



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, December 7, 2020

at 7:00 P.M.

* – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER*

The Council met at 7:00 P.M., for the first meeting in the month of December on the 7th day, in the year 2020, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Corporal Greg Daniels and the Pledge of Allegiance was led by Mayor Goodwin. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS	BAILEY	BAYS
BURTON	CAMPBELL	CEPERLEY
COOK	FAEGRE	HAAS
HOOVER	JENKINS	JONES
KING	KNAUFF	LAIRD
MCKINNEY	MINARDI	OVERSTREET
PERSINGER	PHARR	REISHMAN
ROBINSON	SHEETS	SNODGRASS
STEELE	WESLEY-PLEAR	MAYOR GOODWIN

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

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

*In response to the COVID-19 pandemic, the meeting of Council was conducted electronically. The City Clerk and Mayor Goodwin were physically present, while the remaining members of Council attended via conference call. The meeting was made available to the public as a live stream via Zoom and CivicClerk (per the agenda).

PUBLIC SPEAKERS

Before the public speakers were announced, Mayor Goodwin stated that Councilmember Snodgrass raised a concern that since moving to the Zoom platform for council meetings, we have allowed public speakers to sign up between 3pm and 6pm by phone, rather than 15 minutes before the meeting and in person as stated in Council Rules. This change was made by the Clerk's Office for logistical purposes and to ensure the public had an ability to speak during these extraordinary times. The change was clearly posted on each council meeting agenda. Are there any objections to continuing to allow the public to sign up as speakers in advance and by phone for City Council virtual meetings? Hearing none, the Clerk's Office will continue this practice.

1. Ruth Tracy – against SOAR.
2. Jeanette Karnes – against SOAR.
3. Becky Francke – against SOAR.

CLAIMS

1. A claim of Mount Calvary Baptist Church, Charleston, WV;
alleges damage to property.
Refer to City Solicitor.
2. A claim of Michelle H. McKinney, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor.
3. A claim of Benjamin James Agsten, Charleston, WV;
alleges damage to vehicle.
Refer to City Solicitor.

PROCLAMATIONS

NONE

COMMUNICATIONS

1.

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: 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

Councilmember Ceperley moved to approve the communication. Councilmember Hoover seconded. By unanimous vote, the communication was approved.

2.

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

Received and Filed

PUBLIC HEARING

1. After duly being published as required, the Mayor declared the floor open for a Public Hearing on 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. No person from the public spoke in reference to the Public Hearing. The Mayor declared the Public Hearing CLOSED.

REPORTS OF COMMITTEES**COMMITTEE ON PLANNING, STREETS AND TRAFFIC**

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

1. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7883 do pass.

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.

Councilmember Hoover added that the bill will shorten a dead-end alley. There are no utilities in the alley. The surrounding property is already owned by Health Right, so this will enable and help them with their expansion. The approved cost is Nine Thousand Eight Hundred Dollars (\$9,800), and will be referred to the Finance Committee for final approval.

Mayor Goodwin referred Bill No. 7883 to the Finance Committee for final vote later as reflected on the agenda.

2. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7886 do pass.

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	1 per public entrance	2 sq ft	NA	NA

Signplates				
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	<u>NA</u>
<u>Blade Sign</u>	<u>1per public street front entrance</u>	<u>6 sq.ft.</u>	<u>NA</u>	<u>NA</u>
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	4 sq ft	NA	NA

	entrance			
<u>Blade Sign</u>	<u>1per public street front entrance</u>	<u>6 sq.ft.</u>	<u>NA</u>	<u>NA</u>
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
<u>Blade Sign</u>	<u>1per public street front entrance</u>	<u>6 sq.ft.</u>	<u>NA</u>	<u>NA</u>
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
<u>Blade Sign</u>	<u>1per public street front entrance</u>	<u>6 sq.ft.</u>	<u>NA</u>	<u>NA</u>
Wall, Awning,	No maximum	1.5 sq ft per linear	NA	NA

Canopy, Projecting, or Marquee Signs		ft of building frontage		
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	<u>1per public street front entrance</u>	<u>6 sq.ft.</u>	<u>NA</u>	<u>NA</u>
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	1 per building	100 sq ft	18 ft	NA

(when in compliance with section 22-080-05)				
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.

Councilmember Hoover added that the bill is expanding the City's sign ordinance and allowing for blade signs to be larger depending on the size of the building. The bill also takes into consideration ADA regulations.

Councilmember Steele added that she is excited about the bill as a business owner, and has heard positive endorsements from other business owners.

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

YEAS: Adams, Bays, Bailey, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7886 passed.

COMMITTEE ON URBAN RENEWAL AND ECONOMIC DEVELOPMENT

Councilmember Burton, Chair of the Council Committee on Urban Renewal and Economic Development, submitted the following reports:

1. Your committee on Urban Renewal and Economic Development has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7887 Committee Substitute do pass.

Bill No. 7887 Committee Substitute - A BILL to amend and reenact Sections 18-611, 18-613, 18-631, 18-632, 18-633, and 18-634 of the Municipal Code of the City of Charleston, as amended; to amend and reenact Sections 18-1031, 18-1032, 18-1033, 18-1034, 18-1035, 18-1036, and 18-1037 of said Code; to amend said Code by adding thereto five new sections, designated Sections 18-1038, 18-1039, 18-1040, 18-1041, and 18-1042; to amend and re-enact Section 18-1061 of said Code; to amend said Code by repealing Sections 18-1062, 18-1063, 18-1064, and 18-1065; to amend said Code by adding thereto a new section, designated Section 18-1081, within a newly created Division 3 of Article XXII, Chapter 18; and to amend and re-enact Section 110-63 of said Code, 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.

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

WHEREAS, the City of Charleston needs uniform taxation obligations and licensing requirements for all street vendors and itinerant vendors doing business within the City;

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

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

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

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

WHEREAS, the City of Charleston finds it in the best interest of the public to authorize 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 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.

Any Street Vendor whose permit 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. 18-1041. Compliance with federal, state and local laws and regulations.

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

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

(c) All Street Vendors are responsible for complying with all taxation and fee 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 and the City Service Fee as imposed in Section 2-737. However, the taxation and fee requirements for Street Vendors shall be on an annual filing basis for the entire calendar year on forms prescribed by the City Collector, rather than by quarterly filing. Failure to properly file the required annual tax return will result in the withholding or suspension of a Street Vendor license and permit.

Sec. 18-1042. Penalty.

In addition to any penalties or sanctions provided in this Article, the violation of any requirement of this Article shall constitute an offense punishable by a civil penalty not to exceed \$500.00 for each offense. Each day of violation shall be considered a separate offense. Any person assessed such a civil penalty shall have the right to appeal the civil penalty to the municipal court by posting bond equivalent to the penalty with the municipal 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 Vehicle.

(e) A Street Vendor operating a Mobilized Vending Vehicle 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 Mobilized Vending Vehicles 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 Mobilized Vending Vehicle 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 Mobilized Vending Vehicle be permitted to remain on any approved public right-of-way between the hours of 4 a.m. and 6 a.m. unless parked in conformance with all applicable parking and traffic regulations.

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

(h) A Mobilized Vending Vehicle 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.

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

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

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

(l) Street Vendors shall obey any lawful order of a police officer to move a Mobilized

Vending Vehicle 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 the abatement of a nuisance.

(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.

Councilmember Jenkins requested unanimous consent that Bill No. 7887 Committee Substitute be referred to the Finance Committee for further consideration as the bill contains a B&O tax exemption for street vendors.

Hearing no objections, Mayor Goodwin referred Bill No. 7887 Committee Substitute to the Finance Committee.

COMMITTEE ON FINANCE

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

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 403-20 do pass.

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.

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

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

Councilmember Jenkins added that the current pandemic has caused the cessation of concerts, conferences, etc. The Board has tried to cut as many costs as possible given the current situation. They enacted two (2) waves of furloughs impacting twelve (12) employees. The proposed budget amendment has new estimated revenues. Despite a hopeful projection of revenue for Spring of 2021, the Convention Center still needs approximately \$1 million to keep it operating.

Councilmember Snodgrass requested a roll call for all Finance items.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bays, Bailey, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 403-20 passed.

**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

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 402-20 do pass.

Resolution No. 402-20 - Authorizing approval of Amendment No. 6 of the FY 2020-2021 General Fund Budget as indicated on the attached list of accounts.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That Amendment No. 6 of the FY 2020-2021 General Fund Budget as indicated on the attached list of accounts is approved.

Councilmember Jenkins added that the substantial budget amendment is related mainly to the CARES Act funds that the City has received due to the pandemic. Initially, those funds went to the reimbursement of payroll expenses for essential workers as well as related PPE expenses. Councilmember Jenkins stated that these funds give the budget a substantial 'windfall.' Although it is not clear what will happen in the future, the hope is that there will be funds leftover that can be used once everything has returned to normal. The City is taking a conservative approach that will set these funds aside in case something else happens that would again decrease revenue. Councilmember Jenkins added that \$11 million will go to the Municipal Stabilization Fund (Rainy Day Fund). Approximately \$970,000 will go to the Building Commission for the demolition of abandoned homes, which is approximately one hundred (100) houses. IT Infrastructure will receive funds to help update the system of the City Collector's Office. Approximately \$750,00 will go to the Business and Economic Incentives Fund that can be used for the Small Business Grants. \$1 million will go to the Coliseum and Convention Center as previously mentioned. Councilmember Jenkins added that the amendment is a prudent, conservative approach given the current uncertainties.

Councilmember Snodgrass thanked the Administration for reaching out to Councilmembers to discuss the amendment. Additionally, it is a good fiscally conservative plan. Councilmember Snodgrass confirmed with City Manager, Jonathan Storage, that any funds removed from the Municipal Stabilization Fund (Rainy Day Fund) would have to be first approved by Council. Councilmember Snodgrass added that improvements to Police facilities are long overdue.

Councilmember Knauff thanked the Administration and Finance Committee for looking into updated software for the City Collector's Office as it is an economic development driver.

Councilmember Faegre confirmed that \$15 million is the unassigned balance from the last fiscal year's budget and \$11 million (received from the State and City savings) will be going to the Rainy Day Fund. Councilmember Faegre confirmed with Storage that the money will be in an interest-

bearing account.

Councilmember Persinger confirmed with Storage that the CARES Act money is a loan as opposed to a grant, where the money was spent and was received as a reimbursement.

Councilmember Laird clarified with Storage that the Cares act money is not being put into the Rainy Day Fund as it has already been spent, and that what is being transferred is an accumulation that the City has saved because of being able to use CARES Act money as well as various reduced spending measures.

Councilmember Jenkins added that the packet shows where the actual fiscal year 2020 had changed, reflecting the amendment. The excess surplus is because of the CARES Act Funding and the delay of various purchases.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bays, Bailey, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 402-20 passed.

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 Relief Fund through the State.			

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

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Bill No. 7883-20 do pass.

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.

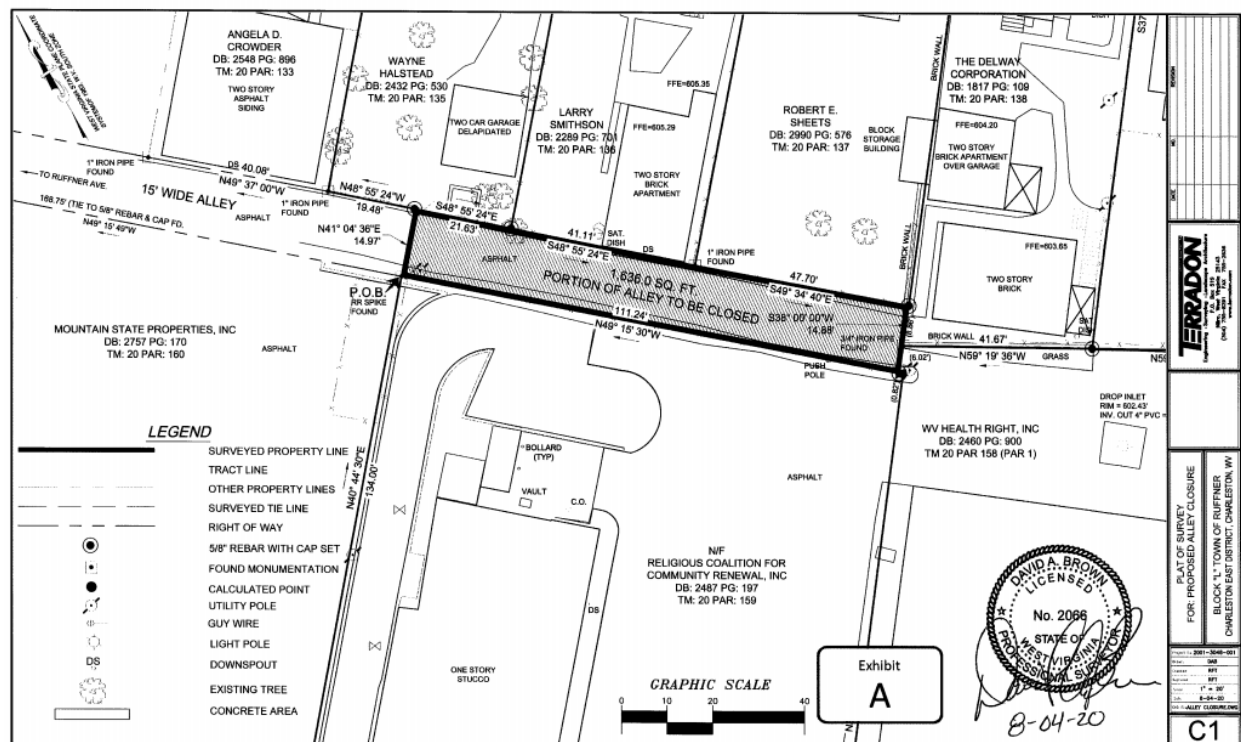
BE IT ORDAINED BY THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA:

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.

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7883 adopted.



REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending November 2020.
Received and Filed
2. Report of the City of Charleston Payroll Variance Analysis; November 2020.
Received and Filed

NEW BILLS

Introduced by Councilmember Pat Jones

November 7, 2020:

Bill No. 7888 – A Bill to establish a no parking zone on the westside of 24th Street West from a point 83 feet south of 7th Avenue West to a point 123 feet south of 7th Avenue West where 24th Street Wests intersects with an unnamed alley.

Refer to Planning, Streets and Traffic Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Ceperley asked for unanimous consent to bring Bill No. 7885 Committee Substitute back to the floor. There were no objections.

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.

Councilmember Hoover added that a month ago, the bill was discussed during Council and tabled. The bill concerns a +55-housing facility on the 1600 block of 7th Avenue that needed to be re-zoned to allow the facility to go from forty (4) units to forty-three (43). On December 1, 2020, there was a meeting at Mountain Mission with Councilmembers Hoover, Adams, Overstreet, Faegre, Jones and Wesley-Plear present. They and others present were given a presentation as to the intent of the property, etc.

Councilmember Wesley-Plear added that she appreciated that Mountain Mission as well as representatives from the Planning Department gave their presentation and answered their questions.

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

YEAS: Adams, Bays, Bailey, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7885 Committee Substitute adopted.

2. Mayor Goodwin added that the past week has been devastating and challenging for the City and its residents. Mayor Goodwin thanked Councilmembers for reaching out.
3. Councilmember Jenkins thanked everyone across the City, State, Nation and the Police Academy's Alumni Association for the outpouring of support, adding that it is a testament to the City's Police Officers.
4. Councilmember Snodgrass expressed her condolences. Councilmember Snodgrass stated

On Friday, December 3, 2020, I received a call from Lieutenant Jamie Nolan with the Charleston Police Department. He, along with the other officers in D-Shift, of which Cassie was a member, requested to initiate for creating an honorary naming of Garrison Avenue for Patrolman Cassie Johnson. Lieutenant Nolan informed me that Patrolman Johnson not only grew up in and around Garrison Avenue, she protected this area as part of her patrol area and part of D-Shift. Patrolman Johnson gave the ultimate sacrifice in the line of duty by being shot and ultimately killed by continuing her dedication in keeping Charleston safe. I respectfully ask that we initiate the honorary renaming of Garrison Avenue to reflect Patrolman Cassie Johnson. Please accept this narrative along with the application and check to begin the process. I am available to assist in any manner. I would also like request that all members of D-Shift and all members Council have the opportunity to sign and be part of this resolution when it is appropriate and timely. Thank you to thank Lieutenant Jamie Nolan and D-Shift for allowing me to assist in achieving their request to honor their fallen sister as part of the CPD Shift.

ADJOURNMENT

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

YEAS: Adams, Bays, Bailey, Burton, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Knauff, Laird, McKinney, Minardi, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: NONE

At 8:10 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, December 21, 2020, at 7:00 p.m., in the Council Chambers in City Hall or electronically as needed.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk