

CHARLESTON CITY COUNCIL

Regular Meeting

December 7, 2020

at 7:00 PM



UNTIL FURTHER NOTICE, COUNCIL MEETINGS WILL BE MADE AVAILABLE TO THE PUBLIC VIA ZOOM AND CIVICCLERK

City Hall, 501 Virginia St. E.

Charleston, WV

AGENDA

***Join via internet:**

<https://us02web.zoom.us/j/82417446621?pwd=UnhqblBYc0Y2NE5NOG12Rk1NcnVtQT09>

Passcode: 647577

***Join via Telephone: (312) 626-6799 or (929) 436-2866**

Webinar ID: 824 1744 6621

***Join via CivicClerk: <https://charlestonwv.civicclerk.com>**

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. **INTERESTED PUBLIC SPEAKERS MUST REGISTER WITH THE CLERK'S OFFICE VIA PHONE ON DECEMBER 7, 2020 FROM 3:00-6:00 P.M. FIVE (5) SPEAKERS WILL BE PERMITTED (RULE NO. 22 (B)). 304-348-8179.**
2. Claims - 12-7-2020

PROCLAMATIONS

1. 12-7-2020

COMMUNICATIONS

1. 12-7-2020

PUBLIC HEARINGS

1. **INTERESTED SPEAKERS FOR THE LISTED PUBLIC HEARING MUST REGISTER WITH THE CLERK'S OFFICE VIA PHONE ON DECEMBER 7, 2020 FROM 8:00 A.M.-5:00 P.M.**
2. Bill No. 7883 - A Bill closing, abandoning and discontinuing as a public right of way a portion of the alley behind Religious Coalition for Community Renewal, Inc.at 1516 Washington Street, East.

REPORTS OF STANDING COMMITTEES

PLANNING, STREETS AND TRAFFIC

1. Bill No. 7883 - A Bill closing, abandoning and discontinuing as a public right of way a portion of the alley behind Religious Coalition for Community Renewal, Inc.at 1516 Washington Street, East. (final vote during Finance section)
2. Bill No. 7886 - Amending the Zoning Ordinance of the City of Charleston by removing "Blade Signs", allowing "Projecting Signs" in commercial and industrial districts, and increasing wall sign area in the R-O residential Office zoning district.

URBAN RENEWAL AND ECONOMIC DEVELOPMENT

1. Bill No. 7887 Committee Substitute - A BILL to amend Sections of the Municipal Code of the City of Charleston, all relating to updating the regulation of street vendors and itinerant vendors; and creating certain business and occupation tax relief for street vendors and itinerant vendors.

FINANCE

1. Resolution No. 403-20 - Authorizing approval of Amendment No. 2 of the FY 2020-2021 Charleston Coliseum and Convention Center Budget as indicated on the attached list of accounts.
2. Resolution No. 402-20 - Authorizing approval of Amendment No. 6 of the FY 2020-2021 General Fund Budget
3. Bill No. 7883 - A Bill closing, abandoning and discontinuing as a public right of way a portion of the alley behind Religious Coalition for Community Renewal, Inc.at 1516 Washington Street, East.

REPORTS OF OFFICERS

1. 12-7-2020

NEW BILLS

1. 12-7-2020

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

1. Bill No. 7885 Committee Substitute - A Bill amending the Zoning Ordinance of the City of Charleston by rezoning to a C-10 district, that certain strip, lots or parcels of land located at 1625 7th Avenue, currently or formerly owned by Mountain Mission Inc.

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD DECEMBER 21 , 2020 AT 7:00 P.M.



AFFIDAVIT
City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,
Mount Calvary Baptist Church, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 1509 Bigley Avenue, Charleston, WV 25302

Telephone Number: (304) 346-9681

and that on the 23 day of July, 2019/2020, at approximately 0900 am/pm
in the City of Charleston, West Virginia, he/she sustained

Carpet Damage

Nature Of Injury And/Or Damage

As A Result Of:

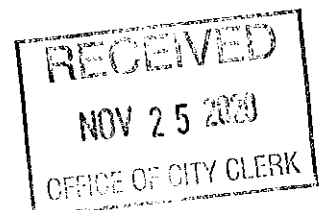
Sewage Back - Up

As a result of which accident, the Claimant, Mount Calvary Baptist Church, does hereby make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by him/her in the future.

[Signature] - Church Administrator
Signature of Claimant

Taken, subscribed and sworn to before me this _____ day of _____, 2020.
My commission expires _____.

Notary Public





AFFIDAVIT City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

Michelle H. McKinney, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 39 Maysel Laurel Ridge Rd. ← Physical
Telephone Number: (304) 651-4189 PO Box 8793 ← mailing
Clay WV 25043

and that on the 15th day of June, 2019/2020, at approximately 12:30 am/pm
in the City of Charleston, West Virginia, he/she sustained

Vehicle damage due to hitting pothole
Nature Of Injury And/Or Damage

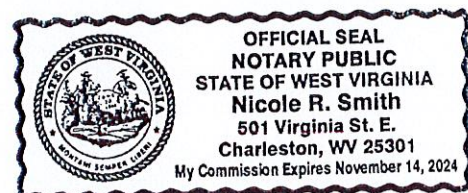
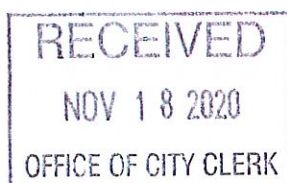
As A Result Of:

As a result of which accident, the Claimant, Michelle H. McKinney, does hereby make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by him/her in the future.

Michelle H. McKinney
Signature of Claimant

Taken, subscribed and sworn to before me this 18 day of November, 2020.
My commission expires November 14, 2024.

Nicole R. Smith
Notary Public





AFFIDAVIT City of Charleston



STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

Benjamin James Agsten, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 615 Ohio Ave, Charleston, WV 25302

Telephone Number: (304) 993-1676

and that on the 28th day of October, 2019(2020), at approximately 10:40 am/pm
in the City of Charleston, West Virginia, he/she sustained

Significant damage to vehicle

Nature Of Injury And/Or Damage

As A Result Of:

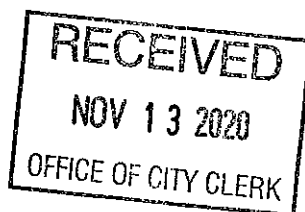
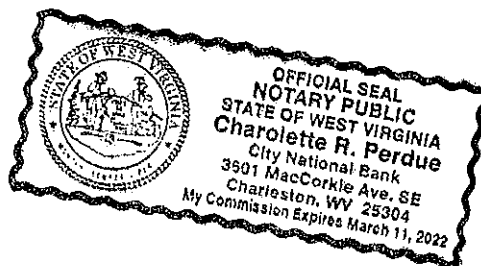
I turned from Summers St. left onto Virginia St. I saw that the road was marked off for construction, however, a large gap left between cones made it appear that construction had ended. I attempted to cross to the other side of Virginia St. in order to park behind
(continued on next page)

As a result of which accident, the Claimant, Benjamin James Agsten, does hereby make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by him/her in the future.

Ben Agsten
Signature of Claimant

Taken, subscribed and sworn to before me this 9 day of November, 2020.
My commission expires 03-11-2022.

Charollette R. Perdue
Notary Public





**TO: MILES CARY
CITY CLERK**

**FROM: AMY SHULER GOODWIN
MAYOR**

RE: BRAWLEY WALKWAY BUSINESS IMPROVEMENT DISTRICT

DATE: DECEMEBER 7, 2020

To fulfill the requirement to create a 7-member district planning committee for the Brawley Walkway Business Improvement District, I am recommending the following individuals be appointed to the committee:

Lewis Payne (District Property Owner)
Bobby Blakely (District Property Owner)
Kent George (District Property Owner)
Will Carter (District Property Owner)
Matthew Bond (United Bank)
Brent Burton (Charleston City Council)
Becky Ceperley (Charleston City Council)

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

ASG/mls

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



P.O. Box 2749
Charleston, WV 25330
(304) 348-8174 Office

**TO: MILES CARY
CITY CLERK**

**FROM: AMY SHULER GOODWIN
MAYOR**

**RE: SELECT COMMITTEE ON INSURANCE AGENT RELATIONS—
PROPERTY & CASUALTY**

DATE: DECEMBER 7, 2020

I am advised that 30 or more years have elapsed since the City last formally requested, received, and reviewed proposals from licensed insurance agents or firms to provide professional insurance services to the City regarding property and casualty insurance products. Therefore, I find that it is in the public interest to create a "Select Committee on Insurance Agent Relations—Property & Casualty" to work with the City Manager and Finance Director to draft and issue a solicitation to licensed insurance agents or firms in West Virginia, establish rules for the evaluation of proposals received, and make a recommendation to the City Council for the selection of an insurance agent or firm to address the City's property & casualty insurance needs. My hope is that the Select Committee will offer its recommendations on or before May 17, 2021.

I appoint the following Council Members to the Select Committee on Insurance Agent Relations—Property & Casualty: Joe Jenkins as Chairman, Will Laird, Shannon Snodgrass, Bobby Reishman, Mary Beth Hoover, Adam Knauff, and Jennifer Pharr.

ASG/jts



PLANNING, STREETS AND TRAFFIC COMMITTEE

Mary Beth Hoover, Chair

COMMITTEE REPORT

To: Miles Carey, City Clerk

From: Council's Committee on Planning, Streets and Traffic

Date: November 23, 2020

Subject: Bill No. 7883

The Committee on Planning, Streets, and Traffic had under consideration Bill #7883 attached hereto and made a part thereof.

Your Committee finds:

1. Closure of the right-of-way will not disrupt the existing pattern of streets or negatively impact traffic flow;
2. All adjacent properties have legal access provided by other city rights-of-way;
3. All adjacent properties are owned by the applicant;
4. Closing the right-of-way will reduce the City's liability; and
5. An official appraisal of the property has been conducted therefore fair and adequate consideration of the value has been established.

and reports the same to Council with the recommendation that the Bill do pass.

Mary Beth Hoover – VIA Zoom
Chair

Naomi Bays – VIA Zoom
Becky Ceperley – VIA Zoom
Adam Knauff – VIA Zoom
Sam Minardi – VIA Zoom



PLANNING, STREETS AND TRAFFIC COMMITTEE

Mary Beth Hoover, Chair

COMMITTEE REPORT

To: Miles Carey, City Clerk

From: Council's Committee on Planning, Streets and Traffic

Date: November 23, 2020

Subject: Bill No. 7886

The Committee on Planning, Streets, and Traffic had under consideration Bill #7886 attached hereto and made a part thereof.

The Committee finds:

1. The Bill will provide flexibility for businesses trying to advertise and promote their businesses while preventing sign clutter and distraction;
2. The Bill will modestly increase the allowable sign area in the R-O Residential Office thereby increasing visibility for businesses while maintaining lower intensity advertising in this transitional, mixed-use district; and
3. The Bill directly addresses Regulatory Action item R9 as listed in Chapter 6 of the Imagine Charleston Comprehensive Plan which states: *"Refresh sign regulations for sign types and design that complement the character of particular parts of the city."*

and reports the same to Council with the recommendation that the Bill do pass.

Mary Beth Hoover – VIA Zoom

Chair

Naomi Bays – VIA Zoom

Becky Ceperley – VIA Zoom

Adam Knauff – VIA Zoom

Sam Minardi – VIA Zoom

Bill No. 7886

Introduced in Council

Passed by Council

November 2, 2020

Introduced by

Referred to

Mary Beth Hoover**Planning, Streets & Traffic Committee**
Municipal Planning Commission

Bill No. 7886 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by removing "Blade Signs", allowing "Projecting Signs" in commercial and industrial districts, and increasing wall sign area in the R-O residential Office zoning district.

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 as follows:

1) In Article 24: Signs**Section 24-050 Prohibited Signs****Delete subsection:**

~~Q. Projecting signs, except where blade signs are specifically permitted.~~

2) In Article 24: Signs**Table 24-070-04.01 On-Premise Signs Permitted in Residential Districts**

Amend the table as follows:

On-Premise Signs Permitted in Residential Districts (R-2, R-4, R-6, R-8, R-10, R-O, PUD)				
Type	Maximum Number	Maximum Area	Max. Height	Minimum Setback
Signs for Each Single-Family Dwelling, Duplex or Triplex				
Subdivision Signs	1 per subdivision entrance	18 sq ft	8 ft	5 ft from property line
Building Signplates	1 per dwelling unit	2 sq ft	NA	NA
Temporary Signs	2 per building	6 sq ft	4 ft	3 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-070.04.			
Signs for Multi-Family Buildings				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Freestanding Signs	1 per development entrance	12 sq ft	8 ft	8 ft from property line
Temporary Signs	2 per building	6 sq ft	4 ft	3 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-070.04.			
Signs for Non-residential Uses in R-2, R-4, R-6, R-8, R-10 and PUD				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Freestanding or Wall Signs	1 per street frontage	12 sq ft	8 ft	8 ft from property line
Temporary Signs	2 per building	6 sq ft	4 ft	3 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 22-070.04.			
Signs for Non-residential Uses in an R-O				

Building Signplates	1 per public entrance	2 sq ft	NA	NA
Wall or Awning Signs	1 per building frontage	12 sq ft + .5 sq ft per linear ft of building frontage over 50 ft .75 sq ft per linear ft of building frontage	8 ft	NA
Freestanding Signs	1 per building	24 sq ft	8 ft	5 ft from property line
Temporary Signs	2 per building	32 sq ft	4 ft	3 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-070.04.			

3) In Article 24: Signs

Sec. 24-080 On-Premise Signs Permitted in Commercial and Industrial Districts (C-4, C-8, C-10, C-12, CBD, CDV, UCD, PMC, I-2, I-4)

Add subsection:

Sec. 24-080-03 Supplemental Regulations for Projecting Signs in Commercial and Industrial Districts

A. Projecting signs shall project no more than four (4) feet from the façade of the structure or beyond the curb of any sidewalk, whichever is less.

B. Shall be at least nine (9) feet above ground level

C. Such signs may project over a public right-of-way but never into the vehicular travel lane or parking area of a public street.

D. Signs projecting into a city right of way are subject to review and approval by the City Engineer and may be subject to a right of way agreement.

Renumber subsections accordingly

4) In Article 24: Signs

Table 24-080.01 On-Premise Signs Permitted in Commercial and Industrial Districts

Amend the table as follows:

On-Premise Signs Permitted in Commercial and Industrial Districts (C-4, C-8, C-10, C-12, CBD, CVD, UCD, PMC, I-2 and I-4)				
Type	Maximum Number	Maximum Area	Max. Height	Minimum Setback
Signs Permitted in the C-4 District				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Blade Sign	1per public street front entrance	6 sq.ft.	NA	NA
Wall, Awning, Canopy or Marquee Signs	No maximum	24 sq ft + .5 sq ft per linear ft of building frontage over 50 ft	NA	NA
Temporary Signs	1 per business	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			
Signs Permitted in the C-8, C-10, I-2, I-4 and PMC Districts				
Single Parcel Commercial Establishments				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Blade Sign	1per public street front entrance	6 sq.ft.	NA	NA
Wall, Awning, Canopy, Projecting, or Marquee Signs	No maximum	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1	50 sq ft	15 ft	5 ft from property line

Temporary Signs	2 per building	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			
Multi-tenant Commercial Establishments				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Blade Sign	1 per public street front entrance	6 sq.ft.	NA	NA
Wall, Awning, Canopy, Projecting, or Marquee Signs	1 per building frontage	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1 per lot	50 sq ft + .25 sq ft per linear ft of building frontage	20 ft. 15 ft	5 ft from property line
Temporary Signs	1 per business	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			
Signs Permitted in the C-12 District				
Single Parcel Commercial Establishments				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Blade Sign	1 per public street front entrance	6 sq.ft.	NA	NA
Wall, Awning, Canopy, Projecting, or Marquee Signs	No maximum	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1	80 sq ft	35 ft	5 ft from property line
Temporary Signs	2 per building	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			
Multi-tenant Commercial Establishments				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Shingle Signs	1 per public entrance	4 sq ft	NA	NA
Blade Sign	1 per public street front entrance	6 sq.ft.	NA	NA
Wall, Awning, Canopy, Projecting, or Marquee Signs	1 per building frontage	1.5 sq ft per linear ft of building frontage	NA	NA
Freestanding Signs	1 per lot	80 sq ft + .25 sq ft per linear ft of building frontage	40 ft	5 ft from property line
Temporary Signs	1 per business	32 sq ft	4 ft	5 ft from property line
Instructional Signs	Exempt from regulations when in compliance with Sec. 24-080-04.			
Signs Permitted in the CBD, CVD and UCD				
Building Signplates	1 per public entrance	2 sq ft	NA	NA
Blade Signs	1 per public street front entrance	6 sq ft	NA	NA
Wall, Awning, Canopy, Projecting, 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	32 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. 24-080-04.			

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

Committee Substitute for Bill No. 7887

Introduced in Council:

November 2, 2020

Adopted by Council:

Introduced by:

Ben Adams

Referred to:

Urban Renewal and Economic Development

1 **Committee Substitute for Bill No. 7887** - A BILL to amend and reenact Sections 18-
2 611, 18-613, 18-631, 18-632, 18-633, and 18-634 of the Municipal Code of the City of
3 Charleston, as amended; to amend and reenact Sections 18-1031, 18-1032, 18-1033,
4 18-1034, 18-1035, 18-1036, and 18-1037 of said Code; to amend said Code by adding
5 thereto five new sections, designated Sections 18-1038, 18-1039, 18-1040, 18-1041, and
6 18-1042; to amend and re-enact Section 18-1061 of said Code; to amend said Code by
7 repealing Sections 18-1062, 18-1063, 18-1064, and 18-1065; to amend said Code by
8 adding thereto a new section, designated Section 18-1081, within a newly created
9 Division 3 of Article XXII, Chapter 18; and to amend and re-enact Section 110-63 of said
10 Code, all relating to updating the regulation of street vendors and itinerant vendors; and
11 creating certain business and occupation tax relief for street vendors and itinerant
12 vendors.

13
14 *WHEREAS*, the City of Charleston is authorized to regulate the use of public streets for
15 public health, safety, welfare and convenience;

16
17 *WHEREAS*, the City of Charleston needs uniform taxation obligations and licensing
18 requirements for all street vendors and iterant vendors doing business within the City;

19
20 *WHEREAS*, the City of Charleston needs an equitable, uniform vending ordinance and
21 regulations in order to protect the public health and welfare and to ensure the safety of
22 pedestrians and vehicular traffic;

23
24 *WHEREAS*, the City of Charleston's current vending ordinance and regulations are not
25 developed to adequately address the recent evolution of the mobile food vehicle industry
26 and other changes in general business practices and technology;

27
28 *WHEREAS*, mobile food vehicles have become a national trend and provide the useful
29 service of convenient and varied dining options;

30
31 *WHEREAS*, the mobile food industry has the unique potential to add vitality, culinary
32 creativity and life to the streets of Charleston, while providing jobs and opportunities to a
33 number of new entrepreneurs; and,

34
35 *WHEREAS*, the City of Charleston finds it in the best interest of the public to authorize
36 the operation of mobile food vehicles within the City, subject to regulations to protect the

safe and convenient use of public rights-of-way and to balance the rights and interests of these mobile businesses with those of established restaurant businesses.

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

That Sections 18-611, 18-613, 18-631, 18-632, 18-633, and 18-634 of the Municipal Code of the City of Charleston be amended and re-enacted; that Sections 18-1031, 18-1032, 18-1033, 18-1034, 18-1035, 18-1036, and 18-1037 of said Code be amended and re-enacted; that said Code be amended by adding thereto five new sections designated Sections 18-1038, 18-1039, 18-1040, 18-1041, and 18-1042; that Section 18-1061 of said Code be amended and re-enacted; that said Code be amended by repealing Sections 18-1062, 18-1063, 18-1064, and 18-1065; that said Code be amended by adding thereto a new section, designated Section 18-1081, within a newly created Division 3 of Article XXII, Chapter 18; and that Section 110-63 of said Code be amended and re-enacted, all to read as follows:

CHAPTER 18 – BUSINESS.

ARTICLE XIV. ITINERANT VENDORS.

DIVISION 1. – GENERALLY.

Sec. 18-611. - Definitions; exemptions.

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

Itinerant vendor ~~means and~~ includes all persons, whether working independently or as part of an organized event under the umbrella of a promoter, sponsor, or organizer of an event, who engage or conduct within this city, either in one locality or in traveling from place to place, a temporary or transient business of selling goods, wares and merchandise; and who, for the purpose of carrying on such business, use, lease or occupy either in whole or in part, a room, building or other structure, or who use, lease or occupy for such purposes a room in any hotel or other structure, for the exhibition and sale of such goods, wares and merchandise; and the person so engaged shall not be relieved from the provisions of this article by reason of association temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient business in connection with or as part of the business of, or in the name of, any local dealer, trader, merchant or auctioneer. Itinerant vendor shall not include those individuals engaged in business under Article XXII as a street vendor using a Nonmotorized Vending Unit or Mobilized Vending Vehicle.

(b) The provisions of this article shall not apply to special sales nor to persons conducting special sales within the purview of article VIII of this chapter; nor to sales made to persons engaged in wholesale or retail business by commercial travelers or selling agents in the usual course of business; nor to hawkers or peddlers in the streets, roads or highways, from packs or vehicles as defined in section 18-491; nor to persons selling

meat or the products of the farm, garden or dairy; nor to any sales of goods, wares or merchandise on the grounds of any agricultural association during the continuance of any annual fair held by such association; nor to any sales by societies acting for charitable, religious or benevolent purposes; nor to judicial sales directed by law, or under the orders of any court; nor to the sales of the common necessities of life in any public market place.

Sec. 18-613. ~~Scope of article.~~ Rules and regulations under article.

The City of Charleston City Collector's Office is hereby authorized to promulgate reasonable rules and regulations regarding the administration of the requirements of this article, including the review of all Itinerant Vendor business license and applications. Copies of such regulations, as amended from time to time, shall be maintained by the City Collector's Office, posted on the City's website and on file in the City Clerk's office, and shall be available to interested parties at all reasonable times.

The provisions of this article shall not apply to:

~~(1) Sales at trade shows or conventions, expos, arts and crafts fairs, and other similar events, or sales by entities at events registered with the Charleston Regatta Commission, or sales by entities at events hosted by a nonprofit or political subdivision;~~

~~(2) Special sidewalk sales, festivals or other special events allowed by special permit or ordinance; or~~

~~(3) Any city-sponsored event.~~

Secs. 18-614—18-630. - Reserved.

DIVISION 2. - LICENSE

Sec. 18-631. - Application for license and requirements for certain class of sales.

An applicant for an itinerant vendor's license shall file an application with the City of Charleston City Collector's Office on such form as prescribed by the city collector. Each applicant for an itinerant vendor's license who proposes to advertise, represent or hold forth a sale of goods, wares or merchandise as a bankrupt, insolvent, assignee, trustee, executor, administrator, receiver, attorney, manufacturer's wholesale sale, or a sale of any goods damaged by smoke, fire, water or otherwise shall state in writing, under oath, to the city collector at the time he makes application for a license, all the facts relating to the reason and character of such sale as proposed to be advertised, held forth or represented, including a statement of the names of the persons from whom such goods, wares or merchandise were purchased and the date of the delivery to the person applying for license; the place, if any, where such goods, wares or merchandise were previously exposed for sale, and such details as are necessary to locate exactly and identify fully all such goods, wares and merchandise proposed to be sold. Such applicant shall also include in such statement the name and residence of the owner in whose interest the

business is conducted.

**Sec. 18-632. - Denial of license when ~~special sales license required instead;~~
preservation of applications and availability to public; reassessment and appeal.**

(a) The city collector, upon receipt of a sworn application as provided in section 18-631 shall, before issuing the license applied for, first ~~satisfy himself~~ confirm that the proposed sales are not within the purview of article VIII of this chapter; and the city collector shall not issue an itinerant vendor's license for any purpose for which a special sales license is required under the provisions of article VIII of this chapter.

(b) Each application as provided in section 18-631 shall be kept on file in the office of the city collector, and a record shall be kept by the city collector of all such statements in convenient form and open to public inspection.

(c) The city collector may summarily deny or revoke an Itinerant Vendor's business license pursuant to the provisions of this Code: (1) for any reason aforementioned; (2) for violation of any term or condition of such license promulgated hereafter; (3) for violation of any pertinent provision of state law, this Code or other ordinance or rules and regulations promulgated thereto; or (4) for the perpetration or attempted perpetration of fraud, malpractice or malfeasance by the licensee.

(d) Any Itinerant Vendor whose license has been denied or revoked may request reconsideration from the city collector. The request for reconsideration must be received within 20 days from the date of receipt of the revocation and shall include a written explanation stating with particularity the reason for the request. Upon receipt of a timely request for reconsideration, the vendor shall be entitled to a formal hearing before the city collector or a hearing examiner designated by the city collector in order to provide the vendor with an opportunity to show that the action taken was incorrect or contrary to law, in whole or in part, after which hearing, the city collector or the designee shall either grant or deny the request with justification thereof in writing within 15 days of the hearing. If the request for reconsideration is denied, the Itinerant Vendor may appeal within 30 days from the date of the denial or revocation of the license to the Circuit Court of Kanawha County in the manner prescribed by law for an appeal of an administrative decision.

Sec. 18-633. - License fee.

The annual license fee to carry on the business of itinerant vendor shall be \$20.00. Dishonored checks shall be subject to a \$15.00 returned check fee in addition to the \$20.00 license fee.

Sec. 18-634. - Bond required and additional requirements.

(a) Every itinerant vendor shall execute a continuing bond in the form prescribed by the city collector, with satisfactory corporate surety, in the penalty of \$5,000.00, payable to the city, conditioned that such itinerant vendor will pay all damages accruing

to any person by reason of any act or action done, performed or taken by such itinerant vendor in or about the conduct of his business, and further conditioned that such itinerant vendor will pay all taxes, fees and penalties imposed by this city; however, the aggregate liability of the surety for all such damages, taxes, fees and penalties shall, in no event, exceed the sum of the bond. This bond shall be filed with the city collector and shall be open to inspection during business hours to any person desiring to inspect it.

(b) Prior to the issuance of an itinerant vendor license, the applicant must agree, in writing, that it shall indemnify, defend, and save harmless the City, its officers, agents, and employees, from and against all liability, claims, suits, damages, losses, costs, attorneys' fees and expenses of any or all types arising out of, or related in any way to the operations or activities of the Itinerant Vendor.

(c) All Itinerant Vendors are responsible for complying with taxation requirements as provided in this Code, including but not limited to the Business and Occupation Tax as imposed in Sections 110-52 through 110-59. Nothing in this subsection shall be construed as permitting the City to tax in violation of the Constitution or laws of this state or the United States.

Secs. 18-635—18-660. - Reserved.

ARTICLE XXII. STREET VENDORS.

DIVISION 1. GENERALLY.

Sec. 18-1031. Definitions.

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

~~*Central vending district* means the area bounded on the north by Washington Street, on the east by Broad Street, on the south by the Kanawha River, and on the west by Pennsylvania Avenue. Vending sites within the district shall be identified by the city collector in accordance with this division and such other regulation as the city collector may promulgate pursuant hereto. Such regulations promulgated by the city collector must be approved by the city council.~~

Approved public right-of-way means publicly owned property including, but not limited to, a park, plaza, road, sidewalk or parking space in an area zoned commercial, industrial, central business, urban corridor, professional or medical campus, or otherwise designated by the city manager for use by Street Vendors: *Provided*, That the city manager may also exclude areas from the generally approved zones.

Mobilized Vending Vehicle means a readily movable motorized vehicle whose operator may, upon issuance of a business license and street vending permit by the City, and in conformance with the rules and regulations established pursuant to this Article, along with all applicable parking and traffic regulations, temporarily park such vehicle

upon an approved public right-of-way to engage the lawful sale of a service or sale of tangible personal property, including but not limited to, goods, merchandise, food or beverages, and specifically including the preparation, service, sale or distribution of ready-to-eat food and/or beverages for individual portion service to the general public directly from the vehicle, commonly referred to as “food trucks”.

Nonmotorized Vending Unit means a readily movable nonmotorized device, including but not limited to, a pushcart, table, or stand whose operator may, upon issuance of a business license and street vending permit by the City and in conformance with the rules and regulations established pursuant to this Article, temporarily set up such device on an approved public right-of-way and engage in the lawful sale of a service or sale of tangible personal property, including but not limited to, goods, merchandise, food or beverages.

Street Vendor means ~~and includes any person, except itinerant vendors, who possesses a valid street vending permit issued by the City Collector’s Office to engages~~ engage in or ~~conducts~~ conduct the business of selling a service or tangible personal property including but not limited to goods, merchandise, food, or beverages upon any approved public right-of-way, either as principal or agent, and whether working independently or as part of an organized event under the umbrella of a promoter, sponsor, or organizer of an event in the city. ~~a business selling goods, wares, merchandise, food, confectionery or drink upon any street, sidewalk or public park.~~ Street Vendors include both those persons that operate from a Nonmotorized Vending Unit, including but not limited to, pushcarts, tables, or stands, as well as those persons that operate from a Mobilized Vending Vehicle.

Outdoor dining area means a confined area of the public ~~sidewalk-right of way~~ or private property, which area is adjacent to an operator’s building/permanent structure, where patrons may sit at tables while consuming food and beverages.

Sec. 18-1032. Penalties. Rules and regulations under article; designation of Approved public rights-of-way.

~~In addition to any penalties or sanctions provided in this article, the violation of any requirement of this article shall constitute an offense punishable in municipal court with penalty for violation of a fine not to exceed \$500.00 and imprisonment of not more than 30 days, or both, for each such offense.~~

(a) The City of Charleston City Collector’s Office is hereby authorized to promulgate reasonable rules and regulations regarding the administration of the requirements of this article, including the review of all Street Vendor business license and permit applications. Copies of such regulations, as amended from time to time, shall be maintained by the City Collector’s Office, posted on the City’s website and on file in the City Clerk’s office, and shall be available to interested parties at all reasonable times.

(b) The generally approved public rights-of-way are defined in Section 18-1031 of this Code. The city manager shall have the authority to designate additional approved

public rights-of-way, or portions thereof, for use by Street Vendors; provided, the city manager, at his or her discretion, shall also have the authority to suspend the use of approved public rights-of-way by Street Vendors with or without prior notice for special events or other reasons deemed necessary and appropriate by the city manager.

Sec. 18-1033. Scope of Article.

The provisions of this Article shall apply to all Street Vendors engaged in the business of selling a service or tangible personal property including but not limited to distributing goods, merchandise, food or beverages with or without charge from a Nonmotorized Vending Unit on an approved public right-of-way and Street Vendors preparing, selling or distributing food and/or beverages with or without charge from a Mobilized Vending Vehicle on an approved public right-of-way subject to the requirements set forth herein.

The provisions of this article shall not apply to:-

- (1) ~~Sales governed by article XIV of this chapter or sales made to dealers by commercial travelers or selling agents in the usual course of business;~~
- (2) ~~Bona fide sales of goods, wares or merchandise by samples for future delivery;~~
- (3) ~~Sales at trade shows or conventions, expos, arts and crafts fairs, and other similar events, or sales by entities at events registered with the Charleston Regatta Commission, or sales by entities at events hosted by a nonprofit or political subdivision;~~
- (4) ~~Special sidewalk sales, festivals or other special events allowed by special permit or ordinance; or~~
- (5) ~~Any city-sponsored event.~~

Sec. 18-1034. Categories for street vending-Business license required; application, fee.

~~The types of businesses or activities that are permitted in the central vending district shall be defined by the following classifications:-~~

- (1) ~~*Classification A:* All nonfood items such as T-shirts, sweatshirts, arts/crafts, flowers, and any miscellaneous items that are not food products.~~
- (2) ~~*Classification B:* All food products that do not require cooking such as fruits, vegetables and nonperishable food items that are prepackaged by the manufacturer.~~
- (3) ~~*Classification C:* All food products that require cooking or heating or a health permit.~~

(a) No person shall engage in the business or trade of a Street Vendor without first obtaining a business license from the city collector; provided, however, that any person who already possesses a valid business license issued by the city collector for the same type of business as that in which it wishes to engage in as a Street Vendor shall not be required to obtain a separate business license for street vending purposes.

(b) An applicant for a business license shall file an application with the City of Charleston City Collector's Office on such form as prescribed by the city collector. The applicant may be an individual or a firm or corporation on behalf of an individual. In the case where a person, firm or corporation applies for the license on behalf of an individual, the license shall be issued in the name of the applicant; and the license shall also bear the name of the Street Vendor on whose behalf the license is issued.

(c) The license fee for engaging in the business of a Street Vendor shall be \$20.00 per calendar year, or any portion thereof. Dishonored checks shall be subject to a \$15.00 returned check fee in addition to the \$20.00 license fee.

Sec. 18-1035. Street sales. Revocation of business license.

~~(a) — No person licensed as a vendor shall demonstrate, sell or offer for sale or barter any goods, wares, merchandise, food, confection or drink upon any street or sidewalk or any other city-owned property within the city except in accordance with all of the following provisions:~~

~~(1) — No merchandise shall be displayed or sold except in the locations designated in the rules and regulations of the city collector, and approved by the city council.~~

~~(2) — No merchandise shall be displayed or sold in a manner that blocks, obstructs or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks, streets or public places or ingress or egress to the abutting property.~~

~~(3) — All merchandise shall be displayed or sold from portable tables, carts or containers as approved by the city collector. Each vendor shall remove all merchandise, packaging, paper, display tables, carts or containers, or other materials brought to the location at the termination of sales each day.~~

~~(4) — No vendor's table, cart, container or other appurtenances, paraphernalia, merchandise, supplies or signage shall occupy an area more than three feet in width and eight feet in length.~~

~~(5) — Each vendor during the period of selling shall keep the area within ten feet of the location where the vendor sells or displays merchandise free from all litter and debris arising from the operations, including the litter which arises from action of customers in disposing of wrapping or packaging materials of merchandise sold by the vendor.~~

~~(6) — Vendors shall at all times exercise reasonable care that their merchandise, packaging material, display equipment and other paraphernalia shall not create a safety or health hazard to customers or other persons using the public streets, sidewalks or public places, or to persons on or in abutting property.~~

~~(7) — No street sales shall be conducted nor shall any display table, cart, container or other appurtenances be permitted on any public property between the hours of 12:00 midnight and 6:00 a.m. daily. Any other ordinance prescribing more restrictive hours shall prevail.~~

~~(8) — No items of a pornographic nature shall be sold or displayed by street merchants.~~

~~(9) — The playing of any radio, phonograph, or any musical instrument or device in such a manner or with such volume as to annoy or disturb the quiet comfort and repose of store owners, employees or patrons in the central vending district is prohibited pursuant to~~

section 78-212-

- b. ~~Nothing in this section shall be construed to prohibit the distribution or the sale of newspapers on the sidewalks.~~

The city collector, upon reasonable notice provided in writing to the licensee through certified mail or personal service, may summarily revoke a Street Vendor's business license pursuant to the provisions of this Code: (1) for any reason which would have been grounds for denial of such license when first issued; (2) for violation of any term or condition of such license; (3) for violation of any pertinent provision of state law, this Code or other ordinance or rules and regulations promulgated thereto; or (4) for the perpetration or attempted perpetration of fraud, malpractice or malfeasance by the licensee.

Sec. 18-1036. Compliance with guidelines. Request for reconsideration and appeal of revocation of business license.

~~The city collector's office may conduct site checks to determine if vendors are in compliance with the guidelines. Upon inspection, if a violation is found, vendors are immediately issued site check forms which indicate specific regulation violations. Vendors will be given no more than 24 hours to correct cited violations. Upon the receipt of three cited violations within 90 days, the city collector may issue a notice terminating the license for the remainder of the current licensing period.~~

Any Street Vendor whose license has been revoked may request reconsideration from the city collector. The request for reconsideration must be received within 20 days from the date of receipt of the revocation and shall include a written explanation stating with particularity the reason for the request. Upon receipt of a timely request for reconsideration, the Street Vendor shall be entitled to a formal hearing before the city collector or a hearing examiner designated by the city collector in order to provide the vendor with an opportunity to show that the action taken was incorrect or contrary to law, in whole or in part, after which hearing, the city collector or the designee shall either grant or deny the request with justification thereof in writing within 15 days of the hearing. If the request for reconsideration is denied, the Street Vendor may appeal within 30 days from the date of the denial or revocation of the license to the Circuit Court of Kanawha County in the manner prescribed by law for an appeal of an administrative decision.

Sec. 18-1037. Street vending permit required; application, fees.

~~The violation of any requirement of this article, or of any rule or regulation promulgated pursuant to this article, or of any ordinance or law shall be grounds for immediate revocation of the Street Vendor's permit by the city collector.~~

(a) No person or business entity, including a religious or charitable organization, shall operate a Nonmotorized Vending Unit or a Mobilized Vending Vehicle upon the public right-of-way within the City without a street vending permit.

(b) An applicant for a street vending permit shall file an application with the City of Charleston City Collector's Office on such forms and subject to such procedures as the City Collector's Office may establish. All applicants serving food shall submit with their application evidence of approval from the Kanawha-Charleston Health Department.

(c) The City may charge an administrative fee for permits not to exceed \$20.00 per permit per calendar year, or any portion thereof. Dishonored checks shall be subject to a \$15.00 returned check fee in addition to the \$20.00 permit fee.

(d) Permits are nontransferable, and each Nonmotorized Vending Unit or Mobilized Vending Vehicle must have its own permit which shall be posted at all times on or in the Nonmotorized Vending Unit or Mobilized Vending Vehicle, visible to customers and the public.

(e) Permits shall be renewable on a calendar year basis and shall expire on December 31 of each year: *Provided*, That any street vendor permit granted under the previous version of this Municipal Code for the fiscal year ending June 30, 2021, shall be automatically extended and deemed to expire on December 31, 2021.

Sec. 18-1038. Additional Requirements.

(a) Prior to the issuance of a street vending permit, the applicant must agree, in writing, that it shall indemnify, defend, and save harmless the City, its officers, agents, and employees, from and against all liability, claims, suits, damages, losses, costs, attorneys' fees and expenses of any or all types arising out of, or related in any way to the operations or activities of the Street Vendor.

(b) An applicant seeking a permit for a Nonmotorized Vending Unit or Mobilized Vending Vehicle shall maintain such general liability insurance with at least \$1,000,000 coverage per each occurrence and shall name as additional insured the City of Charleston, its agents, officers, directors, and employees. A copy of said insurance policy shall be furnished to the City of Charleston.

Sec. 18-1039. Revocation of street vending permit.

The city collector, upon reasonable notice provided in writing to the Street Vendor through certified mail or personal service, may summarily revoke a Street Vendor's permit pursuant to the provisions of this Code: (1) for any reason which would have been grounds for denial of such permit when first issued for: (2) for violation of any term or condition of such permit; (3) for violation of any pertinent provision of state law, this Code or other ordinance or rules and regulations promulgated thereto; or (4) for the perpetration or attempted perpetration of fraud, malpractice or malfeasance by the permittee.

Sec. 18-1040. Request for reconsideration and appeal of revocation of street vending permit.

450
451 Any Street Vendor whose permit has been revoked may request reconsideration
452 from the city collector. The request for reconsideration must be received within 20 days
453 from the date of receipt of the revocation and shall include a written explanation stating
454 with particularity the reason for the request. Upon receipt of a timely request for
455 reconsideration, the Street Vendor shall be entitled to a formal hearing before the city
456 collector or a hearing examiner designated by the city collector in order to provide the
457 vendor with an opportunity to show that the action taken was incorrect or contrary to law,
458 in whole or in part, after which hearing, the city collector or the designee shall either grant
459 or deny the request with justification thereof in writing within 15 days of the hearing. If the
460 request for reconsideration is denied, the Street Vendor may appeal within 30 days from
461 the date of the denial or revocation of the license to the Circuit Court of Kanawha County
462 in the manner prescribed by law for an appeal of an administrative decision.

463
464 **Sec. 18-1041. Compliance with federal, state and local laws and regulations.**

465
466 (a) The operation of a Nonmotorized Vending Unit or Mobilized Vending Vehicle
467 pursuant to a street vending permit granted under this Article shall comply with all
468 provisions of state and local building and fire codes, as well as all state and local health
469 laws and regulations regarding the service and preparation of food, if applicable. Nothing
470 in this article shall be intended to alter or abridge any applicable federal, state and local
471 laws, unless specifically stated herein with respect to the Municipal Code of the City of
472 Charleston.

473
474 (b) Nothing in this article shall be intended to alter or abridge the prohibition of
475 service of alcoholic beverages or possession thereof on public property in the City, as set
476 forth in applicable West Virginia Code and Section 78-211(b) of the Municipal Code of the
477 City of Charleston.

478
479 (c) All Street Vendors are responsible for complying with all taxation and fee
480 requirements as provided in this Code, including but not limited to the Business and
481 Occupation Tax as imposed in Sections 110-52 through 110-59 and the City Service Fee
482 as imposed in Section 2-737. However, the taxation and fee requirements for Street
483 Vendors shall be on an annual filing basis for the entire calendar year on forms prescribed
484 by the City Collector, rather than by quarterly filing. Failure to properly file the required
485 annual tax return will result in the withholding or suspension of a Street Vendor license
486 and permit.

487
488 **Sec. 18-1042. Penalty.**

489
490 In addition to any penalties or sanctions provided in this Article, the violation of any
491 requirement of this Article shall constitute an offense punishable by a civil penalty not to
492 exceed \$500.00 for each offense. Each day of violation shall be considered a separate
493 offense. Any person assessed such a civil penalty shall have the right to appeal the civil
494 penalty to the municipal court by posting bond equivalent to the penalty with the municipal
495 court within thirty days of the date of the assessment and the municipal court shall set the

matter for a hearing within six weeks of the appeal.

Secs. 18-103743—18-1060. Reserved.

DIVISION 2. LICENSE NONMOTORIZED VENDING UNITS; PUSHCARTS, TABLES AND STANDS

Sec. 18-1061. Operation without license unlawful; failure to display license unlawful. Standards for Nonmotorized Vending Units.

~~No person shall engage in the business or trade of street vendor without first obtaining a license from the city collector. The license shall be displayed conspicuously at all times upon the vendor's table, cart or container. Any and all additional licenses or permits required pursuant to law shall be displayed conspicuously at all times upon the vendor's table, cart or container. Each day's operation of such business without a license shall constitute a separate offense.~~

(a) It shall be unlawful to leave any Nonmotorized Vending Unit unattended on an approved public right of way or remain on an approved public right of way outside of the allowed hours of operation. If any Nonmotorized Vending Unit is left unattended for more than 30 minutes, it will be considered abandoned and may be removed by the City. If removed by the City consistent with this subsection, the Street Vendor shall be liable for all reasonable removal and storage charges. The City may also require additional restrictions to abate nuisances.

(b) A Street Vendor may not operate a Nonmotorized Vending Unit within two hundred (200) feet of any event that is licensed or sanctioned by the City, unless the Street Vendor is an authorized participant in such event.

(c) A Street Vendor operating a Nonmotorized Vending Unit may not make or cause to be made any unreasonable or excessive noise in violation of Section 78-212 of this Code, including noise from generators. Any Street Vendor operating a Nonmotorized Vending Unit in conjunction with an operational generator may not operate within 50 feet from any outdoor dining area as defined in this Article. A Street Vendor may not use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices. A Street Vendor engaging in food service shall take all reasonable steps to prevent activity akin to a nuisance, including but not limited to smoke and steam emissions.

(d) With the exception of trash bins, a Street Vendor operating a Nonmotorized Vending Unit may not use or place on the approved public right-of-way any external signage, tables, seating, or any other equipment not contained within or upon the Nonmotorized Vending Unit.

(e) A Street Vendor operating a Nonmotorized Vending Unit may not have any exclusive and/or perpetual right to use any location upon the streets, alleys, or public

grounds of the City. All locations designated as approved public rights-of-way for Nonmotorized Vending Units shall be available on a first come, first served basis with no particular location(s) assigned to any particular Street Vendor(s). Notwithstanding, the City may assign locations for Street Vendors during city-sponsored events.

(f) A Street Vendor operating a Nonmotorized Vending Unit may not conduct business on an approved public right-of-way between the hours of 4 a.m. and 6 a.m. nor may any Nonmotorized Vending Unit be permitted to remain on an approved public right-of-way between the hours of 4 a.m. and 6 a.m.

(g) A Nonmotorized Vending Unit operating within the designated locations may not be of a size or configuration as to interfere with City or public use of any public right-of-way or impede ingress or egress by vehicles or pedestrians.

(h) An unobstructed clearance for pedestrian travel consistent with the Americans with Disabilities Act must be maintained around any Nonmotorized Vending Unit.

(i) An unobstructed clearance of 42 inches, must be maintained between a fire hydrant and any Nonmotorized Vending Unit.

(j) A Street Vendor operating a Nonmotorized Vending Unit may not park such Unit on a utility/manhole cover located upon an approved public right-of-way.

(k) Street Vendors shall obey any lawful order of a police officer to move a Nonmotorized Vending Unit to a different approved location, or to remove it entirely, if necessary to avoid congestion or obstruction of a public right-of-way, or for the City's use of such right-of-way for emergency purposes, construction or any other public benefit deemed necessary or appropriate at the discretion of the officer including but not limited to nuisance abatement.

(l) Any power required for a Nonmotorized Vending Unit located on an approved public right-of-way shall be self-contained and it may not draw its power from the public right-of-way, except where approved by the city manager. Power cables or equipment may not extend across any public street, alley or sidewalk.

(m) Street Vendors operating a Nonmotorized Vending Unit shall contain all refuse within the Nonmotorized Vending Unit, or provide a small moveable trash can maintained by the Street Vendor and located adjacent to the Nonmotorized Vending Unit in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The operator of the Nonmotorized Vending Unit shall be responsible for properly disposing of such refuse as would any business, and shall not place it in any public trash container, or in any private container without proper permission. Spills of food or food by-products shall be cleaned up by the Street Vendor operating the Nonmotorized Vending Unit, and no dumping of gray water on the streets is allowed.

(n) Any signage or advertising signs shall be maintained by the Street Vendor and

located adjacent to the Nonmotorized Vending Unit in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic.

(o) The Street Vendor's license shall be displayed conspicuously at all times upon the vendor's table, cart or container. Any and all additional licenses or permits required pursuant to law and this article shall be displayed conspicuously at all times upon the vendor's table, cart or container.

(p) Nothing in this Section shall be construed to prohibit the distribution or the sale of newspapers on the sidewalks.

Sec. 18-1062. License fees.

~~The license fee for engaging in the trade or business of street vendor shall be \$20.00 per fiscal year, or any portion. Dishonored checks shall be subject to a \$15.00 return check fee in addition to the \$20.00 license fee.~~

Sec. 18-1063. Application and issuance of vendor's license; general liability insurance required; procedures.

(a) ~~Each applicant for a vendor's license shall file an application with the city collector in such form as prescribed by the city collector. The applicant may be an individual or a firm or corporation on behalf of an individual. In the case where a person, firm or corporation applied for the license on behalf of an individual, the license shall be issued in the name of the applicant; and the license shall also bear the name of the vendor on whose behalf the license is issued.~~

(b) ~~All food vendor applicants under classification C of section 18-1034 shall submit with their application evidence of approval from the Kanawha-Charleston Health Department for the type of food to be sold.~~

(c) ~~No license shall be issued or shall remain in effect unless such vendor can demonstrate to the city collector proof of general public liability insurance in the aggregate sum of \$500,000.00, naming the city as additional insured, with assurance that the city will be advised by the insurance carrier if the insurance is canceled. In addition, such vendor shall enter into a hold-harmless agreement with the city.~~

(d) ~~All street vendor applicants shall be given a copy of the rules and regulations for street vendors and are charged with knowledge of such rules and regulations.~~

Sec. 18-1064. Revocation.

~~The violation of any requirement of this division, or of any rule or regulation promulgated pursuant to this division, or of any ordinance or law shall be grounds for immediate revocation of the vendor's license by the city collector.~~

Sec. 18-1065. Appeal of revocation.

~~Any vendor who feels aggrieved by the revocation of the vendor's license or other adverse action taken by the city collector may, by filing a written request with the city collector within ten days, obtain reconsideration by the city collector. If requested, the vendor shall be entitled to a formal hearing before the city collector or a hearing examiner designated by the city collector in order to provide the vendor with an opportunity to show that the action taken was incorrect or contrary to law, in whole or in part, after which hearing, the city collector shall, within a reasonable time, give notice in writing of his decision. Such appeal, unless and until the ruling of the city collector is modified or rescinded, shall not effect any stay of the action taken by the collector which is being appealed. Further appeal may be taken by the vendor to the circuit court by certiorari in the manner prescribed by law.~~

Secs. 18-106662—18-11601080. Reserved.

DIVISION 3. MOBILIZED VENDING VEHICLES.

Sec. 18-1081. Standards for Mobilized Vending Vehicles.

(a) It shall be unlawful to leave any Mobilized Vending Vehicle unattended on an approved public right-of-way or remain on an approved public right-of-way outside of the allowed hours of operation unless the same is legally parked in a manner consistent with all parking and traffic regulations. A Mobilized Vending Vehicle left unattended in violation of this subsection shall be subject to citation(s) for traffic/parking violations and may be towed by the City. If removed by the City consistent with this subdivision, the Street Vendor shall be held liable for all reasonable towing and storage charges. The City may also require additional restrictions to abate nuisances.

(b) A Street Vendor may not operate a Mobilized Vending Vehicle within two hundred (200) feet of any event that is licensed or sanctioned by the City, unless the Street Vendor is an authorized participant in such event.

(c) A Street Vendor operating a Mobilized Vending Vehicle may not make or cause to be made any unreasonable or excessive noise in violation of Section 78-212 of this Code, including noise from generators. Any Street Vendor operating a Mobilized Vending Vehicle in conjunction with an operational generator may not operate within 50 feet from any outdoor dining area as defined in this Article. A Street Vendor may not use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles or similar devices. A Street Vendor engaging in food service shall take all reasonable steps to prevent activity akin to a nuisance, including but not limited to smoke and steam emissions.

(d) With the exception of trash bins, a Street Vendor operating a Mobilized Vending Vehicle may not use or place on the public right-of-way any external signage, tables, seating, or any other equipment not contained within or upon the Mobilized Vending

680 Vehicle.

681

682 (e) A Street Vendor operating a Mobilized Vending Vehicle may not have any
683 exclusive and/or perpetual right to use any location upon the streets, alleys, or public
684 grounds of the City. All locations designated as approved public rights-of-way for
685 Mobilized Vending Vehicles shall be available on a first come, first served basis with no
686 particular location(s) assigned to any particular Street Vendor(s). Notwithstanding, the
687 City may assign locations for Street Vendors during city-sponsored events.

688

689 (f) A Street Vendor operating a Mobilized Vending Vehicle may not conduct
690 business on an approved public right-of-way between the hours of 4 a.m. and 6 a.m., nor
691 may any Mobilized Vending Vehicle be permitted to remain on any approved public right-
692 of-way between the hours of 4 a.m. and 6 a.m. unless parked in conformance with all
693 applicable parking and traffic regulations.

694

695 (g) Mobilized Vending Vehicles shall be parked at all times in conformance with
696 applicable parking and traffic regulations, including but not limited to payment of parking
697 meters during hours of operation, and may not hinder the lawful parking or operation of
698 other vehicles. Mobilized Vending Vehicles may not bag parking meters to conduct street
699 vending operations. Mobilized Vending Vehicles shall be permitted to park in loading
700 zones between the hours of 6:00 p.m. and 4:00 a.m. Any opening or window from which
701 business is conducted for all Mobilized Vending Vehicle must open toward the sidewalk,
702 walkway or parking area. No window or opening from which business is conducted may
703 open toward the street or traffic area.

704

705 (h) A Mobilized Vending Vehicle may not be of a size or configuration as to interfere
706 with City or public use of any public right-of-way or impede ingress or egress by vehicles
707 or pedestrians.

708

709 (i) An unobstructed clearance of at least 42 inches must be maintained between a
710 fire hydrant and any Mobilized Vending Vehicle.

711

712 (j) An unobstructed clearance for pedestrian travel **consistent with the Americans**
713 **with Disabilities Act** must be maintained around any Mobilized Vending Vehicle.

714

715 (k) A Street Vendor operating a Mobilized Vending Vehicle may not park such
716 Vehicle on a utility/manhole cover located upon an approved public right-of-way.

717

718 (l) Street Vendors shall obey any lawful order of a police officer to move a Mobilized
719 Vending Vehicle to a different approved location, or to remove it entirely, if necessary to
720 avoid congestion or obstruction of a public right-of-way, or for the City's use of such right-
721 of-way for emergency purposes, construction or any other public benefit deemed
722 necessary or appropriate at the discretion of the officer, including but not limited to the
723 abatement of a nuisance.

724

725 (m) Any power required for the Mobilized Vending Vehicle located on a public right-

of- way shall be self-contained and it may not draw its power from the public right-of-way, except where approved by the city manager. Power cable or equipment may not be extended across any public street, alley or sidewalk.

(n) Street Vendors shall contain all refuse, trash, and litter within the Mobilized Vending Vehicle or provide a small moveable trash can maintained by the Street Vendor, and located adjacent to the Mobilized Vending Vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic. The Street Vendor operating the Mobilized Vending Vehicle shall be responsible for properly disposing of such refuse as would any business, and may not place it in any public trash container, or in any private container without proper permission. Spills of food or food by-products shall be cleaned up by the Street Vendor operating the Mobilized Vending Vehicle, and no dumping of gray water on the streets is allowed.

(o) Any signage or advertising signs shall be maintained by the Street Vendor and located adjacent to the Mobilized Vending Vehicle in such a manner as not to block or otherwise obstruct pedestrian or vehicular traffic.

(p) The Street Vendor's license shall be displayed conspicuously at all times upon the vendor's Mobilized Vending Vehicle. Any and all additional licenses or permits required pursuant to law and this article shall be displayed conspicuously at all times upon the vendor's Mobilized Vending Vehicle.

(q) Nothing in this Section shall be construed to prohibit the distribution or the sale of newspapers from a motor vehicle.

Secs. 18-1082—18-1160. Reserved.

CHAPTER 110 – TAXATION

ARTICLE II – BUSINESS AND OCCUPATION TAX

Sec. 110-63. - Exemptions.

(a) The provisions of this article shall not apply to:

(1) Insurance companies which pay the state a tax upon premiums; provided, that such exemption shall not extend to that part of gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in the city, whether such income is in the form of rentals or royalties;

(2) Nonprofit cemetery companies organized and operated for the exclusive benefit of their members;

(3) Fraternal societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit; provided, that this exemption

shall not extend to that part of gross income arising from the sale of alcoholic liquor, food and related services of such fraternal societies, organizations and associations which are licensed as private clubs under the provisions of W. Va. Code ch. 60, art. 7;

(4) Corporations, associations and societies organized and operated exclusively for religious or charitable purposes; provided that: the City may impose its business and occupation tax on any activity of a corporation, association or society organized and operated exclusively for religious or charitable purposes only to the extent that the income generated by the activity is subject to taxation under the provisions of section 511 of the Internal Revenue Code of 1986, as amended;

(5) Production credit associations, organized under the provisions of the federal Farm Credit Act of 1933; provided, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of W. Va. ch. 19, art. 4;

(6) Any credit union organized under the provisions of chapter 31 or any other chapter of the Code of West Virginia; provided, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of W. Va. ch. 19, art. 4;

(7) Gross income derived from advertising service rendered in the business of radio and television broadcasting;

(8) The gross income or gross proceeds of sale of a gasification or liquefaction of coal project in the demonstration, pilot or research states; provided, that prior to the commencement of operation of any such project, the tax commissioner of the state shall have first certified the project as eligible for such exemption; provided, further, that such exemption shall expire seven years from the date the project first receives gross income or gross proceeds from sales; and

~~(9) The gross income or gross proceeds of sale derived from sales or services by an itinerant vendor or a street vendor in cases where no itinerant vendor license or street vendor license is required by City Code sections 18-613 or 18-1033.~~

(9) The first five thousand dollars (\$5,000.00) of gross income or gross proceeds in each calendar year derived from sales or services by a street vendor or itinerant vendor shall be exempt from the tax imposed by this Article. The street vendor or itinerant vendor shall file a Business and Occupation tax return for such gross income or gross proceeds even if such revenue is exempt.

(b) An organization is "charitable" for purposes of subdivision (4) of subsection (a) of this section above if it satisfies both of the following criteria: (1) it is exempt from Federal Tax, under 26 U.S.C. § 501(c)(3), and (2) its purposes include relief of poverty, advancement of education, advancement of religion, promotion of health, governmental or municipal purposes, or other purposes that are beneficial to the community.

Resolution No. 403-20

Introduced in Council:

December 7, 2020

Introduced by:

Joseph Jenkins

Adopted by Council:

Referred to:

Finance

1 Resolution No. 403-20 – Authorizing approval of Amendment No. 2 of the FY 2020-2021
2 Charleston Coliseum and Convention Center Budget as indicated on the attached list of
3 accounts.

4

5

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

7

8 That Amendment No. 2 of the FY 2020- Charleston Coliseum and Convention Center as
9 indicated on the attached list of accounts is approved.

10

**Coliseum and Convention Center FY 2020-2021
Budget Amendment No. 2 - December 7, 2020**

Account No.	Department	Account Description	Amount
402 358 00 0302	Civic Center Revenues	Rent	597,500
402 358 00 0304	Civic Center Revenues	Commissions	146,200
402 358 00 0307	Civic Center Revenues	Parking - Buildings & Lots	(66,000)
402 358 00 0311	Civic Center Revenues	Distinctive Gourmet	616,406
402 358 00 0312	Civic Center Revenues	Patron Services	67,720
402 358 00 0313	Civic Center Revenues	Security	20,870
402 358 00 0314	Civic Center Revenues	Advertising	76,199
402 358 00 0315	Civic Center Revenues	Spotlight Rental	6,000
402 358 00 0316	Civic Center Revenues	Power Usage	33,500
402 358 00 0317	Civic Center Revenues	Table Covers/Drapes	17,500
402 358 00 0318	Civic Center Revenues	Rent - PA System	14,630
402 358 00 0319	Civic Center Revenues	Staging	14,700
402 358 00 0320	Civic Center Revenues	Booth Rental	60,200
402 358 00 0321	Civic Center Revenues	Interest	4,950
402 358 00 0323	Civic Center Revenues	Table Rental	19,000
402 358 00 0324	Civic Center Revenues	Miscellaneous	(3,147)
402 358 00 0326	Civic Center Revenues	Telephone Rental	3,630
402 358 00 0327	Civic Center Revenues	Audio/Visual Equipment	(23,000)
402 358 00 0328	Civic Center Revenues	Teletix	1,000
402 358 00 0329	Civic Center Revenues	Carpet Rental	13,000
402 358 00 0330	Civic Center Revenues	Drayage	1,000
402 358 01 0341	Civic Center Revenues	General Fund - Health Care Subsidy	17,541
402 358 02 0341	Civic Center Revenues	General Fund - Operational Subsidy	(1,000,000)
402 910 01 000 1 103	Coliseum and Convention Center	Salaries & Wages	(344,712)
402 910 01 000 1 104	Coliseum and Convention Center	FICA	(33,553)
402 910 01 000 1 105	Coliseum and Convention Center	Medical & Life Insurance	33,928
402 910 01 000 1 106	Coliseum and Convention Center	PERS	(35,225)
402 910 01 000 1 112	Coliseum and Convention Center	Employee Insurance Cont.	2,154
402 910 01 000 2 211	Coliseum and Convention Center	Telephone	(9,185)
402 910 01 000 2 212	Coliseum and Convention Center	Printing	(7,900)
402 910 01 000 2 213	Coliseum and Convention Center	Utilities	(127,000)
402 910 01 000 2 215	Coliseum and Convention Center	Mtce & Repair - Bldg/Ground	(4,300)
402 910 01 000 2 216	Coliseum and Convention Center	Mtce & Repair - Equipment	1,700
402 910 01 000 2 218	Coliseum and Convention Center	Postage	500
402 910 01 000 2 219	Coliseum and Convention Center	Building & Equipment Rent	(5,800)
402 910 01 000 2 220	Coliseum and Convention Center	Advertising & Legal Pub	(10,900)
402 910 01 000 2 221	Coliseum and Convention Center	Training	(700)
402 910 01 000 2 222	Coliseum and Convention Center	Dues & Subscriptions	(1,527)
402 910 01 000 2 230	Coliseum and Convention Center	Contracted Services	(67,379)
402 910 01 000 3 341	Coliseum and Convention Center	Materials & Supplies	(33,000)
402 910 01 000 3 343	Coliseum and Convention Center	Gas, Oil & Tires	(1,000)
402 910 01 000 3 345	Coliseum and Convention Center	Uniforms	4,500

To adjust the expenses and revenue for the Coliseum and Convention Center to match up with expectations given significant reduction in events due to COVID

City of Charleston
Municipal Budget
FY 2021
Coliseum and Convention Center Revenue Summary

Rev. Code	Description	Actual FY 2020	Original FY 2021 Budget	FY 2021 Amend #1	FY 2021 Amend #2	Revised FY 2021	YTD Nov Actual FY 2021
Operating Revenue							
358-00-0302	Rent	942,144	1,067,500		(597,500)	470,000	32,445
358-00-0304	Commissions	146,763	178,000		(146,200)	31,800	18
358-00-0307	Parking - Buildings & Lots	88,944	165,000		66,000	231,000	8,088
358-00-0311	Distinctive Gourmet	317,747	365,000		(616,406)	(251,406)	(80,000)
358-00-0312	Patron Services	114,565	138,000		(67,720)	70,280	(238)
358-00-0313	Security	35,023	51,000		(20,870)	30,130	-
358-00-0314	Advertising	295,950	310,000		(76,199)	233,801	65,000
358-00-0315	Spotlight Rental	4,160	7,500		(6,000)	1,500	(80)
358-00-0316	Power Usage	40,739	59,500		(33,500)	26,000	4,000
358-00-0317	Table Covers/Drapes	17,752	36,000		(17,500)	18,500	336
358-00-0318	Rent - PA System	7,700	15,000		(14,630)	370	375
358-00-0319	Staging	18,194	17,000		(14,700)	2,300	180
358-00-0320	Booth Rental	47,252	80,000		(60,200)	19,800	-
358-00-0321	Interest	6,717	5,000		(4,950)	50	14
358-00-0322	Piano Rental	640	1,500		-	1,500	-
358-00-0323	Table Rental	23,593	38,000		(19,000)	19,000	442
358-00-0324	Miscellaneous	13,827	18,853		3,147	22,000	29
358-00-0325	Building Damages	79	1,000		-	1,000	-
358-00-0326	Telephone Rental	2,725	5,000		(3,630)	1,370	250
358-00-0327	Audio/Visual Equipment	129,971	170,000		23,000	193,000	3,529
358-00-0328	Teletix	-	1,000		(1,000)		-
358-00-0329	Carpet Rental	7,650	24,000		(13,000)	11,000	-
358-00-0330	Drayage	421	1,000		(1,000)	-	-
381-11-0000	Energy Rebates	83,935	7,500			7,500	2,423
	Total Operating Revenue	2,346,489	2,762,353	-	(1,621,858)	1,140,495	36,810
Non-Operating Revenue							
358-00-0331	CC Capital Improvement Fee	84,588	-			-	495
358-00-0341	Trf In/Gen. Fund - Debt Svc	520,448	530,000	17,541		547,541	278,495
358-01-0341	Trf In/Gen. Fund - Health Care	406,147	200,000		(17,541)	182,459	33,031
358-02-0341	Trf In/Gen. Fund - Other	637,000	570,000		1,000,000	1,570,000	595,000
358-03-0341	Trf In/Gen. Fund - Equipment	381,260	-			-	-
358-00-0342	Transfers In/Coal Severance	160,526	169,687	(17,541)		152,146	41,594
358-00-0343	Transfers In/Cap. Imp. Fund	69,500	-			-	
358-00-0379	Gain/Loss from Sale of Assets	409	-			-	360
	Total - Non Operating Revenue	2,259,877	1,469,687	-	982,459	2,452,146	948,975
	Total Revenue	4,606,366	4,232,040	-	(639,399)	3,592,641	985,784

**City of Charleston
Municipal Budget
FY 2021**

Coliseum and Convention Center Expense Summary

Fund 402 Charleston Coliseum and Convention Center Fund
Department 910 CCCC/Municipal Auditorium
Unit 01 CCCC Operations

Expense Object	Actual FY 2020	Original FY 2021 Budget	FY 2021 Amend #2	Revised FY 2021	YTD Nov Actual FY 2021
Personal Services					
000-1-101 Elected Officials Salaries	-	-	-	-	-
000-1-103 Salaries & Wages	1,199,635	1,306,148	(344,712)	961,436	321,063
000-1-104 FICA	88,200	99,920	(33,553)	66,367	23,624
000-1-105 Medical & Life Insurance	359,075	228,975	33,928	262,903	95,338
000-1-106 PERS	103,578	102,115	(35,225)	66,890	30,495
000-1-107 Uniformed Pensions	-	-	-	-	-
000-1-110 Uniform Allowance	-	-	-	-	-
000-1-111 Dental & Optical Insurance	8,560	11,875	-	11,875	5,592
000-1-112 Employee Insurance Cont.	(54,233)	(55,250)	2,154	(53,096)	(9,870)
000-1-113 OPEB - Current	20,000	20,000	-	20,000	-
Total Personal Services	1,724,815	1,713,783	(377,408)	1,336,375	466,241
Contractual Services					
000-2-211 Telephone	59,696	50,185	(9,185)	41,000	21,803
000-2-212 Printing	7,463	10,000	(7,900)	2,100	-
000-2-213 Utilities	623,085	650,000	(127,000)	523,000	169,049
000-2-214 Travel	2,667	-	-	-	-
000-2-215 Mtce & Repair - Bldg/Ground	16,036	15,000	(4,300)	10,700	461
000-2-216 Mtce & Repair - Equipment	19,847	10,000	1,700	11,700	8,648
000-2-218 Postage	58	500	500	1,000	-
000-2-219 Building & Equipment Rent	119,013	140,000	(5,800)	134,200	3,119
000-2-220 Advertising & Legal Pub	7,202	20,000	(10,900)	9,100	-
000-2-221 Training	1,840	3,200	(700)	2,500	-
000-2-222 Dues & Subscriptions	1,589	2,627	(1,527)	1,100	-
000-2-226 Insurance - WC & UC	13,260	24,425	-	24,425	10,123
000-2-227 Insurance - Liability	174,967	275,000	-	275,000	-
000-2-230 Contracted Services	576,315	515,702	(67,379)	448,323	71,759
Total Contractual Services	1,623,037	1,716,639	(232,491)	1,484,148	284,961
Commodities					
000-3-341 Materials & Supplies	133,069	90,000	(33,000)	57,000	13,888
000-3-343 Gas, Oil & Tires	1,858	2,000	(1,000)	1,000	-
000-3-345 Uniforms	3,016	7,000	4,500	11,500	-
Total Commodities	137,943	99,000	(29,500)	69,500	13,888
Contributions & Other					
000-5-566 Contributions to Other Funds	84,298	-	-	-	-
000-6-671 Principal on Bonds	530,000	550,000	-	550,000	229,167
000-6-672 Interest on Bonds	164,309	149,618	-	149,618	90,992
000-6-674 Bond Service Charges	2,748	3,000	-	3,000	-
Total Contributions & Other	781,355	702,618	-	702,618	320,159
Total CCCC Operations	4,267,150	4,232,040	(639,399)	3,592,641	1,085,250

Resolution No. 402-20

Introduced in Council

Passed by Council

December 7, 2020

Introduced by
Joseph Jenkins

Referred from
Finance Committee

- 1 Resolution No. 402-20 - Authorizing approval of Amendment No. 6 of the FY 2020-2021
2 General Fund Budget as indicated on the attached list of accounts.
3
4 Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:
5
6 That Amendment No. 6 of the FY 2020-2021 General Fund Budget as indicated on the
7 attached list of accounts is approved.
8

General Fund FY 2020-2021 Budget Amendment No. 6 - December 7, 2020

Account No.	Department	Account Description	Amount
001 700 00 000 2 239	Police	Fine Supported Training	32,217
001 297 0	Committed Fund Balance		(32,217)

Committed Fund Balance - To recognize committed fund balance for Police Fine Supported Training in accordance with Section 114-3 subsection (b) of the Municipal Code of the City of Charleston

001 975 00 440 4 459	General Services - Capital Outlay	Lease Purchase Equipment	21,441
001 976 00 700 4 459	Police - Capital Outlay	Lease Purchase Equipment	(684,452)
001 977 00 750 4 459	Streets - Capital Outlay	Lease Purchase Equipment	468,000
001 977 00 754 4 459	Equipment Maintenance - Capital Outlay	Lease Purchase Equipment	46,802
001 975 00 412 4 461	City Manager - Capital Outlay	Lease Purchase Payments	407,140
001 296 0	Assigned Fund Balance		(258,931)

Restricted for Capital Lease Purchase - To adjust proper accounts in the FY 2021 Municipal Budget for the purchase of equipment to reflect where they were paid during the FY 2020 spend down period and after.

001 700 00 000 3 341	Police	Materials & Supplies	36,000
001 706 00 000 2 223	Fire	Professional Services	10,000
001 706 00 000 3 341	Fire	Materials & Supplies	6,500
001 706 00 000 3 345	Fire	Uniforms	40,000
001 976 00 706 4 459	Fire - Capital Outlay	Direct Purchase Equipment	11,419
001 976 00 700 4 459	Police - Capital Outlay	Direct Purchase Equipment	75,000
001 299 0	Assigned Fund Balance		(178,919)

Manual Encumbrances - To rollover certain expenses into the FY 2021 Municipal Budget to account for items not spent in within FY 2020.

001 417 00 000 2 229	City Attorney	Court Costs & Damages	600,000
001 436 00 000 2 230	Building Commission	Contracted Services	969,597
001 439 00 000 5 566	Information Systems	IT Infrastructure Fund	500,000
001 444 05 000 5 566	Transfers/Contributions	Municipal Stabilization Fund	11,000,000
001 444 00 000 5 566	Transfers/Contributions	General Maintenance Fund	750,000
001 444 14 000 5 566	Transfers/Contributions	Business & Economic Incentives Fund	750,000
001 910 01 002 5 566	Coliseum and Convention Center	Operational Subsidy	1,000,000
001 976 00 706 4 459	Fire - Capital Outlay	Direct Purchase Equipment	20,000
001 299 0	Unassigned Fund Balance		(15,589,597)

Unassigned Fund Balance - To allocate the unassigned fund balance.

001 444 04 000 5 566	Transfers/Contributions	CSF Capital Projects Fund	1,067,547
001 399 11 0000	Miscellaneous Revenue	Settlements	(1,067,547)

Asphalt Companies Settlement - To allocate the funds received through the asphalt companies settlement.

001 305 01 0000	Revenue	Business & Occupation Tax	4,000,000
001 308 00 0000	Revenue	Hotel Occupation Tax	1,650,000
001 309 00 0000	Revenue	Amusement Tax	75,000
001 340 00 0000	Revenue	Parks & Recreation	50,000
001 341 01 0000	Revenue	City Service Fee	1,075,000
001 345 00 0000	Revenue	Rents, Concessions, Leases	240,000
001 352 00 0000	Revenue	Fire Protection Fee	250,000
001 376 00 0000	Revenue	Gaming Revenue (Table Games)	25,000
001 380 00 0000	Revenue	Interest	135,000
001 369 03 0000	Revenue	Landfill/Incinerator Fees	500,000
001 381 12 0000	Revenue	Reimbursement - Coronavirus Relief Fund	(12,000,000)
001 901 00 000 5 568	Convention & Visitors Bureau	Contribution from Hotel Tax	(825,000)
001 444 05 000 5 566	Transfers/Contributions	Municipal Stabilization Fund	4,825,000

Revised Revenue Estimate - To revise the revenue estimated in the FY 2021 General Fund to reflect current projections, including receipts from the Coronavirus Reilef Fund through the State.

Reportable: To Maintain compliance with the budgetary guidelines of the State of West Virginia

**City of Charleston
Municipal Budget
FY 2021**

General Fund Revenue Summary

Rev. Code	Description	Actual FY 2020	Current Budget FY 2021	FY 2021 Projection 12/7/2020	Budgetary Change	% Change	YTD Oct Actual FY 2021	YTD Oct Actual FY 2020	Difference FY 2021 vs FY 2020	% Change
	Fund Balance		2,431,981	18,491,645	16,059,664					
301	Property Taxes	16,015,745	16,500,000	16,500,000	-		10,090,913	9,623,407	467,506	4.86%
303	Gas & Oil Severance Tax	122,144	125,000	125,000	-		82,054	122,144	(40,090)	-32.82%
304	Utility Tax	2,544,982	2,700,000	2,700,000	-		875,168	848,482	26,686	3.15%
305	Business & Occupation Tax	42,132,390	44,000,000	40,000,000	(4,000,000)	-9.09%	16,609,041	18,545,497	(1,936,457)	-10.44%
306	Consumer Sales Tax - Liquor	992,716	1,025,000	1,025,000	-		247,194	226,089	21,105	9.33%
307	Animal Control	5,543	6,000	6,000	-		4,407	4,536	(129)	-2.85%
308	Hotel Occupancy Tax	2,286,736	3,150,000	1,500,000	(1,650,000)	-52.38%	496,495	1,176,048	(679,553)	-57.78%
309	Amusement Tax	107,881	150,000	75,000	(75,000)	-50.00%	14,087	50,865	(36,778)	-72.31%
320-02	Loading Zone Fees	17,375	25,000	25,000	-		8,600	2,500	6,100	244.00%
320-06	Property Citations	-	2,000	2,000	-		-	-	-	0.00%
325	Licenses	99,223	100,000	100,000	-		75,863	86,725	(10,862)	-12.53%
326	Building Permits	334,397	350,000	350,000	-		158,117	159,837	(1,720)	-1.08%
327	Miscellaneous Permits	3,756	5,000	5,000	-		1,295	2,455	(1,160)	-47.25%
328	Franchise Fees	710,544	715,000	715,000	-		170,645	192,800	(22,155)	-11.49%
329	Inspection Fees	50,840	70,000	70,000	-		34,274	16,979	17,296	101.87%
330	IRP Fees	600,063	675,000	675,000	-		161,660	168,399	(6,740)	-4.00%
335	Liquor & Wine Licenses	36,881	60,000	60,000	-		35,285	28,781	6,504	22.60%
336	Cemetery Revenues	130,703	125,000	125,000	-		47,268	41,873	5,395	12.88%
337	Dog Fees	-	100	100	-		-	-	-	0.00%
340	Parks & Recreation	74,864	100,000	50,000	(50,000)	-50.00%	1,112	41,551	(40,439)	-97.32%
341	City Service Fee	7,370,455	7,825,000	6,750,000	(1,075,000)	-13.74%	2,958,908	3,068,055	(109,147)	-3.56%
345	Rents, Concessions, Leases	1,032,387	1,000,000	760,000	(240,000)	-24.00%	128,123	206,667	(78,545)	-38.01%
347	Jail Fees	2,913	2,500	2,500	-		-	-	-	0.00%
348	Plan Review Fees	20,499	25,000	25,000	-		14,243	11,219	3,023	26.95%
352	Fire Protection Fees	2,002,315	2,050,000	1,800,000	(250,000)	-12.20%	647,024	764,486	(117,463)	-15.36%
353	Planning - Permit Appl. Fees	14,230	10,000	10,000	-		1,430	5,955	(4,525)	-75.99%
355	Street Closure Fees	17,486	6,000	6,000	-		5,043	9,749	(4,706)	-48.27%
362	Processing Fees	415	1,000	1,000	-		30	203	(173)	-85.26%
363-00	Ambulance Levy	3,252,418	3,000,000	3,000,000	-		1,695,524	1,695,524	-	0.00%
363-02	Ambulance Fees	2,827,312	2,700,000	2,700,000	-		846,653	935,261	(88,609)	-9.47%
365	Federal Grants	143,456	100,000	100,000	-		87,144	-	87,144	0.00%
366	State Grants	13,500	31,500	31,500	-		27,000	-	27,000	0.00%
367	Other Grants	994	-	-	-		-	994	(994)	-100.00%
368	Contributions from Others	254,659	255,000	255,000	-		20,000	21,058	(1,058)	-5.02%
372	PILOT	46,851	90,000	90,000	-		-	-	-	0.00%
376	Gaming Revenue	139,429	200,000	175,000	(25,000)	-12.50%	56,310	65,728	(9,418)	-14.33%
377	Lease Proceeds	2,464,373	994,500	994,500	-		-	528	(528)	-100.00%
380	Interest	164,178	150,000	15,000	(135,000)	-90.00%	5,777	72,967	(67,190)	-92.08%
383	Sale of Fixed Assets	71,574	250,000	250,000	-		45,750	18,321	27,428	149.71%
386	Insurance Claims	58,426	50,000	50,000	-		26,741	8,729	18,012	206.33%
391	Recycling Revenue	13,191	15,000	15,000	-		3,817	4,351	(534)	-12.26%
397	Video Lottery	141,392	170,000	170,000	-		65,262	56,942	8,320	14.61%
399	Miscellaneous Revenue	2,150,120	150,000	1,217,547	1,067,547		119,113	1,885,378	(1,766,266)	-93.68%
	Taxes, Fees & Permits	88,469,358	88,958,600	82,526,147	(6,432,453)	-7.23%	35,867,368	40,171,086	(4,303,719)	-10.71%
Transfers from Other Funds										
369	Transfers from Other Funds	5,002,631	5,168,000	5,168,000	-		1,933,801	1,545,159	388,642	25.15%
369-03	Landfill/Incinerator Fees	3,450,000	3,500,000	3,000,000	(500,000)	-14.29%	1,016,058	1,241,616	(225,558)	-18.17%
369-06	Municipal Court Fund	305,233	300,000	300,000	-		39,762	91,137	(51,375)	-56.37%
	Total Transfers from Other Funds	8,757,864	8,968,000	8,468,000	(500,000)	-5.58%	2,989,622	2,877,913	111,709	3.88%
Reimbursements and Other										
370	Charges to Other Funds	510,936	410,000	410,000	-		119,310	111,403	7,907	7.10%
381	Other Reimbursements	631,489	715,000	715,000	-		46,361	54,687	(8,326)	-15.22%
381-12	COVID Reimbursements	10,125,150	-	12,000,000	12,000,000		6,562,871	-	6,562,871	0.00%
	Total Reimbursements & Other	11,267,575	1,125,000	13,125,000	12,000,000		6,728,542	166,089	6,562,452	3951.16%
	Total Revenue	108,494,797	99,051,600	104,119,147	5,067,547	5.12%	45,585,531	43,215,088	2,370,442	5.49%
	Total Available	108,494,797	101,483,581	122,610,792	21,127,211		45,585,531	43,215,088	2,370,442	

Bill No. 7883

Introduced in Council

Passed by Council

October 5, 2020

Introduced by

Referred to

Keeley Steele

**Planning, Streets, and Traffic Committee
Finance Committee**

Bill No. 7883 - A Bill closing, abandoning and discontinuing as a public right of way a portion of the alley behind Religious Coalition for Community Renewal, Inc. at 1516 Washington Street, East Charleston, Kanawha County, West Virginia.

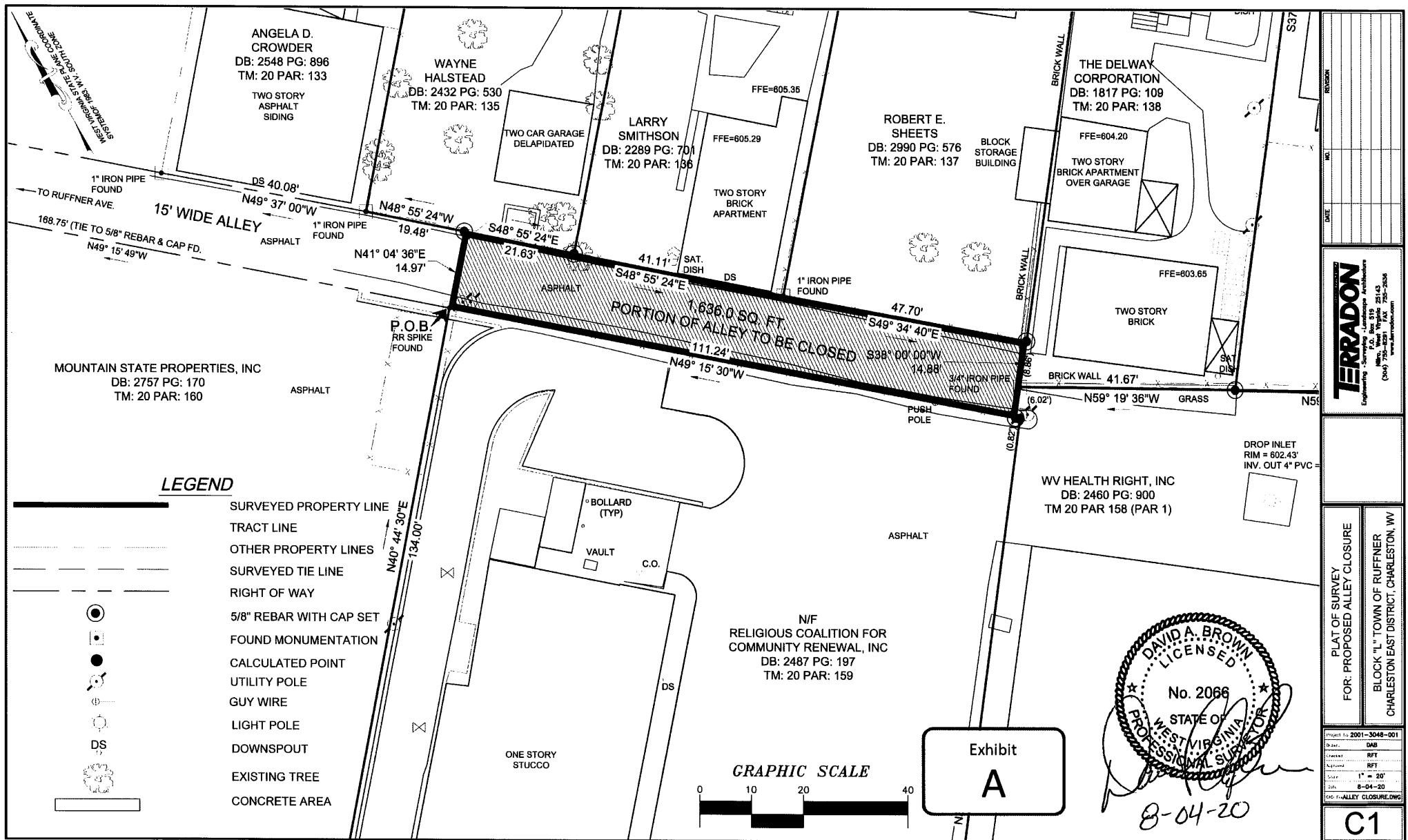
BE IT ORDAINED BY THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA:

1. Being a portion of a 15' wide alley, situated in Block L of the Town of Ruffner, Charleston East District, Kanawha County, WV, being further described as follow:

Beginning at a railroad spike found on the south side of a 15' wide alley, said point being the common corner to Mountain State Properties, INC (DB: 2757 PG: 170) and a tract of now or formerly Religious Coalition for Community Renewal, INC (DB: 2487 PG 197); thence with a new line through said alley N41°04'36"E 14.97' to a 5/8" rebar and cap set on the north line of said alley; thence with the north side of said alley for the following two courses and distances: S48°55'24"E, passing a 5/8" rebar and cap set at 21.63', in all 62.74' to a 1" iron pipe found; S49°34'40"E 47.70' to a 5/8" rebar and cap set at the existing easterly terminus of said alley; thence with the existing easterly terminus of said alley S38°00'00"W 14.88' to a 5/8" rebar and cap set on the southerly line of said alley; thence with the southerly line of said alley N49°15'30"W 111.24' to the place of the beginning, containing 1,636.0 square feet, more or less, as shown on a plat prepared by Terradon Corporation, dated August 4th, 2020, as surveyed by David A. Brown, WV Professional Surveyor No.2066, attached hereto and made a part hereof as Attachment A.

2. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to WV Health Right, Inc., and its successors and assigns, all right, title and interest in and to said property as described in Section 1 above, for the consideration of Nine Thousand Eight Hundred Dollars (\$9,800).

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



Rolston & Company

Real Estate • Appraisals • Sales • Consulting

405 Pennsylvania Avenue, Charleston, WV 25302

Telephone (304) 345-0500 • Fax (304) 345-4665

darrell@rolstonandcompany.com

August 12, 2020

Dr. Angie Settle, CEO
DNP, APRN, BC, FNP
WV Health Right, Inc.
1520 Washington Street, East
Charleston, WV 25311

Re: Alley Behind Religious Coalition for Community Renewal, Inc.
1516 Washington Street, East
Charleston, West Virginia

Dear Dr. Settle:

At your request, I personally inspected the above-captioned property for the purpose of estimating the market value. The date of the appraisal was August 12, 2020 and the rights appraised were the fee simple interest. Market value is defined in a specific section of this report.

The subject property is an alley containing 1,636 square feet located behind the Religious Coalition for Community Renewal, Inc.

The appraisal is based on the assumption there are no adverse environmental conditions affecting the property which would diminish the value as well as those additional assumptions set forth in the limiting conditions.

It is my opinion the indicated market value of the subject property is as follows:

Nine Thousand Eight Hundred Dollars
(\$9,800)

Attached to this letter of transmittal is the narrative appraisal report containing photographs, the limiting conditions, certification, and my appraisal qualifications.

Sincerely yours,

ROLSTON & COMPANY



Darrell Rolston
WV Appraisal License #CG035

Rolston & Company

CITY OF CHARLESTON
Payroll Variance Analysis
November 2020

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Mayor	409	Regular	22,538	22,538	0	0.00%	123,962	123,854	108	0.09%	293,000	169,146
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	3	Total	22,538	22,538	0	0.00%	123,962	123,854	108	0.09%	293,000	169,146
Actual	3											
Mayor - CARE Office	409-02	Regular	8,538	8,538	0	0.00%	50,738	46,854	3,885	7.66%	111,000	64,146
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	3	Total	8,538	8,538	0	0.00%	50,738	46,854	3,885	7.66%	111,000	64,146
Actual	2											
City Council	410	Regular	13,000	12,750	250	1.92%	71,500	63,750	7,750	10.84%	169,000	105,250
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	26	Total	13,000	12,750	250	1.92%	71,500	63,750	7,750	10.84%	169,000	105,250
Actual	26											
City Manager - Admin.	412-00	Regular	37,553	34,961	2,592	6.90%	206,543	179,521	27,022	13.08%	488,193	308,672
		IPT	1,500	3,150	(1,650)	-110.00%	1,500	14,225	(12,725)	-848.33%	19,500	5,275
		OT	-	-	-		-	-	-		-	-
Budget	7	Total	39,053	38,111	942	2.41%	208,043	193,746	14,297	6.87%	507,693	313,947
Actual	6											
City Treasurer	413	Regular	9,785	8,163	1,623	16.58%	53,820	44,337	9,483	17.62%	127,211	82,874
		IPT	692	600	92	13.33%	3,808	3,360	448	11.76%	9,000	5,640
		OT	-	-	-		-	-	-		-	-
Budget	3	Total	10,478	8,763	1,715	16.37%	57,628	47,697	9,931	17.23%	136,211	88,514
Actual	3											
City Collector	414	Regular	49,273	46,141	3,133	6.36%	271,003	242,817	28,186	10.40%	640,553	397,736
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	18	(18)		-	(18)
Budget	14	Total	49,273	46,141	3,133	6.36%	271,003	242,835	28,169	10.39%	640,553	397,718
Actual	12											
City Clerk	415	Regular	9,847	9,847	(0)	0.00%	54,160	54,052	108	0.20%	128,014	73,962
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	3	Total	9,847	9,847	(0)	0.00%	54,160	54,052	108	0.20%	128,014	73,962
Actual	3											
Municipal Court	416	Regular	22,375	21,472	903	4.04%	123,062	120,791	2,270	1.84%	290,873	170,082
		IPT	1,385	1,870	(485)	-35.06%	7,615	9,206	(1,591)	-20.89%	18,000	8,794
		OT	1,809	389	1,420	78.51%	9,951	5,192	4,759	47.83%	23,520	18,328
Budget	8	Total	25,569	23,730	1,838	7.19%	140,628	135,189	5,439	3.87%	332,393	197,204
Actual	7											

CITY OF CHARLESTON
Payroll Variance Analysis
November 2020

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
City Attorney	417	Regular	28,769	28,769	0	0.00%	158,231	157,961	269	0.17%	374,000	216,039
		IPT	-	-	-		-	-	-		-	-
Budget	5	OT	-	-	-		-	-	-		-	-
Actual	5	Total	28,769	28,769	0	0.00%	158,231	157,961	269	0.17%	374,000	216,039
Accounting	418	Regular	22,858	22,858	0	0.00%	125,720	125,665	56	0.04%	297,157	171,492
		IPT	-	-	-		-	-	-		-	-
Budget	5	OT	-	-	-		-	-	-		-	-
Actual	5	Total	22,858	22,858	0	0.00%	125,720	125,665	56	0.04%	297,157	171,492
Engineering - General	420-00	Regular	37,270	32,331	4,939	13.25%	204,983	173,896	31,087	15.17%	484,505	310,610
		IPT	-	-	-	#DIV/0!	-	-	-	#DIV/0!	-	-
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	6	Total	37,270	32,331	4,939	13.25%	204,983	173,896	31,087	15.17%	484,505	310,610
Engineering - Stormwater	420-01	Regular	10,250	10,250	0	0.00%	56,377	61,007	(4,630)	-8.21%	133,254	72,247
		IPT	-	-	-		-	-	-		-	-
Budget	2	OT	-	-	-		-	-	-		-	-
Actual	2	Total	10,250	10,250	0	0.00%	56,377	61,007	(4,630)	-8.21%	133,254	72,247
MOECD	421	Regular	31,406	26,899	4,507	14.35%	172,730	162,157	10,573	6.12%	408,272	246,115
		IPT	-	1,497	(1,497)		-	4,268	(4,268)		-	4,268
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	6	Total	31,406	28,396	3,010	9.58%	172,730	166,425	6,306	3.65%	408,272	250,382
Human Resources	422	Regular	30,867	27,067	3,801	12.31%	169,771	148,543	21,228	12.50%	401,277	252,734
		IPT	-	-	-		-	-	-		-	-
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	6	Total	30,867	27,067	3,801	12.31%	169,771	148,543	21,228	12.50%	401,277	252,734
Mail Room	431	Regular	2,626	2,626	0	0.01%	14,442	14,387	55	0.38%	34,136	19,749
		IPT	-	-	-		-	-	-		-	-
Budget	1	OT	-	-	-		-	-	-		-	-
Actual	1	Total	2,626	2,626	0	0.01%	14,442	14,387	55	0.38%	34,136	19,749
Building Commission	436	Regular	49,960	46,984	2,977	5.96%	274,781	268,941	5,840	2.13%	649,482	380,541
		IPT	-	-	-		-	-	-		-	-
Budget	13	OT	-	-	-		-	-	-		-	-
Actual	12	Total	49,960	46,984	2,977	5.96%	274,781	268,941	5,840	2.13%	649,482	380,541

CITY OF CHARLESTON
Payroll Variance Analysis
November 2020

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Planning	437	Regular	31,090	31,015	75	0.24%	170,995	160,900	10,096	5.90%	404,171	243,271
		IPT	-	-	-		-	-	-		-	-
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	7	Total	31,090	31,015	75	0.24%	170,995	160,900	10,096	5.90%	404,171	243,271
Information Systems	439	Regular	44,629	40,677	3,952	8.86%	245,460	223,239	22,222	9.05%	580,179	356,940
		IPT	-	-	-		-	-	-		-	-
Budget	10	OT	-	-	-		-	-	-		-	-
Actual	9	Total	44,629	40,677	3,952	8.86%	245,460	223,239	22,222	9.05%	580,179	356,940
General Services	440	Regular	32,035	32,330	(295)	-0.92%	176,193	182,585	(6,392)	-3.63%	416,455	233,870
		IPT	3,462	-	3,462	100.00%	19,038	3,443	15,596	81.92%	45,000	41,558
Budget	11	OT	5,040	1,910	3,130	62.10%	27,720	17,752	9,968	35.96%	65,520	47,768
Actual	11	Total	40,537	34,240	6,297	15.53%	222,951	203,779	19,172	8.60%	526,975	323,196
Constituent Services	442-01	Regular	13,467	6,510	6,958	51.66%	74,071	34,513	39,558	53.41%	121,207	86,694
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	2	Total	13,467	6,510	6,958	51.66%	74,071	34,513	39,558	53.41%	121,207	86,694
Morris Square Property	500	Regular	1,986	2,004	(18)	-0.92%	10,921	11,106	(185)	-1.70%	25,814	14,708
		IPT	-	-	-		-	-	-		-	-
Budget	1	OT	775	14	761	98.20%	4,265	158	4,106	96.29%	10,080	9,922
Actual	1	Total	2,761	2,018	743	26.91%	15,186	11,265	3,921	25.82%	35,894	24,629
Public Works	566	Regular	14,769	15,100	(331)	-2.24%	81,231	80,645	586	0.72%	192,000	111,355
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	70	(70)		-	1,111	(1,111)		-	(1,111)
Actual	3	Total	14,769	15,170	(400)	-2.71%	81,231	81,756	(525)	-0.65%	192,000	110,244
Public Grounds - Adm.	567-00	Regular	66,276	67,428	(1,152)	-1.74%	364,517	353,640	10,877	2.98%	861,586	507,946
		IPT	-	-	-		-	-	-		-	-
Budget	26	OT	1,938	119	1,820	93.88%	10,662	7,307	3,355	31.47%	25,200	17,893
Actual	26	Total	68,214	67,546	668	0.98%	375,179	360,946	14,232	3.79%	886,786	525,840

CITY OF CHARLESTON
Payroll Variance Analysis
November 2020

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Public Grounds - C/T	567-01	Regular	5,036	5,035	0	0.01%	27,696	27,586	110	0.40%	65,464	37,878
		IPT	-	-	-		-	-	-		-	-
Budget	2	OT	323	-	323	100.00%	1,777	502	1,275	-100.00%	4,200	3,698
Actual	2	Total	5,359	5,035	324	6.04%	29,473	28,088	1,385	4.70%	69,664	41,576
Police - Uniform	700-00	Regular	646,687	618,639	28,048	4.34%	3,556,779	3,315,802	240,978	6.78%	8,431,933	5,116,131
		OT	167,564	179,373	(11,809)	-7.05%	800,069	956,317	(156,248)	-19.53%	1,869,756	913,439
Budget	173	Reimb.	(1,923)	-	(1,923)	-100.00%	(10,577)	-	(10,577)	-100.00%	(25,000)	(25,000)
Actual	164	Total	812,328	798,012	14,316	1.76%	4,346,272	4,272,119	74,153	1.71%	10,276,689	6,004,570
Police - Civilian	700-01	Regular	68,230	69,565	(1,335)	-1.96%	375,266	372,793	2,474	0.66%	886,993	514,200
		IPT	3,846	2,550	1,296	33.70%	21,154	4,050	17,104	80.85%	50,000	45,950
Budget	24	OT	7,237	5,029	2,208	30.51%	39,803	34,858	4,945	12.42%	94,080	59,222
Actual	24	Total	79,313	77,144	2,169	2.74%	436,223	411,700	24,523	5.62%	1,031,073	619,373
Fire - Uniform	706-00	Regular	766,841	797,309	(30,468)	-3.97%	3,810,874	3,644,061	166,813	4.38%	9,031,847	5,387,786
		OT	109,669	120,977	(11,308)	-10.31%	590,039	670,458	(80,419)	-13.63%	1,413,691	743,233
Budget	169	Reimb.	(923)	-	(923)	-100.00%	(5,077)	(453)	(4,624)	-91.08%	(12,000)	(11,547)
Actual	164	Total	875,586	918,286	(42,700)	4.88%	4,395,836	4,314,066	81,770	1.86%	10,433,538	6,119,472
Fire - Civilian	706-01	Regular	6,874	7,233	(359)	-5.23%	37,804	39,548	(1,743)	-4.61%	89,356	49,808
		IPT	-	-	-		-	-	-		-	-
Budget	2	OT	-	-	-		-	-	-		-	-
Actual	2	Total	6,874	7,233	(359)	5.23%	37,804	39,548	(1,743)	4.61%	89,356	49,808
Traffic	712	Regular	30,462	31,489	(1,027)	-3.37%	167,539	178,937	(11,398)	-6.80%	396,001	217,064
		IPT	-	-	-		-	-	-		-	-
Budget	10	OT	905	311	594	65.67%	4,975	3,912	1,064	21.38%	11,760	7,848
Actual	10	Total	31,366	31,800	(433)	1.38%	172,514	182,849	(10,335)	5.99%	407,761	224,912
Emergency Services	716	Regular	6,438	-	6,438	100.00%	35,407	-	35,407	100.00%	83,689	83,689
		IPT	-	-	-		-	-	-		-	-
Budget	1	OT	-	-	-		-	-	-		-	-
Actual	0	Total	6,438	-	6,438	100.00%	35,407	-	35,407	100.00%	83,689	83,689
Street	750	Regular	181,190	164,744	16,446	9.08%	996,546	868,991	127,555	12.80%	2,355,472	1,486,481
		IPT	-	-	-		-	-	-		-	-
Budget	72	OT	13,846	4,032	9,814	70.88%	76,154	72,015	4,139	5.44%	252,000	179,985
Actual	67	Total	195,036	168,776	26,260	13.46%	1,072,700	941,006	131,694	12.28%	2,607,472	1,666,467

CITY OF CHARLESTON
Payroll Variance Analysis
November 2020

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Equipment Maintenance	754	Regular	54,806	54,420	386	0.70%	301,433	264,295	37,138	12.32%	712,477	448,182
		IPT	-	-	-		-	-	-		-	-
Budget	18	OT	4,200	1,282	2,918	69.48%	23,100	16,948	6,152	26.63%	54,600	37,652
Actual	18	Total	59,006	55,702	3,304	5.60%	324,533	281,243	43,290	13.34%	767,077	485,834
Refuse & Recycling	800	Regular	154,894	159,169	(4,275)	-2.76%	851,918	816,475	35,443	4.16%	2,013,624	1,197,149
		IPT	-	-	-		-	-	-		-	-
Budget	66	OT	18,092	4,209	13,884	76.74%	99,508	42,437	57,071	57.35%	235,200	192,763
Actual	64	Total	172,986	163,378	9,609	5.55%	951,426	858,912	92,514	9.72%	2,248,824	1,389,912
Parks & Recreation	900	Regular	92,979	75,013	17,965	19.32%	511,383	410,819	100,563	19.67%	1,208,723	797,904
		IPT	5,600	-	5,600	100.00%	156,800	-	156,800	100.00%	280,000	280,000
Budget	31	OT	4,135	497	3,638	87.98%	22,745	2,021	20,723	91.11%	53,760	51,739
Actual	26	Total	102,714	75,510	27,204	26.48%	690,927	412,841	278,087	40.25%	1,542,483	1,129,642
Public Arts	906	Regular	4,000	4,000	-	0.00%	22,000	21,946	54	0.24%	52,000	30,054
		IPT	-	-	-		-	-	-		-	-
Budget	1	OT	-	-	-		-	-	-		-	-
Actual	1	Total	4,000	4,000	-	0.00%	22,000	21,946	54	0.24%	52,000	30,054
Municipal Auditorium	910	Regular	7,900	616	7,284	92.20%	43,448	17,276	26,171	60.24%	102,695	85,419
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	308	-	308	100.00%	1,692	6	1,687	99.66%	4,000	3,994
Actual	0	Total	8,207	616	7,591	92.50%	45,140	17,282	27,858	61.71%	106,695	89,413
Spring Hill Cemetery	952	Regular	23,724	24,006	(282)	-1.19%	130,482	120,398	10,084	7.73%	308,413	188,015
		IPT	11,625	4,291	7,334	63.09%	58,125	23,963	34,162	58.77%	62,000	38,037
Budget	8	OT	775	230	545	70.32%	4,265	6,164	(1,899)	-44.53%	10,080	3,916
Actual	6	Total	36,124	28,527	7,597	21.03%	192,872	150,525	42,347	21.96%	380,493	229,968
General Fund		Regular	2,641,229	2,568,496	72,733	2.75%	14,123,787	13,134,087	989,700	7.01%	33,370,026	20,235,939
		IPT	28,110	13,958	14,152	50.35%	268,040	62,514	205,526	76.68%	483,500	429,521
		OT	336,618	318,440	18,177	5.40%	1,716,724	1,837,174	(120,450)	-7.02%	4,127,447	2,290,273
Budget	755	Reimb.	(2,846)	-	(2,846)	-100.00%	(15,654)	(453)	(15,201)	-97.11%	(37,000)	(36,547)
Actual	712	Total	3,003,111	2,900,893	102,217	3.40%	16,092,897	15,033,322	1,059,575	6.58%	37,943,973	22,919,186

CITY OF CHARLESTON
Payroll Variance Analysis
November 2020

Department		Type	Current Month				Year To Date				Annual			
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available		
Coliseum & Conv. Center		402	Regular	75,476	51,512	23,963	31.75%	415,116	314,481	100,636	24.24%	981,184	666,703	
			IPT	21,923	5,956	15,967	72.83%	120,577	5,956	114,621	95.06%	285,000	279,044	
Budget		25	OT	3,077	544	2,533	82.31%	16,923	626	16,297	96.30%	40,000	39,374	
Actual		12	Total	100,476	58,012	42,463	42.26%	552,616	321,063	231,553	41.90%	1,306,184	985,121	
Parking System		406	Regular	54,579	45,963	8,615	15.78%	300,182	248,128	52,054	17.34%	709,521	461,393	
			IPT	3,923	2,456	1,467	37.40%	21,577	11,531	10,046	46.56%	51,000	39,469	
Budget		20	OT	1,292	25	1,267	98.08%	7,108	1,229	5,878	82.70%	16,800	15,571	
Actual		17	Total	59,794	48,444	11,350	18.98%	328,867	260,888	67,978	20.67%	777,321	516,433	
Total		Regular	2,771,283	2,665,971	105,312	3.80%	14,839,085	13,696,696	1,142,389	7.70%	35,060,731	21,364,035		
		IPT	53,956	22,369	31,586	58.54%	410,194	80,001	330,193	80.50%	819,500	739,499		
		OT	340,987	319,009	21,978	6.45%	1,740,755	1,839,030	(98,275)	-5.65%	4,184,247	2,345,217		
		Budget	800	Reimb.	(2,846)	-	(2,846)	100.00%	(15,654)	(453)	(15,201)	97.11%	(37,000)	(36,547)
		Actual	741	Total	3,163,380	3,007,350	156,030	4.93%	16,974,380	15,615,274	1,359,106	8.01%	40,027,478	24,412,204

Vacancy Report:

CARE Office	1
City Manager	1
City Collector	2
Municipal Court	1
Engineering	1
MOECD	1
Human Resources	1
Building Commission	1
Information Systems	1
Constituent Services	1
Public Works (all)	7
Police - Uniform	9
Fire - Uniform	5
Homeland Security	1
Parks & Rec	5
Municipal Auditorium	3
Spring Hill Cemetery	2
Total General Fund	43
CCCC	13
Parking System	3
Total All	59

**MUNICIPAL COURT
CITY OF CHARLESTON**

**Post Office Box 2749
Charleston, West Virginia 25330
(304) 348-8079**

Anne B. Charnock, Judge

Conrad Lucas, Clerk

TO: Mayor Amy Shuler Goodwin
FROM: Conrad Lucas, Clerk
DATE: **Thursday December 3rd, 2020**
RE: **November 2020** Financial Information, Charleston Municipal Court

TOTAL CITATIONS FILED: 671

Criminal Violations: 107
Traffic Violations: 564
Parking: 0
Building Search Warrants: 0

RESTITUTION COLLECTED (paid to victims): \$70.00

Primarily related to shoplifting cases, restitution monies are collected and refunded to the store/victim.

FINANCIAL REPORT ATTACHED

cc: Judge Anne B. Charnock
Miles Cary, City Clerk
Victor Grigoraci, Treasurer
Scott Dempsey, Deputy Chief of Police
Tony Harmon, Building Department
David Potters, Office of the City Attorney
Captain Mark Abbott, CPD
Nikki Smith, City Clerk's Office

Violations by Filed Date...

TRAFFIC	564	
CRIMINAL	107	
Total Filed Violations		671

Completed Cases...

Paid Fine...

TRAFFIC	141	
CRIMINAL	5	
Total Paid Fines		146

Before Judge...

TRAFFIC	5	
CRIMINAL	0	
Total Before Judge		5

Total Completed		151
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Other Completed...

DEFENDANT DECEASED

TRAFFIC	3	
CRIMINAL	138	
Total		141

DISMISSED OFFICER FAIL TO PROS

TRAFFIC	7	
CRIMINAL	1	
Total		8

DISMISSED (PRESENTED INSURANCE)

TRAFFIC	23	
CRIMINAL	0	
Total		23

DISMISSED E-PROOF

TRAFFIC	3	
CRIMINAL	0	
Total		3

DISMISSED (PRESENTED DL)

TRAFFIC	3	
CRIMINAL	0	
Total		3

DISMISSED STORE CLOSED

TRAFFIC	0	
CRIMINAL	3	

Total 3

DISMISSED (PROSECUTOR'S ORDER)

TRAFFIC	27	
CRIMINAL	2	
Total		29

Dismissed at Officers Request

TRAFFIC	1	
CRIMINAL	0	
Total		1

DISMISSED PRESENTED RECORDS

TRAFFIC	28	
CRIMINAL	0	
Total		28

DISMISSED AFTER PT DIVERSION

TRAFFIC	2	
CRIMINAL	3	
Total		5

Dismissed Pursuant to Plea

TRAFFIC	6	
CRIMINAL	0	
Total		6

DISMISSED WITHOUT PREJUDICE

TRAFFIC	43	
CRIMINAL	15	
Total		58

Total Other Completed 308

Grand Total Completed 459

Net Difference Filed/Complete 212

Warrants...

Issued...

TRAFFIC	209	
CRIMINAL	217	
Total Violations		426
Total Warrants Issued		426

Cleared...

TRAFFIC	189	
CRIMINAL	195	
Total Violations		384
Total Warrants Cleared		384

Change in Total Warrants 42

Other Paid Cases...

Paid Fine...

Total Other Paid Fines

60

FINE FINE	\$14,065.00
CVC CRIME VICTIM'S FUND	\$1,168.00
LAWFND LAW ENFORCE. TRAIN STATE	\$1,623.00
LAWLOC LAW ENFORCE. TRAIN (LOCAL)	\$700.00
ADMIN ADMINISTRATIVE COST	\$306.00
JAILF REGIONAL JAIL CORR.	\$5,911.00
CCF COMMUNITY CORRECTIONS FUND	\$120.00
OP OVER PAYMENT	\$35.00
PCADM PC ADMIN FEE	\$125.00
REST RESTITUTION	\$70.00
Total Fees/Fines Paid	\$24,123.00

Monthly Report – Definition Key

Violations by Filed Date:

Violations keyed into the Court software during the month

Completed Cases:

Cases where the fine and court costs were paid in full and the case was closed during the month.

Before Judge:

Number of violations where a case set for trial before the judge; the defendant was found guilty or entered a guilty plea at trial and the defendant paid off all costs/fines in full thereby closing the case.

Other Completed -Dismissed (By Complainant):

The City Attorney moved to dismiss cases because the person who filed the complaint no longer wishes to pursue the charges.

Defendant Deceased:

Cases dismissed because the defendant died.

Dismissed Officer Fail to Pros:

Cases dismissed because the officer failed to appear in Court.

Dismissed (presented insurance):

Cases dismissed because the defendant presented valid proof of insurance for the offense date.

Dismissed (presented DL):

Cases dismissed because the defendant presented a valid driver's license.

Dismissed Mistaken Identity:

Cases dismissed cases on the City Attorney's motion due to mistaken identity.

Dismissed (Prosecutor's Order):

Cases dismissed on the City Attorney's motion or as a result of a plea agreement.

Dismissed Presented Records:

Cases dismissed because the defendant presented records to satisfy a code or Court requirement.

Dismissed After PT Diversion:

Cases dismissed because the defendant entered into a Pre-Trial Diversion agreement with the City and satisfied the requirements of the Pre-Trial Diversion.

Dismissed Victim/Witness FTA:

Cases dismissed because the witness or victim did not appear in Court for trial.

Dismissed without prejudice:

Cases dismissed but the City having the option to re-file the case within one (1) year of the date of the offense.

Dismissed No Drug Results:

Drug results were not received for trial.

Dismissed – Officer Not With City

Officer/Witness is no long employed by the City.

Warrants

The Court issues warrants for Failure to Appear in Court for court sessions. These warrants are printed and copied to the CPD Warrants Division.

Cleared:

The Court clears warrants once the warrant is served by an officer or when a defendant self reports to the Court. The Court also clears warrants if a person is deceased, posts bond and or, in some cases, enters a plea.

Other Paid Cases:

The Court received a partial payment for a case; however, the defendant still has a balance due.

Search Warrant Issued:

A search warrant document was prepared and presented to the court by the City Attorney's office with regard to safety and public health concerns of a structure/property.

This report is not indicative of the case volume in Municipal Court. Rather, this information reflects payment status/coding for cases.

1 **Bill No.7888**

2 Passed by Council:

3 Introduced in Council

4 **December 7, 2020**

5
6 Introduced by:

Referred to

7 **Pat Jones**

Planning, Streets and Traffic

8
9
10 **Bill No. 7888** - A Bill to establish a no parking zone on the westside of 24th Street West
11 from a point 83 feet south of 7th Avenue West to a point 123 feet south of 7th Avenue
12 West where 24th Street Wests intersects with an unnamed alley and amending the
13 Traffic Control Map and Traffic Control File, established by the code of the City of
14 Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section
15 263, Division 2, Article 4, Chapter 114, to conform therewith.

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

17 Section 1. A Bill to establish a no parking zone on the west side of 24th Street West from
18 a point 83 feet south of 7th Avenue West to a point 123 feet south of 7th Avenue West
19 where 24th Street Wests intersects with an unnamed alley

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

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



PLANNING, STREETS AND TRAFFIC COMMITTEE

Mary Beth Hoover, Chair

COMMITTEE REPORT

To: Miles Carey, City Clerk

From: Council's Committee on Planning, Streets and Traffic

Date: October 26, 2020

Subject: Bill No. 7885

The Committee on Planning, Streets, and Traffic had under consideration Bill #7885 attached hereto and made a part thereof.

The Committee finds:

1. The rezoning is consistent with the future land use map which designates this property as "Mixed Use Corridor".
2. Rezoning will remove the presence of two zoning districts on the site making reuse and redevelopment easier.
3. Stemming population loss through the development of new, affordable housing will foster vitality in a core neighborhood of Charleston.

and reports the same to Council with the recommendation that the Bill do pass as a committee substitute.

Mary Beth Hoover – VIA Zoom
Chair

Naomi Bays – VIA Zoom
Becky Ceperley – VIA Zoom
Will Laird – VIA Zoom
Adam Knauff – VIA Zoom
Chad Robinson – VIA Zoom
Sam Minardi – VIA Zoom

Bill No. 7885 Committee Substitute

Introduced in Council

Passed by Council

October 5, 2020

Introduced by

Referred to

Mary Beth Hoover

**Municipal Planning Commission
Planning, Streets, and Traffic**

Bill No. 7885 Committee Substitute - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of November, 2005, as amended, and the map made a part thereof, by rezoning from a C-8 district to a C-10 district, that certain strip, lots or parcels of land located at 1625 7th Avenue, ~~Kanawha City~~, in the City of Charleston, Kanawha County, State of West Virginia, currently or formerly owned by Mountain Mission Inc., a West Virginia nonprofit corporation.

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

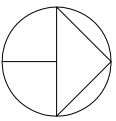
1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 21st day of November, 2005, as amended, is hereby amended by rezoning from a C-8 district to a C-10 district the whole of the following described strip, lots or parcels of land:

All of that certain lot or parcel of land, together with the improvements thereon and the appurtenances thereunto belonging, ~~situate in Kanawha City~~, in the City of Charleston, Kanawha County, West Virginia, on the south side of 1600-block of 7th Avenue, west of Mission Hollow and being more particularly shown on the attached EXHIBIT A and described as:

Being Tax Parcels 288, 290-293, 298, 299, 301, & 302, Charleston, West Virginia.as shown on Charleston West District 12, Tax Map No. 10. Said tax map is of record in, and used as zoning map sectionals by, the City Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are hereby repealed to the extent of said inconsistency.



REZONING FROM C-8 TO C-10

STAFF
EXHIBIT

