



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, July 1, 2019

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the first meeting in the month of July on the 1st day, in the year 2019, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Sheets and the Pledge of Allegiance was led by Councilmember Overstreet. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS**HOOVER****KING****MCKINNEY****ROBINSON****STEELE****BAILEY****CAMPBELL****FAEGRE****JENKINS****KNAUFF****MINARDI****PHARR****SHEETS****BAYS****CEPERLEY****HAAS****JONES****OVERSTREET****REISHMAN****SNODGRASS****MAYOR GOODWIN**

With twenty-two members being present, the Mayor declared a quorum present.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

PUBLIC SPEAKERS

NONE

CLAIMS

1. A claim of Michael L. Whittington, 1434 Stuart St., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor

PROCLAMATIONS

1.



The Mayor presented the proclamation to The Director and Deputy Director of Parks and Recreation as well as members of the Parks and Recreation Committee.

COMMUNICATIONS

1. Mayor Goodwin thanked the emergency responders for their work during the recent tornado/storm. She asked that they stand and be recognized. The Mayor also recognized the Public Grounds crew, many of whom worked throughout the night. Those present were: John Shannon, Carl Taylor, Derek McKinnon, Bill Tate, Steve Boxley, Tom Harless, Robbie Huffman, Linda Walker, Chris Armstrong, Chris Buzzard, Patrick Taylor, Kevin Oxley, Neil Kraft, Mike Davis, Ric Elkins, Cody Rodriguez and Craig Barrier.

- 2.

CITY OF CHARLESTON
OFFICE OF THE MAYOR



TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN 
MAYOR

RE: KANAWHA-CHARLESTON BOARD OF HEALTH

DATE: JULY 1, 2019

I recommend Danny Scalise, 123 Sheridan Circle, Charleston, WV 25314 be appointed to the Kanawha-Charleston Board of Health, with an initial term to expire June 30, 2024. He's replacing James Strawn.

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

ASG/mls

Councilmember Ceperley moved to approve the appointment. Councilmember Hoover seconded that motion. By unanimous vote, the appointment was confirmed.

REPORTS OF COMMITTEES

COMMITTEE ON ENVIRONMENT AND RECYCLING

Councilmember Bailey, Chair of the Council Committee on Environment and Recycling, submitted the following reports:

1. Your committee on Environment and Recycling has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7822 do pass.

Bill No. 7822 - A BILL to repeal Sections 102-300 and 102-303; to amend and reenact Sections 102-301, 102-302, and 102-304 of Division I of Article VIII, Chapter 102 of the Municipal Code of the City of Charleston, known as the "City of Charleston Illicit Discharge Detection and Elimination Ordinance"; and to amend and reenact Sections 102-314, 102-315, 102-316, 102-317, 102-318, and 102-319 of Division II of Article VIII, Chapter 102 of the Municipal Code of the City of Charleston, known as the "City of Charleston Construction Site Erosion and Sediment Control Ordinance."

WHEREAS, the 1972 amendments to the Federal Water Pollution Control Act (referred to as the Clean Water Act or "CWA"), 33 U.S.C. §§ 1251-1387, prohibit the discharge of any Pollutant to navigable waters of the United States from a point source unless the discharge is authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") required by CWA § 402, 33 U.S.C. §§ 1342; and

WHEREAS, Municipal Separate Storm Sewer Systems ("MS4s") which convey urban runoff, including, but not limited to Stormwater runoff, are point sources under the CWA; and

WHEREAS, the US EPA reports that in some municipalities illicit connections of sanitary, commercial and industrial discharges to storm sewer systems have had a significant adverse impact on the water quality of receiving waters; and

WHEREAS, pursuant to the CWA, the US EPA has defined "illicit discharges" as any discharge to a MS4 that is not composed entirely of Stormwater or not covered by a NPDES permit; and

WHEREAS, Section 402(p)(3)(B) of the CWA requires that NPDES permits for discharges from MS4s are to include a requirement to "effectively prohibit" non-stormwater discharges into MS4s; and

WHEREAS, US EPA regulations implementing the CWA require a municipality to demonstrate that it has the authority to control, through ordinance or other authority, discharge to the MS4 of spills, dumping or disposal of materials other than stormwater; and

WHEREAS, soil is highly vulnerable to erosion by wind and water during the construction process. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of waterways. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat; and

WHEREAS, US EPA regulations require a municipality to implement a stormwater management plan that adopts measures for the protection of water quality by addressing erosion and sediment control during land disturbing activities; and

WHEREAS, the City of Charleston, as the owner and operator of its MS4, has the right and the duty to protect the integrity of its MS4 against Pollutants entering the MS4; and

WHEREAS, under the Constitution of West Virginia, West Virginia Code, and the City of Charleston Municipal Code, the City of Charleston has the authority to define public nuisances and to protect the environment and the public health and safety of the residents of and visitors to the City, by abating public nuisances.

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

That Sections 102-300 and 102-303 of Division I of Article VIII of Chapter 102 are hereby repealed, and Sections 102-301, 102-302, and 102-304 of Division I of Article VIII, Chapter 102 are hereby amended and reenacted; and Sections 102-314, 102-315, 102-316, 102-317, 102-318, and 102-319 of Division II, Article VIII, Chapter 102 of the Municipal Code of the City of Charleston are hereby amended and reenacted, all to read as follows:

CHAPTER 102 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE VIII – STORMWATER POLLUTION PREVENTION

DIVISION 1 – ILLICIT DISCHARGE DETECTION AND ELIMINATION

~~Sec. 102-300. – Stormwater Management Board created.~~

~~There is hereby created in and for the City, the City of Charleston Stormwater Management Board, which shall hear and decide appeals of any order or decision of a Compliance Officer or any denial of a request for reconsideration by the City Engineer issued pursuant to this Division.~~

~~The Stormwater Management Board shall be comprised of the City Manager, the City Director of Emergency Services, and three persons appointed by the Mayor, two of whom must be current members of Charleston City Council (one of whom must serve on the Environmental and Recycling Committee) and one person not employed by the City who is qualified by knowledge and experience in matters pertaining to construction and/or engineering. Members of the Board~~

~~shall serve for terms of three years and do not receive compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.~~

~~(c) — Notwithstanding any other provisions in this code to the contrary, any person employed by, owning an interest in or otherwise associated with an owner or Person that regularly conducts business in front of the Stormwater Management Board may also serve as a member of the Stormwater Management Board and shall not be disqualified from serving as a member because of a conflict of interest as defined in West Virginia Code §61-10-15 and shall not be subject to prosecution under provisions of that chapter when the violation is created solely as a result of his or her relationship with the owner or Person. The member must, however, recuse himself or herself from any vote, discussion, participation or other activity regarding any colorable conflict recognized under West Virginia law.~~

~~(d) — Notwithstanding any other provisions in this code to the contrary, any person employed by, owning an interest in or otherwise associated with an owner or Person that regularly conducts business in front of the Stormwater Management Board may also serve as a member of the Stormwater Management Board and shall not be in violation of WV Code §6B-2-5(g) if the member recuses himself or herself from any vote, discussion, participation or other activity regarding any conflict: *Provided*, That such members do not constitute a majority of the members of the Stormwater Management Board at the same time.~~

Sec. 102-301. – Notice of violation.

(a) When a Compliance Officer determines after reasonable observation or investigation that a Person has violated a prohibition or failed to meet a requirement of this Division, he/she may order compliance by written notice of violation to that Person. Such notice may require, without limitation:

- (1) the performance of monitoring, analyses and reporting;
- (2) the elimination of Illicit connections or discharges;
- (3) that discharges, practices or operations that are in violation shall cease and desist;
- (4) the abatement or remediation of Stormwater Pollution or contamination hazards and the restoration of any affected property; and/or
- (5) the implementation of source control or treatment BMPs.

(b) Notice(s) of violation shall be served in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that a method of service

effectuated by a mailing by the clerk of a court (e.g., service pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D)) shall be deemed to be effectuated by a mailing by a Compliance Officer. If service is made by certified mail consistent with West Virginia Rule of Civil Procedure 4(d)(1)(D) and delivery of the notice of the violation is refused, the Compliance Officer, promptly upon the receipt of the notice of such refusal, shall mail to the Person being noticed, by first class mail, postage prepaid, (1) a copy of the notice of the violation(s) (2) a notice that despite such refusal, the notice of the violation(s) is valid, and (3) advising that the City will proceed to enforce the notice of violation(s). So long as such first class mailing is not returned as undeliverable by the U.S. Postal Service, service of the notice of violation(s) will be conclusively presumed to have been effectuated. Proof of service shall be made at the time of service by a written declaration, under oath, executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made.

(c) Any notice of violation(s) under this section shall be in writing and shall contain the following:

- (1) the date the notice of violation is given;
- (2) the name and address of the Person(s) charged with the violation;
- (3) the nature of the violation;
- (4) a statement of the action required to be taken in order to correct the violation and further prevent it;
- (5) the time period allowed for the violation to be corrected. When determining the time period allowed for correction, a Compliance Officer shall take into consideration the threat posed by the violation to the health, safety and welfare of the public and the nature of the work required to correct the violation;
- (6) the maximum fines that may be assessed if the violation is not corrected and a citation is issued; and
- (7) the name, business address and telephone number of the Compliance Officer issuing the notice of violation.

(d) Nothing in this section shall limit the authority of Compliance Officers to take any other lawfully prescribed enforcement action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

Sec. 102-302. – Request for reconsideration; ~~appeal of decision of the City Engineer.~~

(a) — Any Person receiving a notice of violation from a Compliance Officer may submit a written request for reconsideration to the City Engineer by mailing said request to The Office of the City Engineer, City of Charleston, P.O. Box 2749, Charleston, WV 25330, or by hand delivering said request to the Office of the City Engineer, 114 Dickenson Street, Charleston, West Virginia. The request for reconsideration must be received within 10 days from the date of the notice of violation and shall include a written explanation of the basis for the request. Upon receipt of a timely request for reconsideration, the City Engineer shall review the request and shall (1) uphold the notice of violation (2) reverse the notice of violation or (3) modify the notice of violation and shall provide written notice by certified mail of his or her decision to the Person within 15 days of receipt thereof. .

~~(b) — When a notice of violation is upheld by the City Engineer as outlined in (a) above, the Person may appeal the decision of the City Engineer to the City of Charleston Stormwater Management Board by mailing a notice of appeal to City of Charleston Stormwater Management Board, c/o Office of the City Manager, P.O. Box 2749, Charleston, WV 25330, or by hand delivering said request to the City of Charleston Stormwater Management Board, Office of the City Manager, 501 Virginia Street East, Charleston, West Virginia. When appealing a decision by the City Engineer, the notice of appeal to the Stormwater Management Board must be received within 10 days from the date of the receipt of the written notice of the City Engineer's decision. Hearing on the appeal shall be before the City of Charleston Stormwater Management Board and said hearing shall take place within 30 business days from the date of receipt of the notice of appeal. At the conclusion of the hearing, the Stormwater Management Board shall either grant or deny the appeal in writing within 10 days, and provide written notice by certified mail of its decision to the Person who appealed. The decision of the Stormwater Management Board shall be final. Failure to file a notice of appeal within the period set forth herein shall constitute a waiver of the right to appeal to the Stormwater Management Board, shall result in the decision of the City Engineer being final, and the notice of violation shall be fully enforceable as set forth in this Division.~~

Sec. 102-303. – ~~Appeal of notice of violation.~~ Reserved.

~~— Any Person receiving a notice of violation who chooses not to request reconsideration by the City Engineer may appeal the notice of violation directly to the City of Charleston Stormwater Management Board by mailing a notice of appeal to the City of Charleston Stormwater Management Board, c/o Office of the City Manager, P.O. Box 2749, Charleston, WV 25330, or by hand delivering said request to the City of Charleston Stormwater Management Board, Office of the City Manager, 501 Virginia Street East, Charleston, West Virginia. When appealing a notice of violation where no reconsideration by the City Engineer has been requested, the notice of appeal to the Stormwater Management Board must be received within 10 days from the date of the notice of violation. Hearing on the appeal shall be before the City of Charleston Stormwater~~

~~Management Board and said hearing shall take place within 30 business days from the date of receipt of the notice of appeal. At the conclusion of the hearing, the Stormwater Management Board shall either grant or deny the appeal in writing within 10 days, and provide written notice by certified mail of its decision to the Person who appealed. The decision of the Stormwater Management Board shall be final. Failure to file a notice of appeal within the period set forth herein shall constitute a waiver of the right to appeal to the Stormwater Management Board and the notice of violation shall be fully enforceable as set forth in this Division.~~

Sec. 102-304. – Enforcement measures ~~after appeal~~.

(a) If the violation has not been corrected within 10 days or any other period specified by the ~~Stormwater Management Board~~ City Engineer in ~~its~~ his or her decision in the case of a request for reconsideration, then the Compliance Officer shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or bring the property into compliance.

(b) If refused access to the subject property, the Compliance Officer may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property.

CHAPTER 102 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES ARTICLE VIII - STORMWATER POLLUTION PREVENTION
DIVISION 2 - CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

Sec. 102-314. - Approval of Land Disturbing Activity.

(a) Any Person applying for a City of Charleston building permit that proposes a Construction project involving LDA exceeding 5000 square feet, or an increase in Impervious Area by 1000 square feet or greater, is required to obtain approval for such LDA from the City Building Department and/or City Engineer's Office. Requests for approval shall be made at the time of application for a building permit; provided, however, that a building permit shall not be issued in the absence of prior approval of LDA ~~by the City Engineer's Office~~.

(b) Notwithstanding Sec. 102-314(a) herein, approval for LDA shall not be required for the following activities:

- (1) Interior renovations;
- (2) Roof repair;
- (3) Building facade maintenance;

- (4) Milling and repaving of existing asphalt or concrete streets, parking lots, or sidewalks;
- (5) Maintenance of existing landscaping or gardens;
- (6) Cutting of trees and brush (provided the area remains vegetated and no grubbing of root system occurs); and
- (7) Maintenance of pervious sports fields such as replacement of the clay surface to baseball infields, turf plugging of golf fairways and greens.

Sec. 102-315. - Submission of Erosion and Sediment Control Plan; modifications.

(a) Any Person requesting approval of LDA is required to submit an Erosion and Sediment Control Plan ("ESCP") to the City Building Department as part of the building permit application for review and approval ~~by the City Engineer's Office~~. The ESCP shall comply with the provisions set forth in the City of Charleston Stormwater Management Guidance Manual regarding Erosion and Sediment Control measures. The Stormwater Management Guidance Manual will be available to the public on the City's Stormwater website, as well as on file at the City Engineer's Office.

(b) All control measures set forth in an approved ESCP shall be followed and maintained at all times during the Construction project unless modified with the approval of the City Building Department and/or City Engineer's Office. Any significant modifications to an ESCP must be approved by the City Building Department and/or City Engineer's Office via written authorization to the permittee. Minor modifications to the ESCP may be approved by the City Building Department and/or City Engineer's Office at the Construction Site.

(c) A copy of the approved ESCP shall be kept on the Construction Site during all stages of a Construction project and shall be made available for review upon request by a Compliance Officer.

Sec. 102- 316. - Erosion and Sediment Control Design Requirements.

(a) Grading, Erosion Control practices, Sediment Control practices, and Waterway crossings shall meet the design criteria set forth in the most recent version of the City's Stormwater Management Guidance Manual and shall be adequate to prevent transportation of Sediment from the Construction Site ~~to the satisfaction of the City Engineer's Office~~.

(b) Clearing and Grading of natural resources, such as protected habitats and wetlands, shall not be permitted, except when in compliance with the Stormwater Management Guidance Manual.

(c) Clearing, except to the extent necessary to establish Sediment Control devices, shall not begin until all Sediment Control devices have been installed and have been stabilized.

(d) Minimum Erosion Control requirements shall include:

- (1) Temporary seeding must be applied if the Construction Site is idle for more than 21 days.
- (2) Special techniques that meet the design criteria outlined in the Stormwater Management Guidance Manual on steep slopes or in Drainage Ways shall be used to ensure Stabilization.
- (3) Soil stockpiles must be stabilized or covered at all times.
- (4) The entire Construction Site must be stabilized at the close of the Construction season, which may include but is not limited to, temporary seeding, mulching, and the use of Erosion Controls.
- (5) Techniques shall be employed to prevent the transportation of dust or Sediment from the Construction Site.
- (6) Techniques shall be employed to divert upstream runoff away from LDA without causing any additional Erosion.

(e) Minimum Sediment Control requirements shall include: Sediment basins, Stormwater inlet protection, Sediment traps, and/or Perimeter controls.

(f) Minimum Waterway and Watercourse protection requirements shall include:

- (1) Approval of a Waterway or Watercourse crossing by all applicable federal and state agencies having jurisdiction, which may include, but is not limited to, West Virginia Department of Natural Resources, United States Army Corps of Engineers, and the United States Environmental Protection Agency.
- (2) Stabilization of a Watercourse before, during, and after any in-channel work.
- (3) All on-site stormwater conveyance channels designed according to the criteria outlined in the Stormwater Management Guidance Manual.
- (4) Stabilization adequate to prevent Erosion located at the outlets of all pipes and paved channels.

(g) Construction Site access requirements shall include: establishment and maintenance of a stabilized Construction Site entrance as outlined in the Stormwater Management Guidance Manual.

Sec. 102-317. - Review and approval of Land Disturbing Activity and Erosion and Sediment Control Plan ~~by City Engineer's Office~~.

The City Engineer's Office and/or City Building Department shall review each request for approval of LDA and the corresponding ESCP to determine conformance with the requirements of this Division. Within 10 days after receiving a building permit application and corresponding ESCP, the City Engineer's Office and/or City Building Department shall, in writing:

- (1) approve the requested LDA and corresponding ESCP;
- (2) approve the requested LDA and corresponding ESCP subject to conditions as may be necessary to satisfy the objectives of this Division; or
- (3) deny the requested LDA and corresponding ESCP, indicating the reason(s) for denial and the procedure for submitting a revised ESCP, if appropriate.

Sec.102-318.- Inspection of Construction Site.

(a) All Construction Sites involving LDA and requiring an approved ESCP shall be inspected and approved by a Compliance Officer ~~at each stage of Construction consistent with the seven stages set forth in this subsection.~~ Compliance Officers shall inspect Construction Sites as authorized by this Section and shall either approve that portion of the work completed or shall notify the Person receiving approval for the LDA that the work is not in compliance with the approved ESCP. ~~Plans for Grading, stripping, excavating, and filling work bearing the stamp of approval of a Compliance Officer shall be maintained at the Construction site during all stages of the project.~~ To obtain the required permits and inspections for each stage of Construction, the Person receiving approval for the LDA shall notify the City Engineer's Office and/or City Building Department of the Construction start date. If there is to be a change in said start date, the City Engineer's Office and/or City Building Department is to be notified at least two working days before ~~each of the following stages: start of Construction.~~ Compliance Officer inspections may consist of, but not be limited to, the following stages:

- (1) Installation of Erosion and Sediment Control measures;
- (2) Start of Construction Completion of Demolition;
- (3) Completion of Site Clearing and rough Grading;
- (4) Installation of any stormwater conveyance structures; and
- (5) Completion of final Grading;
- (5) Close of the Construction season; and
- (5) Completion of project.

(b) The Person receiving approval for LDA and corresponding ESCP shall make regular inspections of all control measures in accordance with the inspection schedule outlined in the approved ESCP. The purpose of such inspections will be to determine the overall effectiveness of the ESCP and the potential need for additional control measures. All inspections shall be documented in writing and shall be kept on site ~~for inspection submitted~~

~~to the City Engineer's Office at the time intervals specified in the Stormwater Management Guidance Manual.~~

Sec. 102-319. - Notice of Noncompliance and Order to Correct.

(a) When a Compliance Officer determines after reasonable observation or investigation that a Person has not complied with any provision of this Division or has failed to comply with an approved ESCP, the Compliance Officer may order compliance by written Notice of Noncompliance and Order to Correct.

(b) Notice(s) of Noncompliance and Order(s) to Correct shall be served in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that a method of service effectuated by a mailing by the clerk of a court (e.g., service pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D)) shall be deemed to be effectuated by a mailing by a Compliance Officer. If service is made by certified mail consistent with West Virginia Rule of Civil Procedure 4(d)(1)(D) and delivery of the Notice of Noncompliance and Order to Correct is refused, the Compliance Officer, promptly upon the receipt of the notice of such refusal, shall mail to the Person being noticed, by first class mail, postage prepaid, (1) a copy of the Notice of Noncompliance and Order to Correct (2) a notice that despite such refusal, the Notice of Noncompliance and Order to Correct is valid, and (3) advising that the City will proceed to enforce the Notice of Noncompliance and Order to Correct. So long as such first class mailing is not returned as undeliverable by the U.S. Postal Service, service of the Notice of Noncompliance and Order to Correct will be conclusively presumed to have been effectuated. Proof of service shall be made at the time of service by a written declaration, under oath, executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made.

(c) Any Notice of Noncompliance and Order to Correct under this section shall be in writing and shall contain the following:

- (1) the date the Notice of Noncompliance and Order to Correct is given;
- (2) the name and address of the Person(s) charged with the noncompliance;
- (3) the nature of the noncompliance;
- (4) a statement of the action required to be taken in order to correct the noncompliance and further prevent it;
- (5) the time period allowed for correction. When determining the time period allowed for correction, a Compliance Officer shall take into consideration the threat posed by the noncompliance to the health, safety and welfare of the public and the nature of the work

required to correct the noncompliance;

(6) the maximum fines that may be assessed if the noncompliance is not corrected and a citation is issued; and

(7) the name, business address and telephone number of the Compliance Officer issuing the Notice of Noncompliance and Order to Correct.

(d) Nothing in this section shall limit the authority of Compliance Officers to take any other lawfully prescribed enforcement action, including emergency actions or any other enforcement action, without first issuing a Notice of Noncompliance and Order to Correct.

(e) Failure to correct the noncompliance by the date set forth in the Notice of Noncompliance and Order to Correct shall be reported to the Building Department. Any subsequent work performed shall constitute work being performed in a dangerous or unsafe manner or in a manner contrary to the W.Va. State Building Code, as adopted by Charleston Municipal Code Section 14-33(a), and the Person charged with the noncompliance may be issued a stop work order or the building permit may be revoked.

Councilmember Bailey added that the bill is primarily a clean up bill that removes from the Code a Board that has never been filled. The Board is not required under State law. Removing the Board should make it easier for someone to seek a resolution to a stormwater issue.

Councilmember Bailey moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Campbell, Ceperley, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: NONE

ABSENT: Burton, Cook, Laird, Persinger, Snodgrass, Wesley-Plear

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7822 passed.

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

Councilmember Hoover, Chair of the Council Committee on Planning, Streets and Traffic, submitted the following reports:

1. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7818 do pass.

Bill No. 7818 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding and modifying definitions and creating land use categories relating to the growing, processing, and distribution of medical cannabis.

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended, by adding and modifying definitions and creating land use categories relating to the growing, processing, and distribution of medical cannabis. The new provisions shall read as follows:

1) In Article 2 Definitions

Section 2-020 Definitions of Terms

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them within this section. If not defined in this section, or within other sections of this ordinance, terms used in this ordinance shall have the meanings provided in any standard dictionary or American Planning Association publication as determined by the Planning Director.

Community Garden. A neighborhood-based development with the primary purpose of providing space for members of the community to grow plants for beautification, education, recreation, community distribution, or personal use. Sites managed by public or civic entities, nonprofit organizations or other community-based organizations are responsible for maintenance and operations. Processing and storage of plants or plant products are prohibited on site. Gardening tools and supplies may be stored within an accessory building that is in compliance with Article 3-080(A) of this ordinance. Community Garden shall not include or be construed to be a Medical Cannabis Growing Facility.

Drug Store. An establishment engaged in the retail sale of prescription drugs and patient medicines and which may carry a number of related product lines, such as cosmetics, toiletries, tobacco and novelty merchandise, and which may also operate a soda fountain or lunch counter. Drug Store shall not include or be construed to be a Medical Cannabis Dispensary.

Greenhouse, Commercial. A building used for the growing of plants, all or part of which are sold at retail or wholesale. Commercial Greenhouse shall not include or be construed to be

a Medical Cannabis Growing Facility

Hypermarket. A large-scale (minimum of 100,000 square feet) self-service retail store selling food, drugs, household merchandise, clothing, and a variety of other retail goods. The store may, in some cases, include limited, ancillary commercial tenants within the main building, such as medical offices, postage stores, snack counters, coffee shops, shoe repair shops, eye care centers, hair salons, etc. Hypermarket shall not include or be construed to be a Medical Cannabis Dispensary.

Medical Cannabis. Cannabis for certified medical use, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

Medical Cannabis Dispensary. A place where processed medical cannabis products are permitted to be dispensed to qualifying consumers, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

Medical Cannabis Growing Facility. A place where medical cannabis is permitted to be grown, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

Medical Cannabis Processing Facility. A place where medical cannabis is permitted to be processed, refined, or otherwise converted into a legally permitted state, as provided for in the Code of the State of West Virginia, Chapter 16A, as amended.

Retail Sales Establishment. A business having as its primary function the supply of merchandise or wares to the end consumer. Such sales constitute the “primary function” of the business when such sales equal at least eighty (80) percent of the gross sales of the business. Retail Sales Establishment shall not include or be construed to be a Medical Cannabis Dispensary.

Urban Farm. Growing, washing, packaging and storage of fruits, vegetables and other plant products for wholesale or retail sales. Urban Farm shall not include or be construed to be a Medical Cannabis Growing Facility.

2) In Article 3 Establishment of Zoning Districts and Map

Section 3-050 Permitted Land Uses

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CB-D	UC-D	DV-D	CV-D	PM-C	I-2	I-4	PU-D	SUP-P.
<u>Medical Cannabis Dispensary</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				

<u>Medical Cannabis Growing Facility</u>									<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Medical Cannabis Processing Facility</u>									<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		

- 3) All prior ordinances or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Hoover added that the bill gives people with serious medical conditions additional options to deal with their ailments. The bill will hopefully create economic development opportunities to adapt vacant buildings.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Campbell, Ceperley, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: NONE

ABSENT: Burton, Cook, Laird, Persinger, Snodgrass, Wesley-Plear

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7818 passed.

2. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7820 do pass.

Bill No. 7820 - A Bill to establish a Handicapped parking zone on south side of Central Avenue

from a point 48 feet east of Hunt Avenue to a point 121 feet east of Hunt 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 Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

Section 1. Handicapped parking zone on south side of Central Avenue from a point 48 feet east of Hunt Avenue to a point 121 feet east of Hunt Avenue

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

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

Councilmember Hoover added that there are not any handicapped spots in this area.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Campbell, Ceperley, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: NONE

ABSENT: Burton, Cook, Laird, Persinger, Snodgrass, Wesley-Plear

With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Bill No. 7820 passed.

COMMITTEE ON FINANCE

Councilmember Jenkins, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 212-19 do pass.

Resolution No. 212-19 - Authorizing the MOECD to partner with the Charleston Area Alliance (CAA) in the alliance's submission of a grant proposal to the United States Department of Labor's (USDOL) Appalachian Regional Commission (ARC) Workforce Opportunities for Rural Communities grant. The grant proposal is for \$2,500,000 to fund a new workforce demonstration project that will create a workforce resource linkage program and align the focus of workforce development efforts to an area's existing strategies and plans for economic development and diversification. The Charleston Area Alliance will serve as the fiscal agent. There is no match required.

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

The MOECD is authorized to partner with the Charleston Area Alliance (CAA) in the alliance's submission of a grant proposal to the United States Department of Labor's (USDOL) Appalachian Regional Commission (ARC) Workforce Opportunities for Rural Communities grant. The grant proposal is for \$2,500,000 to fund a new workforce demonstration project that will create a workforce resource linkage program and align the focus of workforce development efforts to an area's existing strategies and plans for economic development and diversification.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative the Mayor declared Resolution 212-19 adopted.

2. Your committee on Finance has had under consideration the following committee report, and reports the same to Council with the recommendation that committee report do pass.

The purchase of video equipment in the amount of \$70,648.00 from Electronic Specialty

Company. The equipment is the Matrix video router that controls video to the second floor conference rooms. This is a sole source purchase to replace damaged components of the audiovisual mainframe system. The system's warranty requires the exact same components be used and installed by the same vendor.

Councilmember Jenkins added that the resolution will replace damaged equipment within the Convention Center.

Councilmember Faegre asked how the equipment became damaged. Councilmember Jenkins answered that an air-conditioning unit caused water damage to the equipment. Hopefully, the City will be able to recoup this cost after liability is determined.

Councilmember Jenkins moved to approve the Committee Report. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.



Confidential Page # 1 of 1

1325 DUNBAR AVENUE • P.O. BOX 400 • DUNBAR, WV 25064
 PHONE 304-766-6277 • 800-642-5500 • FAX 304-766-6270

Charleston Coliseum and Convention Center
 Attn: Mr. Victor Hodge
 200 Civic Center Drive
 Charleston, WV 25301

DATE: June 25, 2019 (Our 72nd Year)

QUOTATION NO: 190509-TF1

REFERENCE: Replacement Equipment

WE ARE PLEASED TO SUBMIT OUR QUOTATION FOR THE FOLLOWING PROJECT.

Cost information to furnish and install new equipment to replace items damaged by water:

Summary of Cost Information

Discounted Equipment & Technical Services Price\$ 70,648.00 plus tax as applicable

Approved By _____ Date _____ PO# _____

Terms for the above:

- Invoice upon installation Net 30days

Detailed Bill of Material as follows;

Qty	Brand	Model Series	Description
1	AMX	DGX-100 Series	Enova 64 Frame
16	AMX	DGX Series	Input Modules
9	AMX	DGX Series	Output Modules
4	AMX	DGX Series	Audio Modules
1	Middle Atlantic	UPS2200R	UPS Power Back Up
1	Sennheiser	ASA1/NT	Antenna Splitter

ESCOM Scope of Work:

ESCOM technicians will remove and replace the water damaged equipment caused by the air conditioning unit with all new equipment listed above. Once installed, ESCOM technicians will reprogram, label, re-test and document the operation of the system. The new equipment will carry the new manufacturer and the ESCOM service warranty. ESCOM cannot guarantee the remaining equipment in the AV room to be free of defect at this time and does not warrant the remaining equipment due to water getting into all three of the system racks and components. At this point the remaining equipment appears to be functioning normally but that could change at any time.

Warranties:

If there is future failure of any part of the remaining equipment, manufacturers may not provide equipment warranty due to water ingress. ESCOM will only provide equipment and service warranty coverage on new equipment provided by ESCOM. Equipment provided and or programmed by others will void any remaining service and equipment warranties by ESCOM due to the complexity of the installed systems and programming.

Please review the above information and let us know of any questions or concerns.

Since 1947 Electronic Specialty Company has provided quality local service for life safety & critical communication systems
 ELECTRONIC SPECIALTY COMPANY HAS A "SUBSTANCE DETECTION" POLICY AND A "DRUG FREE" WORKPLACE IN EFFECT.

DELIVERY: Equipment 2 week A.R.O. or sooner

Your Consideration will be very much appreciated.

FOB: Job Site

ELECTRONIC SPECIALTY CO.

TERMS: 30 days, Each Invoice

Authorized by: Tom Fitzwater

This quotation is offered for your acceptance within 30 days

Contractor Licenses: WV #WV 010229 • VIRGINIA #2705 106093 • KENTUCKY #005601 • OHIO #201336501043

REPORTS OF OFFICERS

1. City of Charleston, WV – Financial Statements, for the eleven-month period ending May 31, 2019.
Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis; June 2019.
Received and Filed.

NEW BILLS

Introduced by Councilmember Deanna McKinney
on July 1, 2019:

Bill No. 7824 – A Bill to designate Virginia Street West and Randolph Street between Pennsylvania Avenue and Delaware Avenue as Two-Way Streets and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember John Kennedy Bailey
on July 1, 2019:

Bill No. 7825 – A BILL to amend and reenact Section 98-121 of the Municipal Code of the City of Charleston, relating to recyclables collection.

Refer to Environment and Recycling Committee

Introduced by Councilmember Jeanine Faegre
on July 1, 2019:

Bill No. 7826 – A Bill to amend and reenact Ordinance number 7037 to require vehicles northbound on Somerset Drive to stop in all instances.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Jeanine Faegre
on July 1, 2019:

Bill No. 7827 – A Bill to establish one-way vehicular traffic on a ten foot public alley lying parallel to Washington Street West and running from Greendale Drive east 300 feet and continuing south 80 feet to Railroad Ave, with all traffic to travel west to east and amending the Traffic Control Map and Traffic Control File.

Refer to Planning, Streets and Traffic Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. The Mayor reported that over the past week, due to FestivAll and the tournament at Shawnee Sports Complex, local businesses reported record sales, exceeding holiday sales.
2. Councilmember Robinson further stated the importance of sports tourism. He stated the City needed to update its facilities to reap the benefits. He encouraged Council to get involved.
3. Councilmember Pharr stated that the Facilities Committee toured the Municipal Auditorium before the Council meeting. She further stated the importance of visiting the facilities in person.
4. Councilmember Sheets expressed his respect over the Mayor's recent repel down an 18-story building.

ADJOURNMENT

The Clerk, Miles C. Cary II, called the closing roll call:

YEAS: Adams, Bailey, Bays, Campbell, Ceperley, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, McKinney, Minardi, Overstreet, Pharr, Reishman, Robinson, Sheets, Steele, Mayor Goodwin

NAYS: NONE

ABSENT: Burton, Cook, Laird, Persinger, Snodgrass, Wesley-Plear

At 7:29 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, July 15, 2019, at 7:00 p.m., in the Council Chamber in City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary, City Clerk