



CITY OF CHARLESTON WEST VIRGINIA



Council Member – Ward 5

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Ordinance and Rules Committee, Chair
Parks and Recreation Committee

TO: Ordinance and Rules Committee
FROM: Jeanine Faegre, Chair
RE: Committee Meeting

A meeting of the Council Committee on Ordinance & Rules will be held on Wednesday, October 16, 2019. The meeting will begin promptly at 5:30 PM in the AV Room, 3rd Floor of City Hall.

Agenda

APPROVAL OF PREVIOUS MINUTES

1. 7-15-2019

BILLS

1. Bill No. 7843 - A BILL to amend and reenact the Municipal Code relating to updating requirements for alarm systems; removing the requirement that alarm systems be registered; and updating when false alarms become a violation that subjects the owner to a fine; and increasing the fine amount.
2. Bill No. 7844 - A BILL to amend the Code of the City of Charleston relating to providing authority for the mayor to appoint a general manager of the Charleston Coliseum and Convention Center and Auditorium; authorizing the general manager to employ necessary employees within the budget approved by Council; clarifying financial and purchasing requirements; requiring an annual report and detailing its contents; and requiring rates to be posted on the Charleston Coliseum and Convention Center website.

3. Bill No. 7845 - A BILL to amend the Municipal Code of the City of Charleston relating to formalizing a dispute process for parking citations with the Director of Parking; and detailing the appeal process from the decision of the Director of Parking.

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk.com>**

JF/ns

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

6:40 P. M., JULY 15, 2019

COUNCIL CHAMBERS

Jeanine Faegre, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 6:40p.m., JULY 15, 2019, in Council Chambers in City Hall.

Committee Members Present:

Jeanine Faegre, Chair
Bobby Haas, Vice Chair
Chuck Overstreet
Keeley Steele
Tiffany Wesley-Plear

1. Approval of Previous Minutes – Councilmember Haas moved to approve the minutes of the previous meeting on 5-29-2019. There was no objection and the minutes were approved.

1. Resolution No. 218-19 –

Councilmember Faegre introduced City Attorney, Kevin Baker, to discuss the resolution. He explained that this is a small change as it pertains to requesting the Previous Roll Call (PRC). In the past, the Mayor has called for a voice vote to approve PRC. There was a concern that a Councilmember opposed to the usage of the PRC could be out voted and essential forced to use the PRC. The proposed resolution would require unanimous consent. If any member objects, a roll call would be taken. The PRC will stand if no objections.

With no further discussion, Councilmember Steele made a motion to approve the bill. Councilmember Haas seconded. With the ayes being in the majority, Resolution No. 218-19 was approved.

YEAS: Faegre, Haas, Overstreet, Steele, Wesley-Plear

NAYS:

ABSENT: Cook, Persinger

Councilmember Wesley-Plear motioned to adjourn the meeting. Councilmember Steele seconded. Meeting adjourned.

Resolution No. 218-19

Introduced in Council:

Adopted by Council:

July 15, 2019

Introduced by:

Referred to:

Becky Ceperley and Jeanine Faegre

Ordinance and Rules

Resolution No. 218-19 - Amending and reenacting Rule 14 of the Rules of Council in order to update the process for using a previous roll call to record a vote.

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

That Rule 14 of the Rules of Council be amended and reenacted to read as follows:

Rule No. 14. - Use of a previous roll call.

On any question, the roll call immediately next preceding may be used to record the vote of the city council upon ~~motion~~ a unanimous consent request by any member, provided such previous roll call was unanimous. If any member objects to the use of the previous roll call, the clerk will call the roll for the vote as if it were the first vote of the meeting.

Bill No. 7843

Introduced in Council:

October 7, 2019

Introduced by:

Jeanine Faegre

Adopted by Council:

Referred to:

Ordinance and Rules

Bill No. 7843 - A BILL to amend and reenact Section 46-1 of the Municipal Code of the City of Charleston, as amended, relating to updating requirements for alarm systems; removing the requirement that alarm systems be registered; and updating when false alarms become a violation that subjects the owner to a fine; and increasing the fine amount.

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

That Section 46-1 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

Chapter 46 - EMERGENCY SERVICES

Sec. 46-1. – Alarm systems.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alarm system means equipment designed to signal an illegal entry or other activity to which the police department is requested to respond by silent or audible alarm, but does not include an automobile alarm.

Alarm user means any person whose business premises are protected by an alarm system within the city.

False alarm means an alarm not resulting from an unauthorized entry, robbery or where no other crime was committed or attempted at the premises. An alarm caused by power failure shall be deemed a false alarm if the power outage lasts longer than the alarm system's battery backup. A false alarm does not include an alarm that activates during violent weather.

Reporting period means each 12-month period following a false alarm for an alarm user. described in the first sentence of subsection (c) of this section.

~~(b) *Alarm system registration.*~~

~~(1) An alarm user shall register its alarm system with the city by completing a registration application prepared by the police department for such purpose in accordance with this section, and filing such application with the police department. Registration shall be free and must be renewed annually on or by July 1. An alarm user~~

36 who fails to register an alarm system after receipt of three written notices from the police
37 department of the obligation to do so shall thereafter be subject to a fine of \$100.00 on
38 each occasion on which such alarm system records a false alarm and remains
39 unregistered.

40 (2) The registration application shall provide the police department with a record
41 of the company or firm that installed the alarm system, the names and telephone
42 numbers of contact people (key holders) to call when an alarm is activated, and
43 information concerning the maintenance and inspection of the alarm system. The
44 registration application shall also confirm whether the alarm system includes an audible
45 alarm (siren, etc.) and, if so, whether such alarm system has an automatic 15-minute
46 shutoff switch. No registration pertaining to an alarm system having an audible alarm
47 shall be deemed completed unless it confirms that such system also has an automatic
48 shutoff switch as set forth in this section. The alarm user shall notify the police
49 department of any changes in any information set forth in an application within 30 days
50 of each such change. Failure to notify the police department of such changes shall
51 result in a \$100.00 fine.

52 (c) *False alarms; penalties.*

53 (1) The police department shall maintain records regarding false alarms. ~~for each~~
54 ~~alarm system for consecutive 12-month periods initially beginning on the date the alarm~~
55 ~~system is registered. If an alarm user has a false alarm, the police department shall~~
56 ~~notify the alarm user that continued false alarms during the reporting period will result in~~
57 ~~a fine consistent with this section. The notice may be made orally or in writing and~~
58 ~~failure to provide the notice is not a defense to a violation of this section.~~

59 (2) ~~After an alarm system is registered, the~~ An alarm user owning such an alarm
60 system, upon conviction following the filing of a complaint in municipal court, shall be
61 fined \$100.00 \$500.00 upon the occurrence of the sixth false alarm recorded by such
62 alarm system three or more false alarms in any three month period during any reporting
63 period, and for each false alarm occurring thereafter during the same reporting period.
64

Committee Substitute for Bill No. 7844

Introduced in Council:

October 7, 2019

Adopted by Council:

Introduced by:

Jennifer Pharr and Ben Adams

Referred to:

Ordinance and Rules

Committee Substitute for Bill No. 7844 - A BILL to amend and reenact Chapter 2, Article VII, Sections 2-553, 2-554, 2-555, and 2-556 of the Code of the City of Charleston, as amended, relating to providing authority for the mayor to appoint a general manager of the Charleston Coliseum and Convention Center and Auditorium; authorizing the general manager to employ necessary employees within the budget approved by Council; clarifying financial and purchasing requirements; requiring an annual report and detailing its contents; and requiring rates to be posted on the Charleston Coliseum and Convention Center website.

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

That Chapter 2, Article VII, Sections 2-553, 2-554, 2-555, and 2-556 of the Code of the City of Charleston be amended and reenacted to read as follows:

Sec. 2-553. – Powers and duties.

(a) The Charleston Coliseum and Convention Center/Municipal Auditorium Board shall have power, authority, and duty to supervise, administer, operate, and maintain the municipal civic, cultural, and educational center of the city, located on Civic Center Drive, commonly called the “Charleston Coliseum and Convention Center,” and the Municipal Auditorium, located on Virginia and Truslow streets, commonly called the “Auditorium;” to prepare, make, adopt, prescribe, and promulgate instructions, procedures, rules, and regulations appropriate for the management of the Charleston Coliseum and Convention Center and the Auditorium; to provide for the safeguarding of and accountability for all funds derived from and in connection with the operation of the Charleston Coliseum and Convention Center and Auditorium; and to determine, prescribe and collect all charges, fees, and revenue of any kind due to the city for the use of the Charleston Coliseum and Convention Center and Auditorium. However, any schedule of fees, rates, or charges shall be first approved by the city council before being put into effect.

(b) The board shall not allow the property under its control to be used for or in connection with any program or purpose that is prohibited by law or resolution of council.

(c) If a vacancy occurs in the position of general manager, the board may appoint an interim general manager until the mayor makes an appointment pursuant to this

subsection. Upon the request of the mayor, the board shall initiate a nationwide search for a new general manager and, upon conclusion of the search and pursuant to the timeline set by the mayor, provide no less than three and no more than seven recommendations to the mayor to fill the general manager position. The mayor shall appoint a general manager, by and with the advice and consent of the council, who shall work with the board to execute a vision for the Charleston Coliseum and Convention Center and Auditorium. The mayor shall fix the compensation of the general manager, subject to council approval, and have the full and complete power of removal of the general manager, **subject to any employment contract approved by the board and authorized by resolution of council.** The board general manager shall have the authority to employ a manager and such other employees as are necessary properly to effectively operate the Charleston Coliseum and Convention Center and Auditorium and, subject to approval of the council, to fix the compensation of such employees consistent with the budget approved by council.

Sec. 2-554. - Finances.

All revenue derived from the use and operation of the Charleston Coliseum and Convention Center and the Auditorium shall be paid into the city treasury, general fund in a special fund dedicated to the Charleston Coliseum and Convention Center and the Auditorium. and all All connected expenditures from the special fund shall be requisitioned and accounted for in the same manner as other general fund expenditures, and pursuant to all of the purchasing requirements of Article IV of this chapter.

Sec. 2-555. – Annual and Quarterly reports to city council.

The Charleston Coliseum and Convention Center/Municipal Auditorium Board shall make a written annual report to the city council detailing the economic impact attributable to the Coliseum and Convention Center and the Auditorium. The annual report shall include, at a minimum, the following information: (1) the number of events, unique attendees, total hotel room nights, and a summary of the direct economic impact figures for the preceding fiscal year, (2) an operations breakdown summarizing food and beverage, community impact, and sustainability efforts, and (3) financial summaries for the previous five fiscal years.

The Charleston Coliseum and Convention Center/Municipal Auditorium Board shall make a quarterly written report to the city council of its operating expenses and finances, quarterly due within 30 days of the end of each fiscal quarter.

Sec. 2-556. – Schedule of rates, rentals and other charges for use of services and facilities.

(a) A true copy of the schedule of fees, rates and charges for the use of the Charleston Coliseum and Convention Center and the Auditorium, as approved by the city council pursuant to the provisions of section 2-553, shall be maintained on file in the office of the Charleston Coliseum and Convention Center/Municipal Auditorium Board or

82 the general manager of the Charleston Coliseum and Convention Center and
83 Auditorium and on the Charleston Coliseum and Convention Center's website.
84

85 (b) All fees, rates and charges for the use of the Charleston Coliseum and
86 Convention Center and the Auditorium established or approved by the city council and
87 in effect immediately prior to the effective date of this Code are continued in full force
88 and effect until such time as new fees, rates and charges are determined, prescribed
89 and approved pursuant to the provisions of section 2-553, as set forth in Chapter 82,
90 Article 1, Section 82-4, Schedule of Rates and Rentals.

Bill No. 7845

Introduced in Council:

October 7, 2019

Introduced by:

Will Laird

Adopted by Council:

Referred to:

Ordinance and Rules

Bill No. 7845 - A BILL to amend and reenact Section 114-90 of the Municipal Code of the City of Charleston, as amended, relating to formalizing a dispute process for parking citations with the Director of Parking; and detailing the appeal process from the decision of the Director of Parking.

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

That Section 114-90 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

Sec. 114-90. - Parking citation as prima facie evidence of offense; process to pay or contest parking citations.

(a) Issuance of a parking citation to an alleged violator of the provisions of this chapter shall be deemed to be prima facie evidence of the parking violation indicated on the face of the parking citation. As such, any person who is issued a parking citation must pay the fine indicated for the violation, as set forth in City Code subsection 114-3(c), in full to the cashier for the parking system within ten days of issuance; provided, however, that any person who feels he or she was improperly issued such parking citation may, within the ten days from issuance, ~~file a motion to contest the parking citation along with the required bond with the municipal court clerk~~ file a dispute with the Director of Parking. The Director of Parking shall review the dispute and make an independent determination regarding the citation. The Parking System shall communicate the decision of the Director of Parking to the alleged violator and notify the alleged violator that they may appeal the decision to the municipal court within ten days in accordance with the following:

(1) Prior to filing any ~~motion to contest~~ appeal of the decision of the Director of Parking, the alleged violator must ~~shall~~ pay the required amount of the fine in full to the cashier for the parking system, which amount will be held by the parking system City Collector or on the City's online payment website as bond pending evidentiary hearing before and resolution of the case by the municipal court. ~~the cashier~~ The City Collector must issue a receipt to the alleged violator showing the amount of the bond paid. Thereafter, in order to properly and timely ~~contest~~ appeal the decision of the Director of Parking regarding his or her citation, the alleged violator must file a copy of the bond

36 receipt along with his or her ~~motion to contest~~ appeal of the decision of the Director of
37 Parking with the municipal court clerk within ten days of issuance of the decision of the
38 Director of Parking citation as set forth above. If any ~~motion to contest~~ appeal filed in
39 accordance with this section is not timely filed or is not accompanied with the required
40 receipt showing payment of the required bond, the alleged violator shall be deemed to
41 have waived his or her right to contest the citation, and such ~~motion~~ appeal shall be
42 summarily denied as untimely filed; provided, however, that nothing set forth
43 hereinabove shall prevent the municipal court judge from finding upon proper showing
44 that an alleged violator suffers from financial hardship, and, as a result, waiving the
45 requirement that the bond be posted as a prerequisite to filing a ~~motion to contest~~ an
46 appeal.

47
48 (2) Any ~~motion to contest~~ appeal filed with the municipal court clerk must be in
49 writing, on the form to be provided by the municipal court clerk, and must be signed by
50 the alleged violator affirming that the contents of the ~~motion~~ appeal are true and
51 accurate to the best of the alleged violator's knowledge at that time. Such ~~motion to~~
52 ~~contest~~ appeal must state the facts and reasons in support of the ~~motion~~ alleged
53 violator's position. Upon filing any such ~~motion to contest~~ appeal with the municipal
54 court clerk, the alleged violator must serve a copy of the ~~motion~~ appeal and receipt
55 showing proof of bond upon the city attorney.

56
57 (b) Upon filing of a ~~motion to contest~~ an appeal of the Director of Parking's
58 decision with the municipal court clerk, the clerk or his or her designee shall place the
59 case on the municipal court docket, set the case for evidentiary hearing, and provide a
60 notice of hearing to the alleged violator, city attorney, and Director of Parking. ~~and The~~
61 municipal court clerk shall forward a copy of the ~~motion~~ appeal to the ~~parking system~~
62 ~~director~~ city attorney and the Director of Parking. Upon receipt of the ~~motion, the parking~~
63 ~~system director~~ appeal, the Director of Parking shall cause a copy of the parking citation
64 at issue to be forwarded to the municipal court clerk who shall file it as the original
65 complaint alleging the violation indicated therein and forward a copy to the city attorney.
66 Further, if the alleged violator alleges as his or her reason for contesting that he or she
67 is reporting a defective parking meter, then the ~~parking system director~~ Director of
68 Parking shall cause an inspection of the meter to be made and a report to be generated
69 setting forth the findings of the inspection, a copy of which will be forwarded to the
70 municipal court clerk to be placed in the court file along with the ~~motion to contest~~ and
71 to the city attorney; if the meter is found defective, the appeal will be granted and the
72 parking citation shall be dismissed.

73
74 (c) The municipal court shall treat the parking citation itself as the original
75 complaint before the court, and shall treat it as prima facie evidence of the parking
76 violation alleged therein. As such, the alleged violator will bear the burden of
77 overcoming the prima facie case at the evidentiary hearing. At the close of all of the
78 evidence, should the municipal judge find against the alleged violator, the bond posted
79 by the alleged violator will be applied as payment for the fine indicated for the violation;
80 ~~and the court may assess against the alleged violator appropriate court costs in an~~
81 ~~amount equal to the court costs generally assessed for any other violation of this~~

82 chapter; however, should the court find in favor of the alleged violator, the bond shall be
83 refunded to the alleged violator. ~~by the municipal court clerk, and no court costs will be~~
84 assessed.

85

86 (d) In any instance in which a an alleged violator does not timely pay, within ten
87 days of the issuance of a parking citation upon him or her or ten days after the decision
88 of the Director of Parking (if applicable), the full amount of the fine set by City Code
89 subsection 114-3(c) at the increased amount for the alleged offense described in the
90 parking citation becomes due. ~~or If the alleged violator~~ properly and timely ~~file a motion~~
91 ~~to contest~~ files an appeal along with the required bond, then the amount of the fine shall
92 automatically remain at the original amount until ten days after the decision by the
93 municipal court, at which point the amount due will increase to the amount set forth in
94 subsection 114-3(c) as a penalty for late payment.

95