

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

**October 20, 2008**

**THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF OCTOBER ON THE 20<sup>th</sup> DAY, IN THE YEAR 2008, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRISON AND THE PLEDGE OF ALLEGIANCE WAS LED BY PAYNE.**

**BURTON  
DEITZLER**

**HIGGINS  
KNAUFF  
MILLER  
REISHMAN**

**SHEETS  
WARE  
MAYOR JONES**

**CLOWSER  
EALY  
HARRIS  
JONES  
LANE  
PAYNE  
RUSSELL  
SMITH  
WEINTRAUB**

**DAVIS  
HALL  
HARRISON  
KIRK  
LANHAM  
REED  
TALKINGTON**

**TWENTY- FIVE 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

## **CLAIMS**

1. A claim of Carolyn Page, 426 Rockaway Rd., Charleston WV; alleges damage to vehicle.  
Refer to City Solicitor
2. A claim of Susie Wilson, 2512 4<sup>th</sup> Ave., Charleston WV; alleges damage to property.  
Refer to City Solicitor

## **COMMUNICATIONS**

Proclamation – Pharmacy Week

The Clerk read the Resolution:

Resolution No. 471-08

Introduced in Council:  
October 20, 2008

Adopted by Council:  
October 20, 2008

Introduced by:  
Jack Harrison  
Teresa Reed  
Mary Jean Davis

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate citizens who have invested their resources into the improvement of the City of Charleston; and

WHEREAS: The Sustainable Kanawha Valley Initiative was created in 2005 by thirteen local funders to provide support for projects in Kanawha and Putnam counties that simultaneously achieve economic, environmental, and social goals; and

WHEREAS: The Sustainable Kanawha Valley Initiative has established three broad issue areas that will allow the communities to manage, protect and build upon the region's unique social, ecological and economic assets. Those issue areas include community education and participation, human dignity/human services, and open space and land use; and

WHEREAS: Communities that value education and participation in civic institutions have an engaged public that will have the tools needed to solve problems, advance the democratic process and adjust to changing times; and

WHEREAS: All community members have access and actively participate in decisions regarding housing, health services, education, economic opportunity, cultural and recreational resources; and

WHEREAS: A sufficient open space system that it is diverse in uses and opportunities, and includes natural function/wildlife habitat as well as passive and active recreation will result in an equitable distribution of waterways, parks, trees and pathways throughout our communities; and

WHEREAS: Based on these principles, the Sustainable Kanawha Valley Initiative has invested \$380,000 in nonprofit efforts related to alternative transportation, community planning education, trail maintenance, urban gardening, historic preservation, recycling and conservation education; and

WHEREAS: We recognize these valuable contributions and extend our heartfelt thanks for this continued commitment to sustainability in our City, County and region;

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

The Sustainable Kanawha Valley Initiative

Is a valuable asset to the community and urge all citizens to commend the Greater Kanawha Valley Foundation and its funding partners, for providing the 'green' that enables our community to go green, investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 20<sup>th</sup> day of October 2008.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 471-08, adopted.

Resolution No. 472-08

Introduced in Council:

October 20, 2008

---

Adopted by  
Council:

October 20, 2008

---

Introduced by:

Jack Harrison  
Teresa Reed  
Mary Jean Davis

---

WHEREAS: Dennis Strawn has devoted countless hours in promoting and developing bicycle, walking and hiking trails in and around the City limits; and

WHEREAS: As a member of the Mountain State Wheelers Bicycle Club, Dennis Strawn leads by example, by utilizing cycling as his primary mode of transportation; and

WHEREAS: Dennis Strawn works tirelessly as a member of Friends of the Kanawha Trestle Trail, the West Side Neighborhood Association, West Side Main Street's Board of Directors and Organization Committee, Charleston Area Alliance's Community Development Committee, the Board and Steering Committee for the Regional Intergovernmental Council's Bicycle and Pedestrian Plan, Charleston Land Trust, and as Co-chair of the Charleston Greenways Committee, to incorporate smart growth and pedestrian-friendly policies into planning efforts throughout the City, County and Region; and

WHEREAS: Dennis Strawn's advocacy and enthusiasm for walkable and bikeable communities has served as a catalyst for physical improvements in Charleston's urban landscape; and

WHEREAS: His leadership and persistence has been instrumental in advancing the Kanawha Trestle Project, an effort that will give individuals a safe and scenic alternative mode of transportation while promoting a healthy lifestyle; and

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month to honor the valuable efforts of our citizen volunteers who have contributed immeasurable time, energy, skill, knowledge and expertise to the improvement of the City of Charleston; and

WHEREAS: We recognize these valuable contributions and extend our heartfelt thanks for his continued commitment to public service;

Now Therefore, the City Council of Charleston, does hereby recognize that

Dennis Strawn

Is a valuable asset to the community and urge all citizens to commend him for his tireless efforts in promoting bicycling and trail development and usage in the City of Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 472-08, adopted.

**PLANNING COMMITTEE**

Councilperson Mary Jean Davis Chairperson of the Council Committee on Planning submitted the following reports.

1. Your committee on Planning has had under consideration Bill No. 7346, and reports the same to Council with the recommendation that the committee report be adopted.

**Bill No. 7346 - WHEREAS**, the City of Charleston intends to enhance the attractiveness and economic well-being of the City as a place to live and conduct business; and

**WHEREAS**, the City of Charleston intends to guide future growth and development in general accordance with the City of Charleston Comprehensive Plan and individual neighborhood plans, and

**WHEREAS**, the City of Charleston desires to protect the character and the social and economic stability of all parts of the City; encourage orderly and beneficial development; and protect and preserve the value of land and buildings.

**Bill No. 7346:** A Bill to amend the Zoning Ordinance for the City of Charleston as follows:

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

That §3-010, § 3-050, §3-061, and Articles 21, 22, and 23 of the Zoning Ordinance for the City of Charleston are amended and a new Article establishing Zoning District CVD is added as follows:

**Sec. 3-010 Establishment of Zoning Districts**

A. The City of Charleston is hereby divided into the following zoning districts:

<u>Abbreviation</u>	<u>District Name</u>
R-2	Single Family Residential District
R-4	Single Family Residential District
R-6	Medium Density Residential District
R-8	High Density Residential District
R-10	Mixed Use Neighborhood District
R-O	Residential-Office District
C-4	Neighborhood Commercial District
C-8	Village Commercial District
C-10	General Commercial District
C-12	Shopping Center District

CBD	Central Business District
UCD	Urban Corridor District
PMC	Professional and Medical Campus
I-2	Light Industrial District
I-4	Heavy Industrial District
PUD	Planned Unit Development

### Sec. 3-050 Permitted Land Uses

PERMITTED USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	PMC	I-2	I-4	PUD	SUPP.
Accessory Structure	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	1
Accessory Use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	2
Airport														C	C		
Amphitheater									C		C	C		C			
Amusement Park										P							
Animal Grooming Service (Small Animals)									P	P	P			P	P		
Animal Grooming Service (Unlimited)										P				P	P		
Animal Hospital/Clinic									P	P	P	P		P	P		8
Animal Shelter														C	P		8
Art Gallery					C	C	P	P	P	P	P	P		P	P	P	
Assisted Living Facility			C	C	C	C	P	P	P	P	P	P	P			P	45
Association (Charitable/Fraternal/Social)								P	P	P	P	P	P				
Auction									C	P	P	C	C		P		19
Automobile Rental or Leasing Establishment										P	P	P	P				14
Automobile Retail Sales Establishment									P	P	P						14
Automobile Washing or Polishing Establishment									P	P	P	P	P		P		14
Automotive Body and Paint Shop										P	P			P	P		14
Automotive Parts, Supplies, or Accessories										P	P	P	P	P			14
Automotive Repair Establishment									P	P	P	P	P		P		14
Automotive Wrecker Service										P	P			P			34
Bakery (retail)							P	P	P	P	P	P					
Bakery (wholesale)										P	P			P			
Bar or Nightclub							C	C	P	P	P	C					
Beauty Salon/Barber Shop							P	P	P	P	P	P					
Bed and Breakfast Inn			C	C	C	C	C	C	P	P	P	P					20
Boarding House (Limited by Intensity of Use)					C	C				C							20
Books or Stationary Establishment							P	P	P	P	P	P	A				12,13
Bowling Alley								P	P	P							
Broadcasting Station									P		P	P	P				

<i>Building Materials Sales Establishment-Retail</i>										P	P				P	P		
<i>Building Materials Sales Establishment-Whlse</i>										P	P				P	P		
<i>Bus Garage</i>										P					P	P		
<i>Bus Terminal</i>										P	P	P			P	P		
<i>Campground</i>	C	C																
<i>Carnival, Circus, Fairground, Amusement - Permanent</i>										P	P							
<i>Carnival, Circus, Fairground, Amusement - Transient</i>										P		P			P			
<b>PERMITTED USE</b>	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	<u>UCD</u>	PMC	I-2	I-4	PUD	SUPP.	
<i>Catering Service Establishment</i>								P	P	P	P	P	<u>P</u>	A				
<i>Cemetery</i>		C	C															21
<i>Chemicals - Storage (Tank Farm)</i>															C	C		
<i>Christmas Trees Sales Establishment (Retail)</i>								P	P	P	P	P	<u>P</u>	A	P	P		14
<i>Clinic - Medical or Dental</i>					P	P	P	P	P	P	P	<u>P</u>	P					
<i>Coin Operated Laundry</i>								P	P	P	P	P	<u>P</u>	A	P			
<i>Columbarium - (acc. To Religious Inst.)</i>	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A			A		2
<i>Community Center</i>	C	C	C	C	C	C	P	P	P	P	P	<u>P</u>	A			A		
<i>Composting Operation</i>																P		7
<i>Conference Center</i>											P	<u>P</u>	P					45
<i>Contractor's Establishment</i>								P	P	P	P	P	<u>P</u>		P	P		
<i>Convenience Store, Neighborhood</i>								P	P	P	P	P	<u>P</u>					
<i>Correctional Institution</i>															C			
<i>Country Club</i>	C	C															C	
<i>Crematorium (Not part of Funeral Home)</i>									P	P	P	P			P	P		
<i>Dance or Social Club</i>									P	P	P	P	<u>P</u>					
<i>Dancing Instruction or Studio</i>								P	P	P	P	P	<u>P</u>		P			
<i>Department Store</i>									P	P	P	P	<u>P</u>					
<i>Dock, Commercial</i>									C	C	C	C	<u>C</u>		C	C		33
<i>Dock, Private</i>	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	33
<i>Dormitory, Fraternity or Sorority House</i>				C	C	C						P	<u>P</u>	P				
<i>Distribution Center</i>															P	P		
<i>Drive-Thru Facility</i>								P	P	P	P	P	<u>P</u>	P	P	P		
<i>Drugstore</i>								P	P	P	P	P	<u>P</u>	A				
<i>Dry Cleaning and Laundry Services</i>									P	P	P	P	<u>P</u>	A	P			
<i>Dwelling - Single Family</i>	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P				
<i>Dwelling - Duplex</i>			P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	10
<i>Dwelling - Live-Work Quarters</i>									P	P	P	P	<u>P</u>	P	P		P	
<i>Dwelling - Manufactured Home</i>	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	
<i>Dwelling - Mixed Use</i>									P	P	P	P	<u>P</u>	P			P	
<i>Dwelling - Modular Home</i>	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	

Dwelling -Multi-family (4/more units /os ent.)				P				P						P			P	
Dwelling - Multi-family -Unlimited except by intensity of use				P	P	P		P	P	P	P	<u>P</u>	P				P	
Dwelling - Over store								P	P	P	P	P	<u>P</u>	P			P	16
Dwelling - Townhouse				P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	
Dwelling - Triplex				P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	
Educational Institution-College/Univ./Technical					C	C	P	P	P	P	P	<u>P</u>	P					45
Educational Institution - Elementary School	C	C	C	C	C	C	P	P	P	P	P	<u>P</u>	P					45
PERMITTED USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	<u>UCD</u>	PMC	I-2	I-4	PUD	SUPP.	
Educational Institution - High School	C	C	C	C	C	C	P	P	P	P	P	<u>P</u>	P					45
Educational Institution - Middle School	C	C	C	C	C	C	P	P	P	P	P	<u>P</u>	P					45
Educational Institution - Nursery or Preschool	C	C	C	C	C	C	P	P	P	P	P	<u>P</u>	P					45
Employment Agency								P	P	P	P	<u>P</u>						
Exterminating or Fumigating Service Establishment									P	P					P	P		
Factory Built Housing, Sales/Storage Establishment															P			
Family Day Care Facility	A	A	A	A	A	A	P	P	P	P	P	<u>P</u>	P				C	22
Family Day Care Adult Facility	A	A	A	A	A	A	P	P	P	P	P	<u>P</u>	P				C	22
Family Day Care Home	C	C	C	C	C	C											C	22
Family Day Care Adult Home	C	C	C	C	C	C											C	22
Farm Equipment or Supplies Sales Establishment									P	P					P			14
Farm Products – Raw Materials Sales															P	P		
Financial Service Institutions					P	P	P	P	P	P	P	<u>P</u>	A					
Firearms Sales Establishments									P	P	P							
Florist							P	P	P	P	P	<u>P</u>	A					
Funeral Establishment with /wo Crematorium								P	P	P	P	<u>P</u>		P				
Furniture, Fixtures or Equipment Sales Establishments								P	P	P	P	<u>P</u>		P				
Furniture Sales Establishments-Retail							P	P	P	P	P	<u>P</u>		P				
Furniture Upholstering, Repairing or Refinishing								P	P	P	P	<u>P</u>		P				
Gambling establishment								C	C	P	P	<u>C</u>						24
Garage or Carport (Detached)	A	A	A	A	A	A	A	A	A	A	A							1
Garage Sale	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	A	47
Garden Center Establishment							P	P	P	P	P	<u>P</u>		P				14
Gasoline Service Station							C	P	P	P				P	P			
Gasoline Station and Mini-Mart								P	P	P				P	P			
Glass - Cutting, Coating or Tinting Establishment									P	P		<u>P</u>		P				
Go-cart Track Facility									C	C					C			44
Golf Course	C	C															C	
Golf Driving Range	A	A							C	C							A	
Government Facility					P	P	P	P	P	P	P	<u>P</u>	P	P				45

Greenhouse or Nursery									P	P		<u>P</u>		P			14
Grocery Store							P	P	P	P	P	<u>P</u>					
Group Home			P	P	P	P	P	P	P	P	P	<u>P</u>				P	11
Group Home, Developmentally Disabled	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	11
Group Housing Development				C	C	C											25
Gymnasium or Athletic Club								P	P	P	P	<u>P</u>	A				
PERMITTED USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	<u>UCD</u>	PMC	I-2	I-4	PUD	SUPP.
Halfway House					C	C					P						6,10
Hardware Sales Establishment							P	P	P	P	P	<u>P</u>		P			
Health Spa/Club							P	P	P	P	P	<u>P</u>	A				
Helistop/Heliport -									C	C	C		C	C	C		26
Historic or Monument Site	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Home Based Business-Level I	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P			P	4
Home Based Business-Level II	C	C	C	C	C	P	P	P	P	P	C	<u>C</u>				C	4
Home Parties or Showings	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	47
Hospital or Sanitarium			C	C	P	P	P	P	P	P	P	<u>P</u>	P			C	45
Hotel								P	P	P	P	<u>P</u>					
Hypermarket										P							14
Indoor Self-Storage Facility								C	C	C				C	C		27
Industrial Equipment Repair Establishment														P	P		
Industrial Park										P				P			
Industrial Service Establishments										P			P	P			
Industrial Supplies Sales Establishment									P	P				P	P		
Instructional Studios							P	P	P	P	P	<u>P</u>	P	P			
Interior Decorating Service Establishment							P	P	P	P	P	<u>P</u>					
Janitorial Service Establishment									P	P				P	P		
Junkyard															C		28
Kennel-Commercial									P	P							8,29
Laboratories					P	P			P	P	P	<u>P</u>	P	P			15
Landfill-Earth	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C		30
Landfill - Sanitary		C												C	C		30,48
Library							P	P	P	P	P	<u>P</u>	A				
Liquor Store							C	C	C	C	P	<u>C</u>					
Limousine Service Establishment									P	P	P	<u>P</u>		P			
Livestock or Poultry, Keeping of (Non-Commercial)	C	C	C														31
Locksmith							P		P	P	P	<u>P</u>					
Machinery - Repair (small business office /lawn garden)								P	P	P		<u>P</u>		P			
Machinery - Heavy Equipment Sales, Storage, Repair, Rental														P	P		

Machinery - Shop																P	P		
Manufacturing, Heavy																	P		
Manufacturing, Light																P	P		
Marina									C	C	C	C	C	C					33
Marine Craft Sales/Repair Establishment								P	P	P						P	P		
<b>PERMITTED USE</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-10</b>	<b>R-O</b>	<b>C-4</b>	<b>C-8</b>	<b>C-10</b>	<b>C-12</b>	<b>CBD</b>	<b>UCD</b>	<b>PMC</b>	<b>I-2</b>	<b>I-4</b>	<b>PUD</b>	<b>SUPP.</b>		
Mini-Storage Facility															C	C			32
Miniature Golf								P	P	P									
Motel								P	P	P	P	P							
Motorcycle - Retail Sales Establishment								P	P	P					P				
Movie Theater -Drive-in (Exc. Adult)									C	P									35
Movie Theater - Indoor (Exc. Adult)								P	P	P	P	P							
Museum			C	C	C	C	C	P	P	P	P	P							
Music - Instruction or Studio							P	P	P	P	P	P							
Nursing Home			C	C	P	P		P	P	P	P	P	A						36
Office - Apartment Rental Office ( 20 +units)				A	A	A	A	A	A	A	A	A	A			A			
Office - Associated with permitted Ind. use															A	A			
Office - Professional (No display or sale of goods)					P	P	P	P	P	P	P	P	P					P	
Office - Business or Professional (Unlimited)					P	P	P	P	P	P	P	P	P						
Office Park									P	P	P	P	P						45
Oil or Gas Well Operation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	37
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9
Parsonage (Accessory to Religious Inst.)	A	A	A	A	A	A	A	A	A	A	A	A	A	A					
Parking - Restricted Accessory	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	9,38
Parking - Commercial								C	P	P	P	P	P						9
Parking - Public Lot							P	P	P	P	P	P	P						9
Parking - Structure								P	P	P	P	P	P						
Pawn Shop									P	P	P								
Performing Arts Complex									P	P	P	P							
Personal Services Establishment							P	P	P	P	P	P	P						
Pet Shop								P	P	P	P	P							
Petroleum - Manufacturing (Refining or related industries)																		C	
Petroleum - Storage (Tank farm)															C	C			
Petroleum - Wholesale (Bulk)															P	P			
Photo Finishing Establishment - With on-premise processing								P	P	P	P	P	P						
Photography Studio – Commercial or Portrait								P	P	P	P	P	P						
Printing or Publishing Establishment								P	P	P	P	P	P					P	
Professional Services Establishment					P	P	P	P	P	P	P	P	P					P	

Public Services (Police/Fire)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Quarry															C	C		
Rail Terminal									P						P	P		
Recreational/Sports Facility (Group)								C	P	P	P	P	P	P	P	P		39
Recycling Collection Center															P	P		7
<b>PERMITTED USE</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-10</b>	<b>R-O</b>	<b>C-4</b>	<b>C-8</b>	<b>C-10</b>	<b>C-12</b>	<b>CBD</b>	<b>UCD</b>	<b>PMC</b>	<b>I-2</b>	<b>I-4</b>	<b>PUD</b>	<b>SUPP.</b>	
Refuse Incineration											A		A		C		7	
Religious Institution (Acc.Day Care Facility)	C	C	C	C	C	C	P	P	P	P	P	P	P			P	46	
Religious Institution (under 80,000 SF)	C	C	C	C	C	C	P	P	P	P	P	P	P			P	45,46	
Religious Institution (over 80,000 SF)										P							46	
Rental Services - Exc.Heavy Machinery Est.								P	P	P	P	P	A					
Research and Development Center								P	P	P	P	P	P	P			45	
Residential - See Dwellings																		
Restaurant - Without Drive-Thru							P	P	P	P	P	P	A					
Restaurant - Fast Food with Drive-Thru								P	P	P	P	P						
Restaurant - Serving Alcoholic Beverages							C	P	P	P	P	P						
Reuse of Structure	C	C	C	C													40	
Satellite Dish /Antenna (Under 30" dia.-private)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Sewage or Solid Waste Disposal															C		41	
Sewage Treatment Plant															C		41	
Sexually Oriented Business															C		18	
Shopping Center								C	P	P	P	P						
Shooting Range (Indoor - Outdoor)									C	C							44	
Sign Fabricating or Painting Establishment								P	P	P				P	P			
Sign Fabrication/Painting (2,500 SF-no op.stor.)									P	P								
Signs (Off-Premise)									C						C			
Skating Rink - Indoor/Outdoor									P	P	P	P						
Slaughtering															C		8,32	
Sports Club										P		P						
Storage Building (Detached)	A	A	A	A	A	A	A	A	A	A	A	A	A					
Storage Facility - Indoor Self-Storage								C	C	C				C	C		27	
Storage Facility - Mini-Storage														C	C		32	
Swimming Pool - Community		C	C	C	C	C											42	
Swimming Pool - Private	A	A	A	A	A	A	A	A	A	A	A	A	A			A		
Taxi Service									P	C				P				
Tattoo Parlor									P									
Telecommunications Facility, Class I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17,23	
Telecommunication Facility, Class II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17,23	
Telecommunications Facility, Class III	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	17,23	

Television or Radio Studio									P	P	P	<u>P</u>	<u>P</u>	P			
Travel Agency or Bureau							P	P	P	P	P	<u>P</u>					
Travel Trailer Park									C								45
Utilities and Equipment, Essential	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Utility - Essential Public	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
<b>PERMITTED USE</b>	<b>R-2</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-10</b>	<b>R-O</b>	<b>C-4</b>	<b>C-8</b>	<b>C-10</b>	<b>C-12</b>	<b>CBD</b>	<b><u>UCD</u></b>	<b>PMC</b>	<b>I-2</b>	<b>I-4</b>	<b>PUD</b>	<b>SUPP.</b>
Veterinary Hospital ( See Animal Hospital)																	
Warehousing or Storage Yard (Exc. Junkyard)									P	P				P	P		
Waste Disposal-Industrial															C		
Wildlife Preserve	C	C	C														9
Wine/Beer Sales (No on-site consumption)							P	P	P	P	P	<u>P</u>					
Wrecker Service									C	C				C			35
Yard Sale	A	A	A	A	A	A	A	A	A	A	A	<u>A</u>	A	A	A	A	47
Zoo									C								

## ARTICLE 15

### URBAN CORRIDOR DISTRICT

#### Contents

- Sec. 15-010 Purpose
- Sec. 15-020 Lot Provisions
- Sec. 15-030 Setbacks
- Sec. 15-040 Building Height and Width
- Sec. 15-050 Design Criteria and Performance Standards
- Sec. 15-060 References
- Sec. 15-061 Development Standards
- Sec. 15-062 Parking
- Sec. 15-063 Signage
- Sec. 15-064 Landscaping

#### **Sec. 15-010 Purpose**

The Urban Corridor District (UCD) is established to provide for the economic vitality and orderly growth of the City. A desirable quality of life for residents results from the physical form, design and pattern of development in the traditional “Main Street” format. This district is characterized by an inviting and attractive street environment that encourages pedestrian activity and informal interaction among residents, merchants and visitors. This interaction is enlivened by the closely interwoven combination of residential, retail, service, office and other non-residential uses built at a human scale and are intended to be compact, densely developed and well-defined areas of urban character that are compatible with surrounding neighborhoods. The standards of this district are established to provide for additional regulations to protect the distinctive character, landscape, and historic nature of structures and design within the CVD in accordance with the goals set forth by the Charleston Historic Landmarks Commission and with the City of Charleston Comprehensive Plan. The Urban Corridor District (UCD) is of special public interest for the following reasons:

- A. The district is established to protect and enhance the overall quality of the built environment and some of the design standards apply to activities that occur in public areas such as streets and sidewalks, public

parking areas and public parks and are intended to guide City Officials as well as private citizens in making land use and land management decisions.

- B. The permitted uses and regulations of the district are intended to promote an attractive pedestrian environment with retail, personal service, and office establishments at street level as well as residential uses in upper floors and to promote the uses that will attract well-planned mixed use developments with minimal disruption from vehicle-oriented land uses and features that would detract from a pedestrian environment.
- C. This district is an integral part of the center of economic, social, and civic life in the community. Therefore, it requires sensitive regulations to maintain and enhance the relationships between height, bulk, light, air, and amenities and habitation of the area. The economic and social viability of the City of Charleston depends on maintaining and enhancing the attractiveness of the street environment, the economic viability of the businesses in the district, and a welcoming atmosphere for residential occupants and visitors.
- D. This district is intended to promote the preservation of historic and architectural character and the predominant scale of the UCD by encouraging retention and appropriate use of existing structures and to ensure that new infill development is compatible with surrounding structures and the area in general.
- E. This district should be regulated in a manner, which aids in ensuring its ties with retail development in adjacent Urban Renewal areas. Gateway and transition areas contribute to the character of the district and are appropriately subject to specific design standards that will protect and enhance their unique character as well as solidifying its position as an important and contributing sector of the city.

### **Sec. 15-020 Lot Provisions**

#### **A. Non-residential uses**

- 1. No minimum lot size shall be required
- 2. No minimum lot frontage shall be required.
- 3. Maximum lot coverage shall be 100 percent.

#### **B. Multi-family residential uses**

- 1. The minimum lot size shall be 4,000 square feet.
- 2. The minimum lot frontage shall be 40 feet. The frontage requirement may be waived for a parcel not fronting on an existing road if the parcel is served by a proper right-of-way.
- 3. Maximum lot coverage shall be 100 percent.

### **Sec. 15-030 Setbacks**

#### **A. Non-residential and Residential uses:**

- 1. Front setback: Maximum of 5' in order to maintain a clearly defined street edge and allow slight variations in design such as substantial landscaping and street furniture.
- 2. Side setback: 0 feet
- 3. Rear setback: 0 feet

### **Sec. 15-040 Height and Width**

- A. The maximum building height in the CVD district shall not exceed (4) stories or forty-eight (48) feet.

### **Sec. 15-050 Design Criteria and Performance Standards**

A. New or substantial modification projects shall demonstrate the following:

1. Primary building entrances shall face and open directly onto the public sidewalk adjacent to the primary street, or onto an outdoor dining area or plaza adjacent to the public sidewalk. Primary building entrances shall be recessed.
2. For non-residential uses fronting on the primary street, ground story facades 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 as 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.
3. Material selection in new construction and rehabilitation shall relate to the historic neighborhoods commercial context of the district. High-quality materials such as brick, stone, wood clapboard, or split-faced aggregate block are required. The use of EIFS, poured “cast in place” concrete panels, non-decorative cinder block, tilt-up concrete panels with a ribbed or corduroy appearance, and sheet metal panels is limited to 25% of all facades facing any street front..
4. Stay of Demolition: Proposed demolition of a building designated as historically significant in an established Historic District, and structures designated by the Charleston Historic Landmarks Commission as significant to Charleston’s history, citizen’s or culture when located outside of an Historic District, shall be required to submit a notice of imminent demolition to the City Planning Department a minimum of 90 days prior to the date of the planned demolition. During the stay period, the Landmarks Commission may take any action that it deems necessary to preserve the structure, including consulting with civic groups, public agencies, and interested citizens; recommending acquisition of the property by private or public bodies or agencies; exploring the possibility of moving the building; and salvaging building materials. The applicant may be required to provide information about the building, including the date of construction, architectural features, and a description of the building through photographs, plans and maps. The Historic Landmarks Commission may waive the 90 day requirement when in a public hearing it is determined by the Commission that the building cannot be preserved or salvaged.
5. Mechanical equipment, satellite dishes, and other utility hardware, whether located on the roof or exterior of the building or on the ground adjacent to it and dumpster areas shall be screened from the public view and with materials identical to or strongly similar to building materials or by heavy landscaping that will be effective in winter or they shall be located so as not to be visible from any public way. In no case shall wooden fencing be used as a rooftop equipment screen. Sliding security gates across the front entrances of structures are prohibited.

**Sec. 15-060 Permitted, Accessory and Conditional Uses**

See Permitted Land Use Table.

**Sec. 15 -061 Development Standards**

See Development Standards Table.

**Sec. 15-062 Parking**

See Article 21.

**Special Provision in the UCD:**

- A. Reduction or elimination of the parking requirements may be allowed if one or more of the following conditions is present:

1. Off-street public parking areas, public parking buildings, or approved accessory parking lots are located within 300 feet of the use.

2. Shared and accessory parking is provided consistent with the criteria in Section 21-060-04 of the Ordinance.

B. In the case of adaptive reuse of an existing building that has no parking provided the parking requirements shall be waived in order to encourage compatible reuse and mixed use development.

## **Sec. 15-063 Signage**

**See Article 22.**

## **Sec. 15-064 Landscaping**

**See Article 23.**

**Table 22-080.01 On-Premise Signs Permitted in Commercial and Industrial Districts**

<b>Signs Permitted in the CBD and UCD</b>				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Wall, Awning, Canopy or Marquee Signs	1 per business per building frontage	1.5 sq ft per linear ft of building frontage*	NA	NA
Monument Signs	1 per building	24 sq ft	10 ft	3 ft from property line
Electronic Message Board (when in compliance with section 22-080-05)	1 per building	100 sq ft	18 ft	NA
Temporary Signs	2 per building	32 sq ft	4 ft	Flush against building
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-080-04.			

Renumber accordingly.

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- 24, absent - 4, as follows:

YEAS: Burton, Clowser, Davis, Ealy, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Weintraub, Ware, Mayor Jones.

ABSENT: Hanna, Lane, Salisbury, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7346, passed.

2. Your committee on Planning has had under consideration Bill No. 7347, and reports the same to Council with the recommendation that the committee report be adopted.

Bill 7347 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, and the map made a part thereof, by repealing the West Side Urban Renewal Plan's overlay district; rezoning all the parcels zoned DVD to UCD (Urban Corridor District); and rezoning all the parcels zoned OP to PMC,; all in accordance with the attached map made part thereof and label "Exhibit 1".

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

1. City Council finds that:
  - a. A general plan know 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; and
  - b. A more specific plan known as the West Side Urban Renewal Plan was adopted by City Council in August of 1985 and that said plan was to remain in effect for 20 years; and
  - c. Since said plan has expired, the zoning overlay should be rescinded and the base zoning should be restored; and
  - d. Characteristics of the current UR DVD district warrant the creation of a district specifically recognizing and protecting the unique qualities, architecture, and ambience of specific areas of the city.
2. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, is hereby amended by:
  - a. Repealing the entire urban renewal overlay district whose boundary is defined in the expired West Side Urban Renewal Plan dated August, 1985;
  - b. Rezoning all the parcels zoned DVD to UCD (Urban Corridor District); and
  - c. Rezoning all the parcels zoned OP to PMC.

All in accordance with the attached map label "Exhibit 1" which is of record in the Planning Office.

3. The Zoning Map, attached and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 2 of this ordinance.
4. All 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- 24, absent - 4, as follows:

YEAS: Burton, Clowser, Davis, Ealy, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Weintraub, Ware, Mayor Jones.

ABSENT: Hanna, Lane, Salisbury, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7347, passed.

3. Your committee on Planning has had under consideration Bill No. 7350, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7350 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, and the map made a part thereof, by rezoning from an R-O district to a C-8 district, those certain parcels of land situated at 105 Wyoming Street, 309 Pennsylvania Avenue, and 311 Pennsylvania Avenue, also known as West Charleston Tax Map 26, Parcels 117-118-119.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, is hereby amended by rezoning from an R-O district to a C-8 district the whole of the following described parcels of land:

Parcels 117-118-119 as shown on West Charleston Tax Map No. 26. Said parcels commonly known as 105 Wyoming Street, 309 Pennsylvania Avenue and 311 Pennsylvania Avenue. Said tax map is of record in the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 27 of this ordinance.

2. All 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- 24, absent - 4, as follows:

YEAS: Burton, Clowser, Davis, Ealy, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Weintraub, Ware, Mayor Jones.

ABSENT: Hanna, Lane, Salisbury, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7350, passed.

4. Your committee on Planning has had under consideration Bill No. 7351, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7351 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, and the map made a part thereof, by rezoning from an R-O district to a C-10 district, those certain parcels of land situated at the northeast corner of Monongalia and Ohio Streets in Charleston, West Virginia. The subject property includes parcels 380, 381, 382, 383, 383.1, and 383.2 on Kanawha County Tax Map 25, West Charleston District.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended, is hereby amended by rezoning from an R-O district to a C-10 district the whole of the following described parcels of land:

Those certain parcels of land situated at the northeast corner of Monongalia and Ohio Streets in Charleston, West Virginia. The subject property includes parcels 380, 381, 382, 383, 383.1, and 383.2 on Kanawha County Tax Map 25, West Charleston District.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 27 of this ordinance.

3. All 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- 24, absent - 4, as follows:

YEAS: Burton, Clowser, Davis, Ealy, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Weintraub, Ware, Mayor Jones.

ABSENT: Hanna, Lane, Salisbury, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7351, passed.

5. Your committee on Planning has had under consideration Bill No. 7354, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7354 - amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended and the map made a part thereof, by rezoning from R-4 Single Family Residential District to PMC Professional Medical Campus District those certain parcels of land situate at 303, 307 and 309 26<sup>th</sup> Street S.E., Charleston, West Virginia, and more specifically located at Parcels 50, 51, 52 and 53 on Map 20 of the Kanawha City Tax Assessment Map.

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

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1<sup>st</sup> day of January, 2006, as amended, is hereby amended by rezoning from R-4 Single Family Residential District to PMC Professional Medical Campus District the whole of the following parcels of land:

Parcels 50, 51, 52 and 53 as shown on Kanawha City Tax Assessment Map Number 20. Subject parcels are commonly known as 303, 307 and 309 26<sup>th</sup> St.

S. E., in the Kanawha City area of the City of Charleston, Kanawha County, West Virginia. Said tax map is of record in the Planning Office.

2. The zoning Map, attached to and made a part of said ordinance, is hereby amended in accordance with Article 27 of this ordinance.
3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of said inconsistency.

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

YEAS: Burton, Clowser, Davis, Ealy, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Weintraub, Ware, Mayor Jones.

ABSENT: Hanna, Lane, Salisbury, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7354, passed.

6. Your committee on Planning has had under consideration Street naming – Acadia Lane, attached hereto and made a part thereof,

Your Committee finds the following:

1. The required petition was duly filed on behalf of over 60% of the property owners, and
2. The proposed name complies with the E911 Addressing Regulations, and reports the same to Council with the recommendation that the Bill do pass.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Street naming approved.

### ***FINANCE***

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

1. Your Committee on Finance has had under consideration Resolution No 461-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 461-08: “Authorizing the Mayor to receive and administer funds from the Department of Justice COPS Grant in the amount of \$116,913. The funds will be used for purchase and installation of 45 Interoperable Mobile Radios for the Charleston Police Department.”

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

That the Mayor is hereby authorized and directed to receive and administer funds from

the Department of Justice COPS Grant in the amount of \$116,913. The funds will be used for purchase and installation of 45 Interoperable Mobile Radios for the Charleston Police Department.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 461-08, adopted.

2. Your Committee on Finance has had under consideration Resolution No 462-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 462-08: “Authorizing the Mayor to receive and administer grant funds from the West Virginia Governor’s Highway Safety Program in the amount of \$469,700. The funds will be utilized for the salary of the Highway Safety Coordinator to oversee public education campaigns for DUI, seat belt, and child seat programs and for overtime and other expenses associated with carrying out the programs by the Police Department.”

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

That the Mayor is hereby authorized and directed to receive and administer grant funds from the West Virginia Governor’s Highway Safety Program in the amount of \$469,700. The funds will be utilized for the salary of the Highway Safety Coordinator to oversee public education campaigns for DUI, seat belt, and child seat programs and for overtime and other expenses associated with carrying out the programs by the Police Department.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 462-08, adopted.

3. Your Committee on Finance has had under consideration Resolution No 463-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 463-08: “Authorizing a change in the recipient for award of Community Partnership Grants through the West Virginia Development Office, Community Development Division, from Hooten-Wesley Tiskelwah Center to Kanawha Valley Senior Services; and further authorizing Council to approve the award of future Community Partnership Grants to Kanawha Valley Senior Services as the new recipient of the grant funds.”

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

That Council is hereby authorized and directed to approve a change in the recipient for award of Community Partnership Grants through the West Virginia Development Office, Community Development Division, from Hooten-Wesley Tiskelwah Center to Kanawha Valley Senior Services; and further authorizing Council to approve the award of future

Community Partnership Grants to Kanawha Valley Senior Services as the new recipient of the grant funds.

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

YEAS: Burton, Clowser, Davis, Ealy, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Hanna, Lane, Salisbury, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 463-08 adopted.

4. Your Committee on Finance has had under consideration Resolution No 464-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 464-08: "Authorizing the Mayor to sign a Request for Project Amendment Scope/Activity Change (Form 2) for Daymark Incorporated Project No. 06LEDA0116. The grant funds in the amount of \$8,000 were originally funded to assist in the acquisition of a vacant lot located at 1598-C Washington Street, East, adjacent to the Daymark building at 1598 Washington Street, East. The project amendment is being requested by Daymark as a change in the scope of the project to provide funds for replacement of the water line system at Daymark. The lines are badly corroded and the overall system is in critical condition."

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

That the Mayor is hereby authorized and directed to sign a Request for Project Amendment Scope/Activity Change (Form 2) for Daymark Incorporated Project No. 06LEDA0116. The grant funds in the amount of \$8,000 were originally funded to assist in the acquisition of a vacant lot located at 1598-C Washington Street, East, adjacent to the Daymark building at 1598 Washington Street, East. The project amendment is being requested by Daymark as a change in the scope of the project to provide funds for replacement of the water line system at Daymark. The lines are badly corroded and the overall system is in critical condition.

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

YEAS: Burton, Clowser, Davis, Ealy, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Hanna, Lane, Salisbury, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 464-08 adopted.

5. Your Committee on Finance has had under consideration Resolution No 465-08,

and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 465-08: "Authorizing the Mayor to sign Change Order No. 1 with Tony Baiano Construction Company, in the amount of \$73,158, for additional work related to the Virginia/Dickinson Streets Streetscape project. This project was bid by Charleston Urban Renewal Authority (CURA) and the contract awarded to Tony Baiano Construction Company on August 4, 2008. The City is requesting additional changes to the project to include seven (7) accessible ramps at the intersection of Capitol and Virginia streets; 58 linear feet of granite curb; and 1,465 square feet of brick sidewalk on concrete base for a total cost of \$73,158."

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with Tony Baiano Construction Company, in the amount of \$73,158, for additional work related to the Virginia/Dickinson Streets Streetscape project. This project was bid by Charleston Urban Renewal Authority (CURA) and the contract awarded to Tony Baiano Construction Company on August 4, 2008. The City is requesting additional changes to the project to include seven (7) accessible ramps at the intersection of Capitol and Virginia streets; 58 linear feet of granite curb; and 1,465 square feet of brick sidewalk on concrete base for a total cost of \$73,158.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 465-08, adopted.

6. Your Committee on Finance has had under consideration Resolution No 466-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 466-08: "Authorizing the Mayor to sign Change Order No. 1 with D. C. Myers Company / Ohio, Inc., for changes related to repairs made to Municipal Parking Building No. 4 (Civic Center), resulting in a deduct of \$25,820.92. This change order will decrease the contract price from \$722,385.00 to \$696,564.08."

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with D. C. Byers Company / Ohio, Inc., for changes related to repairs made to Municipal Parking No. 4 (Civic Center), resulting in a deduct of \$25,820.92. This change order will decrease the contract price from \$722,385.00 to \$696,564.08 and addresses the following changes:

Acceptance of stair tower preparation and painting alternative per  
letter from W.Q. Waters dated 8.11.08 ..... (\$34,824.00)

Repairs required to re-stress pedestrian barrier strand at west shear wall .....	2,796.65
Remove and replace curb at northwest stair tower on Level 5 .....	3,364.72
Supply and install egress door and hardware on grade level at northeast stair tower .....	2,841.71

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 466-08, adopted.

7. Your Committee on Finance has had under consideration Resolution No 467-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 467-08: “Authorizing the Mayor to sign Change Order No. 2 with D. C. Byers Company / Ohio, Inc., in the amount of \$13,500, to add 300 square feet of full depth topping slab repair to the South Side Bridge to correct areas of delamination. The work is similar to items addressed in the original contract for repairs to Parking Structures Nos. 3, 4, and 6, although using a rapid hardening repair mortar to allow for next day traffic. Change Order No. 2 increases the contract price from \$696,564.08 to \$710,064.08.”

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

That the Mayor is hereby authorized and directed to sign Change Order No. 2 with D. C. Byers Company / Ohio, Inc., in the amount of \$13,500, to add 300 square feet of full depth topping slab repair to the South Side Bridge to correct areas of delamination. The work is similar to items addressed in the original contract for repairs to Parking Structures Nos. 3, 4, and 6, although using a rapid hardening repair mortar to allow for next day traffic. Change Order No. 2 increases the contract price from \$696,564.08 to \$710,064.08.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 467-08, adopted.

8. Your Committee on Finance has had under consideration Resolution No 468-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 468-08: “Authorizing participation and ratifying prior participation of the City of Charleston, Kanawha County, West Virginia, with the Department of the Army, Corps of Engineers, for the construction of the Section 14 Emergency Streambank Protection Project, Patrick Street to Magic Island, and authorizing the Mayor of the City of Charleston, City Manager, and other appropriate City officials, to act for and on behalf of the City of Charleston, in executing, accepting

or otherwise approving all documents, agreements, instruments, or other necessary papers required by the Department of the Army to implement said participation in the project.”

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

That Council is hereby authorized and directed to approve participation and ratifying prior participation of the City of Charleston, Kanawha County, West Virginia, with the Department of the Army, Corps of Engineers, for the construction of the Section 14 Emergency Streambank Protection Project, Patrick Street to Magic Island, and authorizing the Mayor of the City of Charleston, City Manager, and other appropriate City officials, to act for and on behalf of the City of Charleston, in executing, accepting or otherwise approving all documents, agreements, instruments, or other necessary papers required by the Department of the Army to implement said participation in the project.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 468-08, adopted.

9. Your Committee on Finance has had under consideration Resolution No 469-08, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 469-08: “Authorizing the Finance Director to amend the 2008-2009 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 amend the 2008-2009 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-24, absent - 4, as follows:

YEAS: Burton, Clowser, Davis, Ealy, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Hanna, Lane, Salisbury, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 469-08 adopted.

10. Your Committee on Finance has had under consideration Resolution No 470-08,

and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 470-08: “Authorizing the Mayor to enter into an agreement with Lincoln Financial Group to provide short-term / long-term disability benefits to City employees. Costs of the program shall be borne by the participants through voluntary payroll deductions.”

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 Lincoln Financial Group to provide short-term / long-term disability benefits to City employees. Costs of the program shall be borne by the participants through voluntary payroll deductions.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 470-08, adopted.

11. Your committee on Finance has had under consideration a proposal submitted by Event Software for an integrated software scheduling program for public assembly facilities at the Civic Center, for a total cost of \$15,965.

To be charged to Account No. 402-910-01-000-4-459, Civic Center—Capital Outlay, Equipment, and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

12. Your committee on Finance has had under consideration a bid submitted by Greenbrier Nurseries, in the amount of \$15,768.05, for purchase of spring annuals to be planted by the Public Grounds Division in various locations throughout the City. To be charged to Account No. 001-567-00-000-3-341, Public Grounds—Materials and Supplies, and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

13. Your Committee on Finance has had under consideration Bill No. 7355, and reports the same to Council with the recommendation that the committee report be adopted.

Bill No. 7355: A Bill authorizing the Mayor to execute the attached Quitclaim Deed between the Charleston Center Village Limited Partnership, and the City of Charleston.

WHEREAS, the Charleston Center Village Project has been an asset to the City,

providing housing within the urban renewal area; and

WHEREAS, plans for further development of condominiums in this area will require the relocation of a storage and workshop area to the northwest corner of the complex, on land granted the City through the 1984 deed easement; and

WHEREAS, the appraised value of the northwest corner of the complex is six hundred dollars (\$600.00); and

WHEREAS, the City desires to Quitclaim the northwest corner of the privacy wall to foster further development in this area;

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

That in exchange for the appraised value of six hundred dollars (\$600.00) the Mayor is hereby authorized to execute the attached Quitclaim Deed between the Charleston Center Village Limited Partnership, and the City of Charleston.

The question being on the passage of the Resolution a roll call was taken and there were; yeas-24, absent - 1, as follows:

YEAS: Burton, Clowser, Davis, Ealy, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Hanna, Lane, Salisbury, White

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7355, passed.

### **REPORTS OF OFFICERS**

1. Report of the City of Charleston, Municipal Court Financial Statements; September, 2008.

Received and Filed.

### **NEW BILLS**

Introduced by Council Member Harry Deitzler on October 20, 2008:

Bill No. 7359: A Bill to repeal Section 98-4 of the Code of the City of Charleston; and to re-enact Section 98-4 of the Code of City of Charleston, updating and amending the littering ordinance.

Refer to Ordinance and Rules Committee.

## ROLL CALL

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

YEAS: Burton, Clowser, Davis, Ealy, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lanham, Miller, Payne, Reed, Reishman, Russell, Sheets, Smith, Talkington, Ware, Weintraub, Mayor Jones.

ABSENT: Hanna, Lane, Salisbury, White

At 7:50 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 3, 2008, at 7:00 p.m.

---

Danny Jones, Honorable Mayor

---

James M. Reishman, City Clerk