite Communication Devices

Satellite communication devices shall be located and screened in such a way that they are not visible from public right-of-way in the urban renewal area. When located on the roof of a building, such devices shall be screened by structural treatment which is compatible with the architecture of the building and its surroundings. When located on the ground, such devices shall be situated in rear yards otherwise rendered invisible by screening in accordance with Section C.2.(M) of this Plan.

C.2.m. Fences and Walls

Fences and walls shall be required as a buffer zone between any commercial development and residential areas. These fences and walls and any others should be designed as an integral part of the site development and in a manner which enhances and complements the existing architecture and which does not impede pedestrian access from public ways. They should be constructed of materials such as wood, brick and wrought iron. Chain-linked fences and other utilitarian materials should not be used when visible from public streets.

C.2.n. Factory Build Structures

A factory built structure for commercial purposes, except when used as a temporary construction office on a construction site, shall be permitted only with the issuance of a Special Permit.

C.3. Zoning

1. Corridor Village District

The Washington Street East Urban Renewal Area as shown in Exhibits 1 and 1A is zoned Corridor Village District (CVD) except the rear portion of parcel 149, Tax Map No. 17 and the rear portion of parcel 135, Tax Map No. 17 both which front on Lee Street and shall remain residential.

a. Permitted Principal Use

- Single-family dwelling
- Duplex dwelling
- Group home occupied by not more than eight individuals who are developmentally disabled, as provided by State law
- Multi-family dwelling
- Animal Hospital and Clinic – small animals (no outside kennels)
- Antique shops and interior decorating shops
- Art galleries, art supply stores and studios
- Audio visual equipment supply stores excluding adult videotape stores, as defined by the City of Charleston's zoning ordinance, Article II, Section 2-2
- Automobile parking areas, public and private
- Bakers, retail
- Barber and beauty shops (excluding instructional schools)
- Bed and breakfast inns
- Bookstores and stationery stores excluding adult book stores, as defined by the City of Charleston's zoning ordinance, Article II, Section 2-2
- Candy or confectionery stores (all products to be sold on the premises only)
- Community Center/Civic Organization
- Church, temple or synagogue
- Day Care Center
- Dressmaking or millinery shops
- Drug or sundries stores
- Dry cleaning, pressing and laundry; distribution stations or retail businesses where no cleaning, pressing or laundry is done for other distribution stations or cleaning establishments; and self-service laundry
- Dry goods and notions stores
- Engraving, watch making and jewelry stores
- Florist shops
- Gift shops
- Grocery stores (gasoline pumps not allowed)

- Gymnasiums or athletic clubs
- Hardware stores
- Historic or monument site
- Libraries, museums, historic buildings and grounds
- Music and vocal instruction facilities
- Music stores
- Offices – general and professional
- Photography shops
- Printing and publishing facilities
- Restaurants, sidewalk cafes and food vendors (drive through facilities prohibited) (alcoholic beverages by special permit)
- Retail specialty facilities (including facilities for the merchandising of shopper’s goods, convenience goods and retail services directly to the consumer)
- Shoe repair shops
- Shoe shops
- Tailor shops
- Travel agencies

b. Special permit uses

- Banks or credit unions
- Restaurants and sidewalk cafes serving alcoholic beverages
- The authorized use of bar, nightclub, lounge, dinner club or restaurant selling alcoholic beverages, including beer and wine, as a matter of right is prohibited and such use shall only be authorized by a special permit approved, in the case of alcoholic beverages other than beer and wine, by City Council and in the case of beer and wine by the Municipal Planning Commission, and such permit shall only apply to the owner(s) of the business or the owner(s) of at least 50% of the stock of a corporate business at the time the permit is issued and shall not be transferable.
- All existing bars, nightclubs, lounges, dinner clubs and restaurants lawfully selling alcoholic beverages including beer and wine, at the time of enactment of the applicable ordinance may continue so long as they are not closed for a continuous period of more than six months, after which time a special permit approved by City Council for sale of alcoholic beverages other than beer and wine and approved by the Municipal Planning Commission for sale of beer and wine shall be required.

c. Setbacks

- Front setbacks —For commercial properties, no minimum front setback shall apply. A maximum front setback of 5 feet shall be permitted in order to maintain a clearly defined street edge and allow slight variations in design, such as substantial landscaping features and street furniture. A maximum 10 foot front setback shall be permitted only for the purpose of providing an outdoor dining area. For residential uses abutting other residential uses, the front setback shall be in keeping with the prevailing front setback line.
- Rear setback – minimum of 25 feet
- Side setback – No side setback required when abutting a commercial district. Five (5) foot setback required when abutting a residential district. If there is no access to the rear of the property by a public right-of-way, at least one side setback shall be a minimum of 10 feet for emergency access

d. Height

- Height shall not exceed 50 feet above grade at the building line. For one-story structures, the primary façade shall be a minimum of 16 feet in height. This creates a comfortable pedestrian environment.

e. Site Coverage

- Maximum lot coverage, by all buildings shall be 90 percent

f. Intensity of Uses

- No minimum lot size shall be required for commercial uses
- Residential uses shall require the following minimum square footage of area for each lot or tract of land:

One-family dwelling	4,000 square feet per unit
Two-family dwelling	2,500 square feet per unit
Three-family dwelling	2,000 square feet per unit
Multi-Family Structure	1,500 square feet per unit

g. Design Standards

- Structures considered by an independent study of the Washington Street East corridor to qualify as contributing to the creation of a historic district should be subject to review by the Authority's Architectural Review Committee in accordance with the Secretary of the Interior's Standards for the Rehabilitation of Historic Structures. Exhibits 5 and 5A are maps showing the locations of these structures; a descriptive list of these properties has been submitted to the Architectural Review Committee and is available for public review at the offices of the Authority. Exhibit 7 is a list of said review standards.
- The design characteristics for new construction and facade renovation should ensure compatibility with the existing architectural theme and overall character of the District. The use of innovative and flexible design techniques that will accommodate development that fits in with the existing environment should be encouraged. Generic corporate prototypes and parking lot based formulas may need to be modified to fit local standards for the District.
- Primary building entrances shall face and open directly onto the public sidewalk adjacent to Washington Street East, or onto an outdoor dining area or plaza adjacent to the public sidewalk. Primary building entrances should be recessed.
- For non-residential uses fronting on Washington Street East, ground story façades shall have between 60 and 90 percent fenestration measured as a percentage of the façade that is between 2 and 10 feet above the fronting sidewalk. Ground floor windows shall not be tinted, mirrored or treated in such a way as to block views into the windows. Upper story facades shall have at least 25 percent fenestration, measured for each story as a percentage of the façade that is between 3 and 9 feet above the finished floor. See Figure 2.
- Window grills mounted on the exterior of a building are prohibited. Permissible alternatives which are architecturally integrated include windows that by their size and geometry offer inherent protection from intrusion, and the interior mounting of operable grills, bars, or shutters. Such devices must be kept open during regular business hours in order to encourage legitimate and desirable activities such as walking and avoid visual blight and potential disinvestment.
- Long facades shall be designed with sufficient building articulation and landscaping to break them up into smaller visual elements. Expanses of uninterrupted wall area, unbroken roof forms, and box-like structures measuring more than 40 feet shall be prohibited. Suggested techniques for articulation include recessed entries, windows, insets, changes in material or color, works of art, landscaping, street furniture, architectural lighting and other pedestrian-level details.

- Material selection in new construction and rehabilitation shall relate to the historic neighborhood commercial context of the Washington Street East corridor. The use of EIFS, vinyl and aluminum siding, corrugated metal and plastic shall be discouraged.

C.4. Project Identification

Exhibit 3 is a land acquisition and redevelopment map showing the locations of the following projects and signifying public redevelopment projects in contrast with those projects warranting special development requirements as stated below. Exhibit 4 is a project map showing the objectives of these redevelopment projects.

C.4.a. Special Development Requirements for Selected Properties

In the interest of accomplishing development objectives as stated in the plan, special requirements are hereby established for selected properties and these requirements are as follows:

- a) Parcels 154, 155, 156, 157, 158, 159, 162, 163 (Tax Map No. 23)—redevelopment of these properties for commercial use (rehabilitation of parcels numbered 155, 156, 157, and 158 encouraged)
- b) Parcels 3, 4, 5, 6, 7, 8 (Tax Map No. 25)—redevelopment of these properties for commercial use (unified site development encouraged)
- c) Parcels 216, 217, 218 and 219 (East Charleston Tax Map No. 23)—property at the corner of Washington Street, East and Elizabeth Street. Redevelopment of these properties for commercial use.
- d) Redevelopment in phases for mixed-use of the Washington Street/Ruffner Avenue intersection properties:
 - 1) Parcels 161, 162, 163 and 164 (East Charleston Tax Map No. 20)
 - 2) Parcels 165, 166, 167 and 168 (East Charleston Tax Map No. 20)
 - 3) Parcel 5 (East Charleston Tax Map No. 20)
 - 4) Parcels 255 and 257 (East Charleston Tax Map No. 21)
- e) Parcels 189, 190, 191, 192 and 193 (East Charleston Tax Map No. 23)—redevelopment of these properties for commercial and/or residential use.
- f) Parcel 1 (East Charleston Tax Map No. 20)—property at the corner of Washington Street, East and Beauregard Street. Redevelopment of this property for commercial use.
- g) Parcel No. 162 (East Charleston Tax Map 26)—property at the corner of Elizabeth and McClung Streets. Rehabilitation and redevelopment of this property for residential use
- h) Parcel No. 54 (East Charleston Tax Map 24)—property at the corner of Dixie and Thompson Streets. Rehabilitation and redevelopment of this property for residential use
- i) Parcel No. 96 (East Charleston Tax Map 20)—property at the corner of Chamberlain Court and Lewis Street. Rehabilitation and redevelopment of this property for residential use
- j) Parcel 111 (East Charleston Tax Map 20)—property at the corner of Thompson and Jackson Streets. Rehabilitation and redevelopment of this property for residential use
- k) Parcels 28, 28.1, 29, 30 and 31 (East Charleston Tax Map 24)—property at the corner of Hansford Street and Stadium Place, and located adjacent to parcels 32, 33, 34, 35, 36, 37 and 38. Redevelopment of this property into medium density housing and providing additional public access for parcels numbered 32, 33, 34, 35, 36, 37 and 38.

(moved to C.2.B.)

(moved to C.2.H.)

C.4.b. Public Redevelopment Projects

In addition to special development requirements for privately owned properties, as stated in the preceding section, this plan also encompasses a series of public redevelopment actions where public and joint public-private actions are hereby directed. The following projects are incorporated in this plan for public or joint public-private development.

- a) A major (Phase I) streetscape program will encompass the area from Greenbrier Street to Maxwell Street and will include construction of new sidewalks, removing the overhead utilities, landscaping, planning and repaving the streets. A lesser sidewalk improvement program (Phase II) will be undertaken along the remainder of the area from Maxwell Street to Morris Street including the side streets.
- b) Washington Street, East at Maxwell Street (East Charleston Tax Map No. 23)-Parcel Numbers 164, 177, 178, 179, 180, and 181-for redevelopment as a commercial area.
- c) Development of a Grocery Store Site (East Charleston Tax Map No. 17) - Parcel Numbers 135, 137, 138, 139, 150, 151 and western half of 154 are to be acquired, structures thereon demolished and the property assembled for the development as a grocery store.
- d) Parcels 50, 62, 63, 64, 65, 66, 69 and 70 (East Charleston Tax Map 24)—property fronting on Dixie Street, Nancy Street, an unnamed alley and railroad right-of-way. Acquisition of parcels for development of an outdoor family recreational facility.
- e) Parcels 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289 and 290 (East Charleston Tax Map 21)—Acquisition of parcels for development of a multi-family residential project.
- f) Parcels 123, 124 and 125 (East Charleston Tax Map 20)—Acquisition of parcels for development of outdoor recreation facility to complement Roosevelt Neighborhood Center.
- g) Parcels 123.1, 124 and 127 (East Charleston Tax Map 21)—property bounded by Chilton Street, Piedmont Road, parcel 128 and a public alley (east), and the parcels numbered 133,134 and 135 (south). Acquisition of parcels for development of multi-family residential project.
- h) Parcels numbered 154 and 155 (East Charleston Tax Map 21)—property located at the corner of Cart Street and Piedmont Road. Acquisition of parcels for development of multi-family residential project.
- i) Parcel 184 (East Charleston Tax Map 21)—property fronting on Rugby Street and bounded by a public alley, and parcels 183, 188 and 191. Acquisition of property for redevelopment into an outdoor recreation venue.
- j) Acquisition of easement across the south of the property in order to connect two existing public alleys. Parcel 188 (East Charleston Tax Map 21)—property fronting on Piedmont Road and bounded by parcels 187, 189 and 191. Development of a pedestrian walkway to provide access to a playground and outdoor recreation venue.
- k) Development of a sound barrier wall between the Interstate and Piedmont Road.
- l) Redevelopment of streetscapes to create connectivity between neighborhoods.
- m) Parcels 259, 259.1, 260, 262, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 285, 286, 287, 288, 289, 290, 291, 292, 294 and 295 (East Charleston Tax Map 18) and Parcels 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306 (East Charleston Tax Map 21)—property at Plaza East Shopping Center and some adjoining parcels. Within 12 months, procure a study conducted by an independent real estate consultant that deals with whether redevelopment is advisable and economically feasible and outlines the nature and scope of such redevelopment.

C.5. Timing

The provisions established in this Redevelopment Plan and any amendment thereto shall be in effect from the date of approval by the Council of the City of Charleston, West Virginia, and shall remain in effect until January 1, 2025.

C.6. Review Criteria and Process

Proposals for developing specific parcels for any use will be evaluated by the Charleston Urban Renewal Authority based on the following criteria:

- A. The degree to which the proposed development meets project objectives.
- B. The quality of the specific site and building design and overall harmony of design throughout the project.
- C. Adequacy of vehicular access, circulation and off-street parking.
- D. Provision for the safety and convenience of pedestrians.
- E. Financial capability and responsibility of the developers.
- F. Schedule proposed for completion of development.

The Charleston Urban Renewal Authority specifically reserves the right to review and approve all detailed plans and specifications for new development or rehabilitation with respect to their conformance with the provisions of this Redevelopment Plan and such design controls as may be promulgated and made a part of disposition procedures by the Authority. As a general policy, the Authority will defer review of plans for single-family residential rehabilitation and construction in residential zoning districts to the City of Charleston's Planning Department. Preliminary sketch drawings of site plans, access, parking, loading, landscape treatment and building plans and elevations shall be submitted to the Authority for review and approval obtained before final approval and conveyance of the development parcel, if appropriate, to the developers.

The Urban Renewal Authority reserves the right to vary provisions in this Plan in accordance with the following standards.

- The person seeking a variance shall demonstrate to the Urban Renewal Authority the existence of special conditions and circumstances peculiar to the land or proposed building or structure involved, or to the existing building or structure in the case of properties "not to be acquired."
- The Urban Renewal Authority shall determine that the granting of the variance will be in harmony with the general purpose and intent of the Plan, and will not be injurious to the general area or otherwise detrimental to the public welfare.
- The Urban Renewal Authority shall determine that the proposed variance is the minimum variance that will make possible the proposed use of the land or the proposed building or structure to be placed thereon or retention of an existing building or structure on a property designated "not to be acquired."
- In granting any variance, the Urban Renewal Authority may prescribe such appropriate conditions and safeguards as will be in conformance with the Plan.
- All variances issued by the Urban Renewal Authority shall be stated in the contract of sale or in the compliance agreement of a property that is "not to be acquired."

C.7. Controls Applied to Property Not To Be Acquired

The general land use provisions and regulations in Section C.2. Redevelopment Plan shall be applicable to all properties designated "not to be acquired" as shown on the "Land Acquisition Maps," Exhibit 4 and 4A.

Section D: Redevelopment Approach and Techniques

D.1. Approach

This Redevelopment Plan represents a program to conserve and restore existing structures to the maximum extent possible and to use limited public funds in order to achieve desired redevelopment objectives through joint public and private action. This approach requires a variety of redevelopment techniques as identified herein. These include special development requirements, land acquisition and other activities described in this plan.

D.2. Land Acquisition

D.2.a. Land To Be Acquired or Made Available for Public Redevelopment

All land to be acquired or made available for public redevelopment is designated on the Land Acquisition Maps, Exhibit 4 and 4A. Land designated for acquisition is to be acquired by CURA and CURA may itself redevelop such land or designate other agencies or individuals to do so, in any case expressly subject to the regulations, requirements and objectives of this plan.

D.2.b. Land To Be Privately Redeveloped Under Special Development Requirements

All land to be privately redeveloped in accordance with this plan is indicated on Exhibit 4 and 4A. The owners of all such parcels shall strive to comply with the specific regulations, permitted uses, controls and restrictions applicable thereto as set forth in Section C of this Plan. If the owners of properties designated under Special Development Requirements are unable or unwilling to voluntarily commence to comply or conform to such requirements, as set forth in Section C.4.A. of this Plan, within 6 months from date of written notice of the requested improvements by the Authority, the Authority may, upon a determination by Authority resolution that the property owner has failed to achieve substantial conformity with these requirements, acquire such property by condemnation pursuant to the eminent domain provisions of the Code of West Virginia as if the property has originally been planned for acquisition, after 30-days written notice to the owner. Upon acquisition of such parcel, the Authority may, at its option, clear such parcel or parcels for redevelopment or rehabilitate the building(s) in order to conform with the above-referenced requirements as contained in the redevelopment proposal, and then sell such property, or dispose of such parcel without demolition of any improvements thereon, but expressly subject to the pertinent and appropriate provisions, regulations, controls and restrictions of the Plan.

D.2.c. Land Not To Be Acquired

The majority of land within the redevelopment area is designated “not to be acquired.” Such land may be acquired only if future amendments to this plan necessitate such acquisition.

D.3. Provisions for Treatment of Existing Structures

Properties in the redevelopment area which are presently designated “not to be acquired” may contain structures which are substandard and in need of improvement. In order to conserve and maintain existing structures in keeping with the character of the redevelopment area, CURA will use its best efforts to encourage owners to adhere to the following standards:

- A. The physical character of the buildings should be aesthetically satisfactory and architecturally consistent with the proposed development. Whether occupied or vacant, a building’s exterior should be continuously maintained through quality workmanship in accordance with standards of applicable codes of the City of Charleston.
- B. All exterior surfacing materials, including any decorative materials, should be in good condition and securely fastened in place. All exterior surfaces should be clean and covered with an exterior paint or appropriate preservative, unless such surfaces are customarily maintained in their natural state.
- C. All existing signs to be continued in use within the Project Area should conform to the requirements of this Redevelopment Plan and be maintained in good repair. Any signs which have excessively weathered or faded, or those where the paint has excessively peeled or cracked, or electrical signs which have become inoperative, should be repaired or with supporting members, be removed.

- D. All open areas for off-street parking, loading and trash storage should be screened from view from the street and adjoining property by fencing or other appropriate means and maintained in good repair and in good condition, free of litter and debris.
- E. Parking structures should have wallscreens at least 5 feet high or more than 50 percent opacity so as to shield automobiles from the street and adjoining properties. At least 50 percent of any rooftop parking area should be screened by a barrier of acceptable design.
- F. Structures considered by independent studies of the Washington Street East corridor and the Warehouse District to qualify as contributing to the creation of a historic district should be subject to review by the Authority's Architectural Review Committee in accordance with the Secretary of the Interior's Standards for the Rehabilitation of Historic Structures. Exhibit 6 is a map showing the locations of these structures; a descriptive list of these properties has been submitted to the Architectural Review Committee and is available for public review at the offices of the Authority. Exhibit 7 is a list of said review standards.

D.4. Obligations of Purchasers of Project Area Land

The Charleston Urban Renewal Authority in disposing of the land in the Project Area to be developed by private or public parties shall, in contracts or deeds or other such instruments with such parties, include such terms or conditions as in the judgment of said Authority are necessary to carry out the objectives of this Redevelopment Plan. In all instances the contracts, deeds or other instruments between the Authority and purchasers of land in the Project Area shall obligate them and their successors in interest to:

- A. Devote the parcels owned by them only for the purposes and in the manner specified in this Redevelopment Plan. (To that end, the Charleston Urban Renewal Authority reserves the right to review and approve site development plans, as well as detailed architectural plans, and final working drawings and specifications).
- B. Begin and complete the construction of improvements agreed upon in the land disposition contract within a reasonable time as determined in the contract.
- C. Retain the interest acquired until the completion of construction and development of the area acquired in accordance this Redevelopment Plan, and not sell, lease or transfer the interest acquired, or any part thereof, prior to such completion of construction and development without the written consent of the Charleston Urban Renewal Authority.
- D. Not effect or execute any agreement, lease, conveyance or other instrument whereby the property or any part thereof is restricted on the basis of race, color or national origin in the sale, lease or occupancy thereof, and to comply with all state or local laws in effect from time to time prohibiting discrimination or segregation by reason of race, religion, color or national origin in the sale, lease or occupancy of the property.

D.5. Utility Lines

CURA shall encourage all new public and private utility lines to be placed underground. CURA will have the right to review all proposals.

Section E: Conformance with the Comprehensive Plan

The Redevelopment Plan is not inconsistent with the City's Comprehensive Plan, adopted by City Council in 1979, since said plan designates all the properties fronting on Washington Street, East, as General Commercial. The Zoning Ordinance defines General Commercial as "C-10," and the plan's C-6 proposal is more restrictive with respect to uses and setbacks.

Section F: Procedure for Changes in Approved Plan

The Authority may modify this Redevelopment Plan provided that, if modified after the lease or sale of real property in the redevelopment area, the modifications must be consented to by the redeveloper or redevelopers of such real property or his successor or their successors in interest affected by the proposed modification. Where the proposed modification will substantially change the Redevelopment Plan as previously approved by City Council, the modification must similarly be approved by the governing body.

4. The Washington Street, East Urban Renewal Plan, as amended, and the map made a part thereof, is hereby amended by rezoning from an I-2 district to an R-10 district, from an I-2 to a C-10 district, and from an R-6 to an R-10 district certain parcels of land on the East End of the City of Charleston as outlined on Exhibit 1-A attached hereto.
 - a. The Washington Street East Urban Renewal Plan for the City of Charleston, West Virginia, as amended, is hereby amended by rezoning from an I-2 district to an R-10 district the whole of the following described parcels of land:

Parcels numbered 235-243 as shown on Charleston East Tax Map No. 21. Subject parcels commonly known as 1500, 1502, 1504, 1506, 1508, 1510, 1512, 1514, 1516 and 1518 Dixie Street, Charleston, West Virginia. Said tax map is of record in the Planning Office.
 - b. The Washington Street East Urban Renewal Plan for the City of Charleston, West Virginia, as amended, is hereby amended by rezoning from an R-6 district to an R-10 district the whole of the following described parcels of land:

Parcels numbered 258 through 290 as shown on East Charleston Tax Map 21. Subject parcels commonly known as 406 and 408 Beauregard Street; 1401, 1403, 1405, 1407, 1409, 1411 and 1413 Jackson Street; 405, 409 and 411 Ruffner Avenue; 1400 and 1402 Jackson Street; 418 and 420 Beauregard Street; 1401, 1408, 1410, 1412 and 1414 Jackson Street; 501, 503 and 505 Ruffner Avenue; 510 Beauregard Street; 1419, 1421, 1423 and 1425 Lewis Street; 507, 509, 511 and 513 Ruffner Avenue, Charleston, West Virginia. Said tax map is of record in the Planning Office.
 - c. The Washington Street East Urban Renewal Plan for the City of Charleston, West Virginia, as amended, is hereby amended by rezoning from an I-2 district to a C-10 district the whole of the following described parcels of land:

Parcels numbered 103, 104, 111, 113-122, 139-141, 217, 219, 220-230, 292, and 300-301 as shown on East Charleston Tax Map 21. Subject parcels commonly known as 1237, 1239 and 1301 Piedmont Road; Lot 12 Chilton Addition; 1364, 1366, 1368, 1370, 1372 and 1376 Milton Street; 1500, 1504, 1508, 1518, 1509, 1521, 1519, 1525, 1533, 1539, 1537, 1541, 1545, 0555, 1563 and 1565 Hansford Street; Lots 1 and 2 1st Ruffner Addition; Lots 12 and 13 1st Ruffner Addition; 1441 Dixie Street. Said tax map is of record in the Planning Office.

Parcels numbered 269-278 as shown on East Charleston Tax Map 18. Subject parcels commonly known as Lots 6-10 Reed and Hansford Addition; 1351 Smith Street; 1440 Dixie Street; 701, 703, 705, and 709 Ruffner Avenue. Said tax map is of record in the Planning Office.

Parcels numbered 39-50, 69 and 70 as shown on East Charleston Tax Map 24. Subject parcels commonly known as Laidley Field; 1591 Piedmont Road; 545, 543, 541, 539, 537, 585, 533, 531, and 529 Elizabeth Street; Hobo Junction; 539 and 537 Nancy Street. Said tax map is of record in the Planning Office.

Parcels numbered 1, 47.1, 48.1, 49, 51, 52, 52.1, 83-93, and 96-100 as shown on East Charleston Tax Map 26. Subject parcels commonly known as 524 Elizabeth Street; 4 Straughn Court; 510, 508 and 500 Carolina Street; 2 Straughn Court; 506, 508, 510 and 520 Elizabeth Street; 411, 409, 407, 407A and 416-422 Carolina Street; 1703, 1705, 1707 and 1709 Railroad Avenue. Said tax map is of record in the Planning Office.

5. The Zoning Map, attached to and made a part of said urban renewal plan, is hereby amended in accordance with Section 4 of this ordinance.
6. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

The question being on the passage of the Bill a roll call was taken and there were; yeas-25, absent – 2, abstain – 1, as follows:

YEAS: Chestnut, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Monroe, Sadd

ABSTAIN: Clowser

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7178, as amended, passed.

FINANCE

Councilman Robert Reishman, Chairman of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No. 952-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 952-05: “Authorizing the Finance Director to make revisions to the 2005-2006 General Fund budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to make revisions to the 2005-2006 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent – 3, as follows:

YEAS: Chestnut, Clowser, Davis, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Monroe, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 952-05, adopted.

2. Your Committee on Finance has had under consideration Resolution No. 953-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 953-05: “Authorizing the Finance Director to make revisions to the 2005-2006 General Fund budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to make revisions to the 2005-2006 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent – 2, nays -1, as follows:

YEAS: Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Monroe, Sadd, Harrison

NAYS: Chestnut

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 953-05, adopted.

3. Your Committee on Finance has had under consideration Resolution No. 954-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 954-05: “Authorizing the Finance Director to make revisions to the 2005-2006 General Fund budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to make revisions to the 2005-2006 General Fund budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, absent – 5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Morton, Nielsen, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Harris, Harrison, Monroe, Reed, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 954-05, adopted.

4. Your Committee on Finance has had under consideration Resolution No. 955-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 955-05 : “Authorizing the Finance Director to make revisions to the 2005-2006 Parking System budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to make revisions to the 2005-2006 Parking System budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, absent – 5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Morton, Nielsen, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Harris, Harrison, Monroe, Reed, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 955-05, adopted.

5. Your Committee on Finance has had under consideration Resolution No. 956-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 956-05 : “Authorizing the Finance Director to make revisions to the 2005-2006 Civic Center budget as indicated on the attached list of accounts.”

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

That the Finance Director is hereby authorized and directed to make revisions to the 2005-2006 Civic Center budget as indicated on the attached list of accounts; and be it

FURTHER RESOLVED, that this budgetary revision is being made prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-23, absent – 5, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Morton, Nielsen, Reishman, Robertson, Talkington, Ware, Weintraub,

White, Mayor Jones.

ABSENT: Harris, Harrison, Monroe, Reed, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 956-05, adopted.

6. Your Committee on Finance has had under consideration Resolution No. 957-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 957-05: “Authorizing the Mayor to sign a Participation Agreement between the City of Charleston (the Participating Jurisdiction) and the Religious Coalition for Community Renewal (RCCR), a Community Housing Development Organization (CHDO), for renewal of the CHDO status for FY 2006.”

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

That the Mayor is hereby authorized and directed to sign a Participation Agreement between the City of Charleston (the Participating Jurisdiction) and the Religious Coalition for Community Renewal (RCCR), a Community Housing Development Organization (CHDO), for renewal of the CHDO status for FY 2006.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas- 24, absent – 4, as follows:

YEAS: Chestnut, Clowser, Davis, Ealy, Hall, Hanna, Harris, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Harrison, Monroe, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 957-05, adopted.

7. Your Committee on Finance has had under consideration Resolution No. 958-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 958-05: “Authorizing the Finance Director to allocate funds in the amount of \$57,537 for rehabilitation of three (3) owner-occupied residential homes on the City’s West Side.”

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 Fifty-seven Thousand Five Hundred Thirty-seven Dollars (\$57,537) for rehabilitation of three (3) owner-occupied residential homes on the City’s West Side.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas- 24, absent – 4, as follows:

YEAS: Chestnut, Clowser, Davis, Ealy, Hall, Hanna, Harris, Higgins, Jones, Lane, Lanham, Loeb,

Markham, Miller, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Deitzler, Harrison, Monroe, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 958-05, adopted.

8. Your Committee on Finance has had under consideration Resolution No. 959-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 959-05 : “Authorizing the Mayor to sign and submit Fiscal Year 2006 Local Economic Development Assistance (LEDA) grant application and all related documents, in the amount of \$10,000, for the CADCO Foundation (Charleston Area Alliance), located within the City of Charleston.”

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

That the Mayor is hereby authorized and directed to sign and submit Fiscal Year 2006 Local Economic Development Assistance (LEDA) grant application and all related documents, in the amount of Ten Thousand Dollars (\$10,000), for the CADCO Foundation (Charleston Area Alliance), located within the City of Charleston.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas- 24, absent – 4, as follows:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Harrison, Monroe, Sadd

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 959-05, adopted.

9. Your Committee on Finance has had under consideration Resolution No. 960-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 960-05 : “Authorizing the Mayor to submit a grant application to the West Virginia Development Office for Land Water Conservation funding in the amount of \$100,000 to benefit Cato Park.”

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

That the Mayor is hereby authorized and directed to submit a grant application to the West Virginia Development Office for Land Water Conservation funding in the amount of One Hundred Thousand Dollars (\$100,000) to benefit Cato Park.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the

Mayor declared Resolution No. 960-05, adopted.

10. Your Committee on Finance has had under consideration Resolution No. 961-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 961-05: “Authorizing the Mayor to enter into an agreement with the Financial Commission for Appalachia High Intensity Drug Trafficking Area (“Financial Commission”) to provide resources in assisting the Financial Commission with identifying and deterring illegal drug activity in and around the City of Charleston. The Financial Commission will reimburse the City \$15,500 for the purchase of evidence and confidential informant information and up to \$14,000 per officer, or a total of \$56,000, for the four Charleston police officers assigned to the Metro Drug Enforcement Network Team (“MDENT”).

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

That the Mayor is hereby authorized and directed to enter into an agreement with the Financial Commission for Appalachia High Intensity Drug Trafficking Area (“Financial Commission”) to provide resources in assisting the Financial Commission with identifying and deterring illegal drug activity in and around the City of Charleston. The Financial Commission will reimburse the City \$15,500 for the purchase of evidence and confidential informant information and up to \$14,000 per officer, or a total of \$56,000, for the four Charleston police officers assigned to the Metro Drug Enforcement Network Team (“MDENT”).

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 961-05, adopted.

11. Your Committee on Finance has had under consideration Resolution No. 962-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 962-05: “Authorizing the Mayor to enter into a Professional Services contract with Trimble & Associates, in an amount not to exceed \$19,950, to provide a valuation report regarding the West Virginia-American Water Company.”

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

That the Mayor is hereby authorized and directed to enter into a Professional Services contract with Trimble & Associates, in an amount not to exceed Nineteen Thousand Nine Hundred Fifty Dollars (\$19,950), to provide a valuation report regarding the West Virginia-American Water Company.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 962-05, adopted. Abstain: Loeb, Ware

12. Your Committee on Finance has had under consideration Resolution No. 963-05, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 963-05: “Authorizing the Mayor to enter into a Lease Agreement with

F.M. Pile Hardware Company for an approximate 1300 square feet, more or less, of property located on the northwest corner of a City-owned parking lot on the south side of the 1600 block of West Washington Street, for the purpose of erecting and maintaining a landing, parking and entrance area into the building located at 1641 West Washington Street. The Lease would be in effect for a 30-year period in exchange for Ten Dollars (\$10.00) per month and an assumption by F.M. Pile Hardware Company of the lighting responsibilities for the entire parking lot, including both leased and non-leased areas. A copy of the proposed Lease is attached hereto.

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

Subject to review and any revision of the proposed Lease Agreement attached hereto by legal counsel, that the Mayor is hereby authorized and directed to enter into a Lease Agreement with F.M. Pile Hardware Company for an approximate 1300 square feet, more or less, of property located on the northwest corner of a City-owned parking lot on the south side of the 1600 block of West Washington Street, for the purpose of erecting and maintaining a landing, parking and entrance area into the building located at 1641 West Washington Street. The Lease would be in effect for a 30-year period in exchange for Ten Dollars (\$10.00) per month and an assumption by F.M. Pile Hardware Company of the lighting responsibilities for the entire parking lot, including both leased and non-leased areas.

The question being on the adoption of the Resolution a vote was taken. There being no dissent the Mayor declared Resolution No. 963-05, adopted.

13. Your Committee on Finance has had under consideration a proposal submitted by General Truck Sales Corporation, in the amount of \$39,326, for purchase of two 1 – ½ ton pickup trucks (\$19,663 each) to be used by the Engineering Department. To be charged to Account No. 001-975-00-420-4-459, Engineering – Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted.

14. Your Committee on Finance has had under consideration a Proposal submitted by Glendale Motors, in the amount of \$33,512, for purchase of two Jeep Liberty vehicles (\$16,756 each) to be assigned to the Building and Traffic Engineering departments. To be charged to the following accounts: Account No. 001-975-00-436-4-459 – Building – Capital Outlay, Equipment (\$16,756); Account No. 001-976-00-712-4-459, Traffic Engineering Capital Outlay, Equipment (\$16,756), and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted.

15. Your Committee on Finance has had under consideration a bid submitted by Kustom Signals, in the amount of \$51,840. for purchase of nine (9) digital in-car camera recording systems by the Office of Homeland Security and Emergency Management. The cameras will be assigned to the Charleston Police Department Patrol Division and will be used to

monitor and record traffic stops, pursuits, and other policing activities. The cameras are being purchased from a bid received in the City Manager's Office on May 11, 2005. To be charged to Account No. 045-976-05- 001-4-459, Homeland Security Grant –Capital Outlay, Cities, and reports the same to Council with the recommendation that the committee report be adopted.

The question being on the adoption of the committee report a vote was taken. There being no dissent the Mayor declared the committee report adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Financial Statements for the Fiscal year ended June 30, 2005. Received and Filed.

NEW BILLS INTRODUCED

Introduced by Councilman Archie Chestnut, on December 19, 2005:

Bill No. 7184 - A Bill to establish a 10 Minute Limited Time Parking Zone with 45 Degree Angle Parking Spaces on the easterly a side of McFarland Street from a point 70 feet south of Quarrier Street, to a point 158 feet south of 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 Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith. Refer to Streets and Traffic Committee.

Introduced by Councilwoman Ditty Markham, on December 19, 2005:

Bill No. 7185 - A Bill to establish a 4 Way Stop intersection on 49th Street, S. E. and Staunton Avenue 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 Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith. Refer to Streets and Traffic Committee.

Introduced by Councilman James Lanham, on December 19, 2005:

Bill No. 7186 - A Bill to establish a No Parking Anytime Tow-Away zone on the northerly side of Red Oak Street from Burgess Street to McQueen 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 Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith. Refer to Streets and Traffic Committee.

Introduced by Councilwoman Ditty Markham, on December 19, 2005:

Bill No. 7187 - A Bill to establish a No Parking Anytime Tow-Away zone on 56th Street, S. E. from MacCorkle Avenue to Lancaster Avenue 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 Law, Section 263,

Division 2, Article 4, Chapter 114, to conform therewith.
Refer to Streets and Traffic Committee.

Introduced by Councilwoman Mary Jean Davis, on December 19, 2005:

Bill No. 7188 - A Bill prescribing a proposed schedule of modified and amended rates and rentals for the use of the services and facilities of the Municipal Auditorium and the Charleston Civic Center of the City of Charleston, West Virginia, and providing for a public hearing.

Refer to Finance Committee.

ROLL CALL

The Clerk called the roll and the following members were in attendance:

YEAS: Chestnut, Clowser, Davis, Deitzler, Ealy, Hall, Hanna, Harris, Higgins, Jones, Lane, Lanham, Loeb, Markham, Miller, Morton, Nielsen, Reed, Reishman, Robertson, Talkington, Ware, Weintraub, White, Mayor Jones.

ABSENT: Harrison, Monroe, Sadd

At 8:55 p.m., on motion of Councilman Loeb, Council adjourned until Tuesday, January 3, 2006, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk