

CHARLESTON CITY COUNCIL

Regular Meeting

January 19, 2021

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/84014576594?pwd=WUJFUUFYrMkZvelJELzJVSGljUXQrQT09>

Passcode: 336813

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

Webinar ID: 840 1457 6594

***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 JANUARY 19, 2021 FROM 3:00-6:00 P.M. FIVE (5) SPEAKERS WILL BE PERMITTED (RULE NO. 22 (B)). 304-348-8179.**
2. Claims 1-19-2021

PROCLAMATIONS

1. 1-19-2021

COMMUNICATIONS

1. 1-19-2021

REPORTS OF STANDING COMMITTEES

ORDINANCE AND RULES

1. Resolution No. 416-21 - Amending the Rules of Council to clarify the orders of business and further address the proceedings during extraordinary circumstances that require an electronic, rather than in-person, meeting with respect to public speakers speaking before Council

PUBLIC SAFETY

1. Resolution No. 418-21 - Authorizing the Chief of Police and the Charleston Police Department to enter into a Memorandum of Understanding with the United States Marshals Service
2. Bill No. 7889 – A BILL to amend the Code of the City of Charleston relating to prohibiting standing, congregating and obstructing the flow of traffic near an inherently dangerous intersection or highway and declaring halting or obstructing the flow of vehicular traffic a nuisance

FINANCE

1. Resolution No. 414-21 - Authorizing the Finance Director to amend the 2019 Community Development Block Grant CV budget
2. Resolution No. 417-21 – Authorizing the Finance Director to establish a propriety fund that accounts for revenues received from various granting agencies for the benefit of the Charleston Coliseum and Convention Center and including, but not limited to, any expenses or actions necessary as a result of the significant revenue reduction caused by COVID-19 pandemic

REPORTS OF OFFICERS

1. 1-19-2021

NEW BILLS

1. 1-19-2021

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

REMARKS BY MEMBERS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD FEBRUARY 1 , 2021 AT 7:00 P.M.



AFFIDAVIT
Charleston Sanitary Board



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,
Brandon Lee Smith, Claimant,
who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 150 Bethlawn Drive Charleston WV 25309

Telephone Number: 304-421-5505

and that on the Dec day of 26th, 2019/2020, at approximately 9:AM am/pm
in the City of Charleston, West Virginia, he/she sustained

Backed up Sewer main in my finished basement

Nature Of Injury And/Or Damage

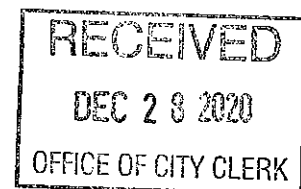
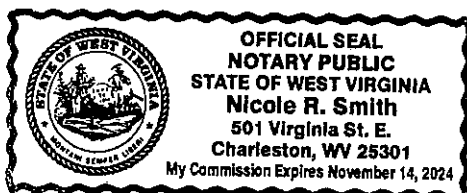
As A Result Of: Destroying flooring, tile, personal items

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

Brandon Smith
Signature of Claimant

Taken, subscribed and sworn to before me this 28th day of December, 2020.
My commission expires November 14, 2024.

[Signature]
Notary Public



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: SPRING HILL CEMETERY PARK COMMISSION

DATE: JANUARY 19, 2021



I recommend Nina R. Peyton be appointed to the Spring Hill Cemetery Park Commission, with an initial term to expire April 6, 2023. She is filling a vacant seat opened by the resignation of Richard Cooke.

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

ASG/mls

Resolution No. 416-21

Introduced in Council:

January 19, 2021

Adopted by Council:

Introduced by:

Chad Robinson

Referred to:

Ordinance and Rules

Resolution No. 416-21 - Amending the Rules of Council to clarify the orders of business and further address the proceedings during extraordinary circumstances that require an electronic, rather than in-person, meeting with respect to public speakers speaking before Council.

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

That Rule No. 4 and Rule No. 22 of the Rules of Council be amended to read as follows:

Rule No. 4. - Order of business at regular meetings; special order of business.

(a) The order of business for each regular meeting shall be:

(1) Roll call.

(2) To read, correct and approve of the minutes of previous meetings.

(3) To hear from public speakers pursuant to Rule No. 22.

~~(3)~~ (4) To receive and dispose of communications.

~~(4)~~ (5) To receive and dispose of petitions.

~~(5)~~ (6) To receive and dispose of resolutions.

~~(6)~~ (7) To receive reports of standing committees and act thereon.

~~(7)~~ (8) To receive reports of select committees and act thereon.

~~(8)~~ (9) To receive reports of city officials.

~~(9)~~ (10) Bills introduced and referred to the appropriate committees.

~~(10)~~ (11) Unfinished business and miscellaneous matters.

~~(11)~~ (12) Remarks by members.

~~(12)~~ (13) Roll call.

~~(13)~~ (14) Adjournment.

(b) The presiding officer may order any question a special order of business irrespective of the order of business set forth in subsection (a).

Rule No. 22. - Members of the public speaking before city council.

(a) A member of council may ask the floor for a member of the public to speak before council, which said motion is nondebatable. Upon such request, the presiding

1 officer shall inquire of the councilmember the subject matter of the inquiry and ask
2 council if there is any objection to the person speaking, and, if an objection is raised,
3 then council, by majority vote, shall determine whether or not the person shall be
4 allowed to address council. Any person addressing council shall be allowed no more
5 than five minutes to make remarks, unless by unanimous consent council allows a
6 longer period of time.

7 (b) A maximum of ten minutes shall be set aside at the outset of each meeting of
8 the council to permit members of the public, without leave of council, to address the
9 council on any matter pertaining to the city's business. Any member of the public
10 wishing to address the council shall first register with the clerk of the city council, or the
11 clerk's designated representative for such purpose, in the council's chambers not earlier
12 than 15 minutes before the beginning of each meeting setting forth his or her name, the
13 group, if any, on whose behalf he or she wishes to speak, and the subject matter which
14 he or she wishes to address: Provided, That if the presiding officer exercises the
15 authority contained in rule 1(c) to hold a meeting electronically, then the City Clerk may
16 provide for an extended and different period of time and manner for public speakers to
17 sign up that will allow for an efficient meeting of Council and create ample opportunity
18 for the public to participate, as long as that period of time and manner are included on
19 the publicly posted agenda for the meeting. If more than one person registers to
20 address council, such persons shall be allocated time on a prorated basis, and shall be
21 permitted to speak only for the time allotted. In no event shall more than five people be
22 permitted to address the council under this rule 22(b). Nothing in this rule 22(b) shall
23 affect the ability of a member of council to request that a member of the public be
24 allowed to speak pursuant to rule 22(a).

Resolution No. 418-21

Introduced in Council:

Adopted by Council:

January 19, 2021

Introduced by:

Referred to:

Keeley Steele

Public Safety Committee

1 Resolution No. 418-21 - Authorizing the Chief of Police and the Charleston Police Department
2 to enter into a Memorandum of Understanding with the United States Marshals Service who
3 will direct and coordinate a Regional Fugitive Task Force for the purpose of locating and
4 apprehending fugitives.

5

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

7

8 That the City Council authorizes the Chief of Police and the Charleston Police Department to
9 enter into a Memorandum of Understanding with the United States Marshals Service who will
10 direct and coordinate a Regional Fugitive Task Force for the purpose of locating and
11 apprehending fugitives.

12

**United States Marshals Service
Fugitive Task Force
Memorandum of Understanding**

Rev. 11/2020

PARTIES AND AUTHORITY:

This Memorandum of Understanding (MOU) is entered into by the

and the United States Marshals Service (USMS) pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000 and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent Regional Fugitive Task Forces consisting of Federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State . . . [to] exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. (See also) "Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation" concerning the "Authority to Pursue Non-Federal Fugitives", issued by the U.S. Department of Justice (DOJ), Office of Legal Counsel, dated February 21, 1995. (See also) Memorandum concerning the Authority to Pursue Non-Federal Fugitives, issued by the USMS Office of General Counsel, dated May, 1, 1995. (See also) 42 U.S.C. § 16941(a)(the Attorney General shall use the resources of federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements).

MISSION: The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime. Each participating agency agrees to refer cases for investigation by the RFTF (Regional Fugitive Task Force) or VOTF (Violent Offender Task Force). Cases will be adopted by the RFTF/VOTF at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the RFTF/VOTF may also assist non-participating law enforcement agencies in investigating, locating and arresting their fugitives. Task force personnel will be assigned federal, state, and local fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Participating agencies retain responsibility for the cases they refer to the RFTF/VOTF. Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State or local fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned state or local agency.

SUPERVISION: The RFTF/VOTF will consist of law enforcement and administrative personnel from federal, state, and local law enforcement agencies. Agency personnel must be approved by the RFTF/VOTF Chief Inspector/Chief Deputy prior to assignment to the RFTF/VOTF. Agency personnel may be removed at any time at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy. Direction and coordination of the RFTF/VOTF shall be the responsibility of the USMS RFTF/VOTF Chief Inspector/Chief Deputy. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel. A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS RFTF/VOTF personnel, may be established at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy and will meet and confer as necessary to review and address issues concerning operational matters within the RFTF/VOTF.

PERSONNEL: In accordance with Homeland Security Presidential Directive 12, personnel assigned to the task force are required to undergo background investigations in order to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals. Task force personnel may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State or local task force officers (TFOs) traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their travel expenses in accordance with applicable federal laws, rules, and regulations.

REIMBURSEMENT: If the Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state and local investigators who provide full time support to USMS RFTF/VOTF joint law enforcement task forces; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies or equipment for state and local investigators in direct support of state and local

, the USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which category of funding is provided. Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the Rest of United States. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the RFTF/VOTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost. The request for reimbursement must be submitted to the RFTF/VOTF Chief Inspector/Chief Deputy, who will review the request for reimbursement, stamp and sign indicating that services were received and that the request for reimbursement is approved for payment. Supporting documentation must accompany requests for reimbursement for equipment, supplies, training, fuel, and vehicle leases.

VEHICLES: Pending the availability of asset forfeiture funding, the USMS may acquire vehicles to be utilized by state and local investigators assigned to the RFTF/VOTF. Vehicles provided by the USMS remain in the control of the USMS and must be used solely in support of RFTF/VOTF operations. The vehicles must be available for exclusive use of the TFOs assigned to the RFTF/VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the RFTF/VOTF, any USMS vehicle provided to the agency for use by TFO(s) must be returned to the USMS. Operators of USMS-provided vehicles must adhere to USMS policy regarding the use of government owned vehicles. Any violation of the USMS vehicle policy may result in the vehicle being repossessed by the USMS and the operator and/or agency forfeiting the opportunity to utilize a USMS-provided vehicle in the future. Vehicles provided to state and local investigators may be subject to additional regulations or restrictions pursuant to USMS lease agreements. Replacement or removal of any vehicle provided by the USMS will be at the discretion of the USMS and/or subject to lease agreement terms.

EQUIPMENT: Pending the availability of Asset Forfeiture funding, the USMS may purchase equipment for state and local investigators assigned to the RFTF/VOTF. Equipment purchased by the USMS using Asset Forfeiture funding must be used solely in support of RFTF/VOTF operations. The equipment must be available for exclusive use of the TFOs assigned to the RFTF/VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the RFTF/VOTF, any equipment purchased with Asset Forfeiture and provided to TFOs from the agency may be retained by the agency. Equipment provided by the USMS that is not purchased using Asset Forfeiture funding remains the property of the USMS and will be issued to state and local investigators for exclusive use in support of the RFTF/VOTF. If the investigator or agency is no longer a participating member of the RFTF/VOTF, any equipment issued that was not purchased with Asset Forfeiture funding will be returned to the USMS.

BODY-WORN CAMERAS AND TASK FORCE OFFICERS: As per DOJ Policy dated October, 29, 2020, Body Worn Cameras (BWC) may be worn by TFOs operating on a Federal Task Force when their parent agency mandates their use by personnel assigned to the task force. A partner agency must formally request to participate in the TFO BWC program and, upon approval, comply with all DOJ and USMS policies, procedures, documentation, and reporting during their participation. Moreover, pursuant to the DOJ BWC Policy, the USMS will inform all partner agencies of which other partner agencies, if any, have been authorized to have their TFOs wear BWCs on the Task Force, and provide all partner agencies with a copy of the DOJ BWC Policy. That information will be provided separately. Accordingly, all partner agencies should be aware that TFOs may be participating in the TFO BWC program and may be operating with BWCs on USMS task force operations in their agency's jurisdiction. TFOs whose parent agency is not approved for participation in the TFO BWC program are not allowed to deploy with BWCs on USMS missions.

RECORDS AND REPORTS: After the RFTF/VOTF has adopted a warrant, all investigative reports, evidence, and other materials generated, seized or collected by the RFTF/VOTF, relating to the fugitive investigation, shall be material within the custody and control of the RFTF/VOTF. Physical evidence, such as drugs, firearms, counterfeit credit cards, and related items may be released to the appropriate prosecuting agency. Records and information obtained during the RFTF/VOTF fugitive investigation are not evidence and may not be released. A participating agency may retain copies of RFTF/VOTF investigative reports, and other documents or materials, but they may be released only upon approval of the USMS Office of General Counsel, in consultation with the local U.S. Attorney's Office, if and as applicable.

All investigative reporting will be prepared in compliance with existing USMS policy and procedures utilizing USMS case management systems. Every effort should be made to document investigative activities on USMS forms, such as USM-11s and USM-210s. Reports should never contain information related to sensitive USMS programs that are deemed privileged and not subject to reporting. RFTF/VOTF records and documents, including reports on RFTF/VOTF activity prepared in cases assigned to TFOs, will be maintained in USMS electronic records. Task force statistics will be maintained in the USMS case management systems. Statistics will be made available to any participating agency upon request. This section does not preclude the necessity of individual TFOs completing forms required by their employing agency. However, reports documenting task force related investigations or activities prepared by a TFO on their parent agency form and any TFO's task force related email or text exchanges are deemed federal records under the control and purview of USMS, regardless of where these records are generated or kept. If information developed during a RFTF/VOTF investigation is included in such a form, the TFO's department will maintain the information as an agent of the RFTF/VOTF. No information related to RFTF/VOTF activities may be disseminated at any time to any third party (including a non-task

e law enforcement officer, other law enforcement agency, or prosecutor's office) by any task force member without the express permission of the RFTF/VOTF Chief Inspector/Chief Deputy or his/her designee, in consultation with USMS Office of General Counsel where appropriate. This prohibition applies to formal and informal communications, as well as reports, memoranda, or other records compiled during the course of RFTF/VOTF operations. Documents containing information that identifies, or tends to identify, a USMS confidential source, a USMS sensitive program, or the use of sensitive equipment/techniques shall not be released outside of the USMS unless approved by the Office of General Counsel.

CONFIDENTIAL SOURCES / CONFIDENTIAL INFORMANTS: Pending the availability of funds, the USMS may provide funding for payment of Confidential Sources (CS) or Confidential Informants (CI). The use of CS/CIs, registration of CS/CIs and all payments to CS/CIs shall comply with USMS policy. USMS payment to an individual providing information or "tip" related to a USMS offered reward on an active fugitive case shall be accomplished by registering the individual or "tipster" through the established USMS CS payment process.

USE OF FORCE: All members of the RFTF/VOTF will comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-than lethal devices, to include completing all necessary training and certification requirements. All members of the RFTF/VOTF will read and adhere to the DOJ Policy Statement on the Use of Less-Than-Lethal Devices, dated May 16, 2011, and their parent agencies will review the Policy Statement to assure that they approve. Copies of all applicable firearms, deadly force, and less-than-lethal policies shall be provided to the RFTF/VOTF Chief Inspector/Chief Deputy and each concerned TFO. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s). Additionally, in the event of a shooting, the required reporting for the FBI National Use of Force Data Collection (NUOFDC) should be accomplished by the involved task force personnel's employing agency when the TFO is inside their primary/physical jurisdiction and by the USMS when the TFO is outside their employing agency's primary/physical jurisdiction. If the employing agency wishes to submit such NUOFDC entries regardless of the physical location of the event, that is allowed under this MOU with prior written notice to the USMS.

NEWS MEDIA: Media inquiries will be referred to the RFTF/VOTF Chief Inspector/Chief Deputy. A press release may be issued and press conference held, upon agreement and through coordination with participant agencies' representatives. All press releases will exclusively make reference to the task force and participant agencies.

RELEASE OF LIABILITY: Each agency shall be responsible for the acts or omissions of its employees. Participating agencies or their employees shall not be considered as the agents of any other participating agency. Nothing herein waives, limits, or modifies any party's sovereign rights or immunities under applicable law.

EFFECTIVE DATE AND TERMINATION: This MOU is in effect once signed by a law enforcement participant agency. Participating agencies may withdraw their participation after providing 30 days advanced written notice to the RFTF/VOTF Chief Inspector/Chief Deputy.

Task Force: _____

UNITED STATES MARSHAL or RFTF COMMANDER:

Print Name: _____

Signature: _____ **Date:** _____

PARTICIPANT AGENCY:

Name: _____ **Phone:** _____

Location (City and State): _____

PARTICIPANT AGENCY REPRESENTATIVE(S):

Print Name and Title: _____

Signature: _____ **Date:** _____

INVESTIGATIVE OPERATIONS DIVISION:

Print Name: _____

Signature: _____

Date: _____

Bill No. 7889

Introduced in Council:

December 21, 2020

Introduced by:

Chad Robinson

Adopted by Council:

Referred to:

**Planning/Streets & Traffic and
Public Safety**

Bill No. 7889 – A BILL to amend the Municipal Code of the City of Charleston, by adding thereto a new section, designated Section 114-671, in ARTICLE VIII, Chapter 114 of said Code, relating to prohibiting standing, congregating and obstructing the flow of traffic near an inherently dangerous intersection or highway and declaring halting or obstructing the flow of vehicular traffic a nuisance.

WHEREAS, the City of Charleston recognizes that the safety and security of the citizens is paramount; and

WHEREAS, the City of Charleston has received complaints regarding pedestrians obstructing the flow of vehicular traffic in highly traveled areas producing an immediate and severe risk for the walking and traveling public; and

WHEREAS, pursuant to W. Va. Code § 17C-10-1, the City is empowered by ordinance to require that pedestrians strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk; and

WHEREAS, pursuant to W. Va. Code § 17C-7-13, a city adopting any such prohibitory regulation shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs; and

WHEREAS, the Code requires uniformity and protection for its traveling citizens, walking and in vehicles, from obstructions posing significant threat of serious injury.

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

That the Municipal Code of the City of Charleston is hereby amended by adding thereto a new section, designated Section 114-671, in ARTICLE VII, Chapter 114 to read as follows:

CHAPTER 114. – TRAFFIC ORDINANCE.

ARTICLE VIII. – PEDESTRIANS.

35
36 **Sec. 114-671. – Pedestrian obstruction along an inherently dangerous intersection**
37 **or highway prohibited; nuisance declared for congregating along a public way and**
38 **refusing to clear.**

39
40 (a) No person or persons shall willfully stand or congregate within 25 feet of an
41 inherently dangerous intersection or highway with the intent of attracting or distracting the
42 attention of the operator of a motor vehicle for any reason. The City shall post signage
43 indicating inherently dangerous intersections where this conduct is prohibited.

44 (b) Congregating with another or others in or on any public way so as to halt the
45 flow of vehicular or pedestrian traffic and refusing to clear such public way when ordered
46 to do so by a peace officer or other person having authority is declared a public nuisance.

47 (c) For the purposes of this section, “*inherently dangerous intersection or highway*”
48 shall be defined as any intersection within the City of Charleston where vehicular traffic
49 is permitted to flow at a speed of 40 miles per hour or above, or where vehicular traffic is
50 engaging in the egress or ingress upon a controlled access highway, or within the
51 immediate proximity of a bridge.

52 (d) For the purposes of this section, “immediate proximity of a bridge” shall be
53 defined as within a one block radius of the entry or exit of a bridge.

54 (e) In addition to any administrative remedy provided in this Code, violations of this
55 section constitute a criminal misdemeanor, subject to criminal citation and punishable by
56 a fine of not more than \$500.00. Every day or portion thereof that a person fails or refuses
57 to remedy a violation shall be considered a separate offense. A person who has two
58 convictions under this section in the twelve months prior to a third citation shall, upon a
59 third conviction, be punished by a fine of not more than \$500.00 or by imprisonment for
60 not more than ten days or both.
61



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: December 28, 2020

Subject: Bill No. 7889

The Committee on Planning, Streets and Traffic has had under consideration:

Bill No. 7889 – A BILL to amend the Municipal Code of the City of Charleston, by adding thereto a new section, designated Section 114-671, in ARTICLE VIII, Chapter 114 of said Code, relating to prohibiting standing, congregating and obstructing the flow of traffic near an inherently dangerous intersection or highway and declaring halting or obstructing the flow of vehicular traffic a nuisance.

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

Mary Beth Hoover – VIA Phone

Chair

Naomi Bays – VIA Phone

Becky Ceperley – VIA Phone

Will Laird – VIA Phone

Adam Knauff – VIA Phone

Chad Robinson – VIA Phone

AMENDMENT

TO: Clerk of the Council of the City of Charleston, West Virginia

AMENDMENT TO BILL: 7889

OFFERED BY: Joseph Jenkins, Chad Robinson and Naomi Bays

The following amendment to Bill No. 7889 is proposed:

At line 43, after the word “intersections”, by striking out the remainder of the sentence and inserting in lieu thereof the following: “or highways where this conduct is prohibited: *Provided*, That before any signage is erected declaring an inherently dangerous intersection or highway and making this section effective with respect to that inherently dangerous intersection or highway, the planning/streets and traffic committee shall approve a motion declaring the intersection or highway as inherently dangerous, after reviewing available relevant data.”

Resolution No. 414-21

Introduced in Council:

Adopted by Council:

January 19, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance

Resolution No. 414-21 - Authorizing the Finance Director to amend the 2019 Community Development Block Grant CV budget as indicated on the accounts listed below.

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

That the Finance Director is hereby authorized and directed to amend the 2019 Community Development Block Grant CV budget as indicated on the accounts listed below:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/(DECREASE)</u>
009-019-01-011-0-999	MOECD Public Service	\$44,600.00 Decrease
009-019-01-199-0-999	Unprogrammed Funds	\$44,600.00 Increase
009-019-01-199-0-999	Unprogrammed Funds	\$44,600.00 Decrease
009-019-01-011-0-999	Kanawha Valley Collective	\$35,000.00 Increase
009-019-01-011-0-999	Keep Your Faith Corporation	\$9,600.00 Increase

MOECD proposes to allocate CDBG-CV funds to Kanawha Valley Collective for Covid-19 Isolation and Quarantine and Keep Your Faith Corporation Behavioral Health Outreach Project.

Resolution No. 417-21

Introduced in Council:

Adopted by Council:

January 192021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 417-21 - Authorizing and directing the Finance Director to establish propriety
2 fund 428, *Coliseum and Convention Center Grant Fund*, a fund that accounts for revenues
3 received from various granting agencies for the benefit of the Charleston Coliseum and
4 Convention Center for the operation, maintenance, repair, capital renovation and equipment
5 needs of the facility, and including, but not limited to, any expenses or actions necessary as a
6 result of the significant revenue reduction caused by COVID-19 pandemic.

7
8 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

9
10 That the Finance Director is authorized and directed to establish propriety fund 428, *Coliseum*
11 *and Convention Center Grant Fund*, a fund that accounts for revenues received from various
12 granting agencies for the benefit of the Charleston Coliseum and Convention Center for the
13 operation, maintenance, repair, capital renovation and equipment needs of the facility, and
14 including, but not limited to, any expenses or actions necessary as a result of the significant
15 revenue reduction caused by COVID-19 pandemic.

CITY OF CHARLESTON
Payroll Variance Analysis
December 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%	146,500	146,392	108	0.07%	293,000	146,608
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	3	Total	22,538	22,538	0	0.00%	146,500	146,392	108	0.07%	293,000	146,608
Mayor - CARE Office	409-02	Regular	8,538	8,538	0	0.00%	59,277	55,392	3,885	6.55%	111,000	55,608
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	2	Total	8,538	8,538	0	0.00%	59,277	55,392	3,885	6.55%	111,000	55,608
City Council	410	Regular	13,000	6,500	6,500	50.00%	84,500	70,250	14,250	16.86%	169,000	98,750
		IPT	-	-	-		-	-	-		-	-
Budget	26	OT	-	-	-		-	-	-		-	-
Actual	26	Total	13,000	6,500	6,500	50.00%	84,500	70,250	14,250	16.86%	169,000	98,750
City Manager - Admin.	412-00	Regular	37,553	35,677	1,876	5.00%	244,097	215,198	28,898	11.84%	488,193	272,995
		IPT	4,875	3,150	1,725		19,500	17,375	2,125	10.90%	19,500	2,125
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	6	Total	42,428	38,827	3,601	8.49%	263,597	232,573	31,023	11.77%	507,693	275,120
City Treasurer	413	Regular	9,785	9,785	0	0.00%	63,606	54,122	9,483	14.91%	127,211	73,089
		IPT	692	600	92	13.33%	4,500	3,960	540	12.00%	9,000	5,040
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	3	Total	10,478	10,385	92	0.88%	68,106	58,082	10,023	14.72%	136,211	78,129
City Collector	414	Regular	49,273	42,492	6,782	13.76%	320,277	285,309	34,968	10.92%	640,553	355,244
		IPT	-	-	-		-	-	-		-	-
Budget	14	OT	-	-	-		-	18	(18)		-	(18)
Actual	12	Total	49,273	42,492	6,782	13.76%	320,277	285,326	34,950	10.91%	640,553	355,227
City Clerk	415	Regular	9,847	9,847	(0)	0.00%	64,007	63,899	108	0.17%	128,014	64,115
		IPT	-	-	-		-	-	-		-	-
Budget	3	OT	-	-	-		-	-	-		-	-
Actual	3	Total	9,847	9,847	(0)	0.00%	64,007	63,899	108	0.17%	128,014	64,115
Municipal Court	416	Regular	22,375	21,934	441	1.97%	145,437	142,725	2,711	1.86%	290,873	148,148
		IPT	1,385	2,148	(763)	-55.13%	9,000	11,354	(2,354)	-26.16%	18,000	6,646
Budget	8	OT	1,809	864	945	52.22%	11,760	6,056	5,704	48.50%	23,520	17,464
Actual	7	Total	25,569	24,946	622	2.43%	166,197	160,135	6,061	3.65%	332,393	172,258

CITY OF CHARLESTON
Payroll Variance Analysis
December 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%	187,000	186,731	269	0.14%	374,000	187,269
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	5	Total	28,769	28,769	0	0.00%	187,000	186,731	269	0.14%	374,000	187,269
Actual	5											
Accounting	418	Regular	22,858	22,858	0	0.00%	148,579	148,523	56	0.04%	297,157	148,634
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	5	Total	22,858	22,858	0	0.00%	148,579	148,523	56	0.04%	297,157	148,634
Actual	5											
Engineering - General	420-00	Regular	37,270	32,331	4,939	13.25%	242,253	206,227	36,026	14.87%	484,505	278,278
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	7	Total	37,270	32,331	4,939	13.25%	242,253	206,227	36,026	14.87%	484,505	278,278
Actual	6											
Engineering - Stormwater	420-01	Regular	10,250	10,250	0	0.00%	66,627	71,257	(4,630)	-6.95%	133,254	61,997
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	2	Total	10,250	10,250	0	0.00%	66,627	71,257	(4,630)	-6.95%	133,254	61,997
Actual	2											
MOECD	421	Regular	31,406	26,899	4,507	14.35%	204,136	189,056	15,080	7.39%	408,272	219,216
		IPT	-	1,720	(1,720)		-	5,987	(5,987)		-	5,987
		OT	-	-	-		-	-	-		-	-
Budget	7	Total	31,406	28,619	2,787	8.87%	204,136	195,044	9,092	4.45%	408,272	225,203
Actual	6											
Human Resources	422	Regular	30,867	30,043	825	2.67%	200,639	178,586	22,053	10.99%	401,277	222,691
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	7	Total	30,867	30,043	825	2.67%	200,639	178,586	22,053	10.99%	401,277	222,691
Actual	7											
Mail Room	431	Regular	2,626	2,626	0	0.01%	17,068	17,013	55	0.32%	34,136	17,123
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	1	Total	2,626	2,626	0	0.01%	17,068	17,013	55	0.32%	34,136	17,123
Actual	1											
Building Commission	436	Regular	49,960	50,883	(923)	-1.85%	324,741	319,824	4,917	1.51%	649,482	329,658
		IPT	-	-	-		-	-	-		-	-
		OT	-	-	-		-	-	-		-	-
Budget	13	Total	49,960	50,883	(923)	-1.85%	324,741	319,824	4,917	1.51%	649,482	329,658
Actual	13											

CITY OF CHARLESTON
Payroll Variance Analysis
December 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%	202,086	191,915	10,171	5.03%	404,171	212,256
		IPT	-	-	-		-	-	-		-	-
	Budget 7	OT	-	-	-		-	-	-		-	-
	Actual 7	Total	31,090	31,015	75	0.24%	202,086	191,915	10,171	5.03%	404,171	212,256
Information Systems	439	Regular	44,629	40,677	3,952	8.86%	290,090	263,916	26,174	9.02%	580,179	316,263
		IPT	-	-	-		-	-	-		-	-
	Budget 10	OT	-	-	-		-	-	-		-	-
	Actual 9	Total	44,629	40,677	3,952	8.86%	290,090	263,916	26,174	9.02%	580,179	316,263
General Services	440	Regular	32,035	32,315	(280)	-0.87%	208,228	214,900	(6,673)	-3.20%	416,455	201,555
		IPT	3,462	-	3,462	100.00%	22,500	3,443	19,058	84.70%	45,000	41,558
	Budget 11	OT	5,040	1,599	3,441	68.28%	32,760	19,350	13,410	40.93%	65,520	46,170
	Actual 11	Total	40,537	33,914	6,623	16.34%	263,488	237,693	25,795	9.79%	526,975	289,282
Constituent Services	442-01	Regular	13,467	6,510	6,958	51.66%	87,538	41,023	46,515	53.14%	121,207	80,184
		IPT	-	-	-		-	-	-		-	-
	Budget 3	OT	-	-	-		-	-	-		-	-
	Actual 2	Total	13,467	6,510	6,958	51.66%	87,538	41,023	46,515	53.14%	121,207	80,184
Morris Square Property	500	Regular	1,986	2,113	(127)	-6.39%	12,907	13,219	(312)	-2.42%	25,814	12,595
		IPT	-	-	-		-	-	-		-	-
	Budget 1	OT	775	-	775	100.00%	5,040	158	4,882	96.86%	10,080	9,922
	Actual 1	Total	2,761	2,113	648	23.49%	17,947	13,377	4,570	25.46%	35,894	22,517
Public Works	566	Regular	14,769	14,940	(170)	-1.15%	96,000	95,585	415	0.43%	192,000	96,415
		IPT	-	-	-		-	-	-		-	-
	Budget 3	OT	-	54	(54)		-	1,165	(1,165)		-	(1,165)
	Actual 3	Total	14,769	14,994	(225)	-1.52%	96,000	96,750	(750)	-0.78%	192,000	95,250
Public Grounds - Adm.	567-00	Regular	66,276	64,227	2,048	3.09%	430,793	417,867	12,926	3.00%	861,586	443,719
		IPT	-	-	-		-	-	-		-	-
	Budget 26	OT	1,938	-	1,938	100.00%	12,600	7,307	5,293	42.01%	25,200	17,893
	Actual 25	Total	68,214	64,227	3,987	5.84%	443,393	425,174	18,219	4.11%	886,786	461,612

CITY OF CHARLESTON
Payroll Variance Analysis
December 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	3,697	1,339	26.59%	32,732	31,283	1,449	4.43%	65,464	34,181
		IPT	-	-	-		-	-	-		-	-
Budget	2	OT	323	-	323	100.00%	2,100	502	1,598	-100.00%	4,200	3,698
Actual	2	Total	5,359	3,697	1,662	31.02%	34,832	31,785	3,047	8.75%	69,664	37,879
Police - Uniform	700-00	Regular	646,687	649,342	(2,654)	-0.41%	4,203,467	3,965,143	238,323	5.67%	8,431,933	4,466,790
		OT	167,564	180,585	(13,021)	-7.77%	967,634	1,136,902	(169,269)	-17.49%	1,869,756	732,854
Budget	173	Reimb.	(1,923)	-	(1,923)	-100.00%	(12,500)	-	(12,500)	-100.00%	(25,000)	(25,000)
Actual	162	Total	812,328	829,927	(17,598)	-2.17%	5,158,600	5,102,046	56,555	1.10%	10,276,689	5,174,643
Police - Civilian	700-01	Regular	68,230	68,790	(560)	-0.82%	443,497	441,583	1,913	0.43%	886,993	445,410
		IPT	3,846	1,220	2,626	68.28%	25,000	5,270	19,730	78.92%	50,000	44,730
Budget	24	OT	7,237	5,447	1,790	24.73%	47,040	40,305	6,735	14.32%	94,080	53,775
Actual	24	Total	79,313	75,457	3,856	4.86%	515,537	487,158	28,379	5.50%	1,031,073	543,915
Fire - Uniform	706-00	Regular	766,841	784,005	(17,164)	-2.24%	4,577,715	4,428,066	149,649	3.27%	9,031,847	4,603,781
		OT	122,806	120,126	2,680	2.18%	712,846	790,585	(77,739)	-10.91%	1,413,691	623,106
Budget	169	Reimb.	(923)	-	(923)	-100.00%	(6,000)	(453)	(5,547)	-92.45%	(12,000)	(11,547)
Actual	160	Total	888,724	904,131	(15,407)	-1.73%	5,284,560	5,218,197	66,363	1.26%	10,433,538	5,215,341
Fire - Civilian	706-01	Regular	6,874	7,233	(359)	-5.23%	44,678	46,780	(2,102)	-4.71%	89,356	42,576
		IPT	-	-	-		-	-	-		-	-
Budget	2	OT	-	-	-		-	-	-		-	-
Actual	2	Total	6,874	7,233	(359)	-5.23%	44,678	46,780	(2,102)	-4.71%	89,356	42,576
Traffic	712	Regular	30,462	31,323	(861)	-2.83%	198,001	210,260	(12,259)	-6.19%	396,001	185,741
		IPT	-	-	-		-	-	-		-	-
Budget	10	OT	905	293	611	67.59%	5,880	4,205	1,675	28.49%	11,760	7,555
Actual	10	Total	31,366	31,616	(250)	-0.80%	203,881	214,465	(10,584)	-5.19%	407,761	193,296
Emergency Services	716	Regular	6,438	-	6,438	100.00%	41,845	-	41,845	100.00%	83,689	83,689
		IPT	-	-	-		-	-	-		-	-
Budget	1	OT	-	-	-		-	-	-		-	-
Actual	0	Total	6,438	-	6,438	100.00%	41,845	-	41,845	100.00%	83,689	83,689
Street	750	Regular	181,190	168,910	12,280	6.78%	1,177,736	1,037,900	139,836	11.87%	2,355,472	1,317,572
		IPT	-	-	-		-	-	-		-	-
Budget	72	OT	13,846	10,741	3,105	22.42%	90,000	82,756	7,244	8.05%	252,000	169,244
Actual	67	Total	195,036	179,651	15,385	7.89%	1,267,736	1,120,656	147,080	11.60%	2,607,472	1,486,816

CITY OF CHARLESTON
Payroll Variance Analysis
December 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	54,629	177	0.32%	356,239	318,924	37,315	10.47%	712,477	393,553
		IPT	-	-	-		-	-	-		-	-
	Budget 18	OT	4,200	2,706	1,494	35.57%	27,300	19,654	7,646	28.01%	54,600	34,946
	Actual 18	Total	59,006	57,335	1,671	2.83%	383,539	338,578	44,961	11.72%	767,077	428,499
Refuse & Recycling	800	Regular	154,894	160,648	(5,754)	-3.71%	1,006,812	977,123	29,689	2.95%	2,013,624	1,036,501
		IPT	-	-	-		-	-	-		-	-
	Budget 66	OT	18,092	5,951	12,141	67.10%	117,600	48,388	69,212	58.85%	235,200	186,812
	Actual 66	Total	172,986	166,599	6,387	3.69%	1,124,412	1,025,511	98,901	8.80%	2,248,824	1,223,313
Parks & Recreation	900	Regular	92,979	77,747	15,232	16.38%	604,362	488,567	115,795	19.16%	1,208,723	720,157
		IPT	5,600	-	5,600	100.00%	162,400	-	162,400	100.00%	280,000	280,000
	Budget 31	OT	4,135	212	3,923	94.87%	26,880	2,234	24,646	91.69%	53,760	51,526
	Actual 26	Total	102,714	77,959	24,755	24.10%	793,642	490,800	302,841	38.16%	1,542,483	1,051,683
Public Arts	906	Regular	4,000	4,000	-	0.00%	26,000	25,946	54	0.21%	52,000	26,054
		IPT	-	-	-		-	-	-		-	-
	Budget 1	OT	-	-	-		-	-	-		-	-
	Actual 1	Total	4,000	4,000	-	0.00%	26,000	25,946	54	0.21%	52,000	26,054
Municipal Auditorium	910	Regular	7,900	-	7,900	100.00%	51,348	17,276	34,071	66.35%	102,695	85,419
		IPT	-	-	-		-	-	-		-	-
	Budget 3	OT	308	-	308	100.00%	2,000	6	1,994	99.71%	4,000	3,994
	Actual 0	Total	8,207	-	8,207	100.00%	53,348	17,282	36,065	67.60%	106,695	89,413
Spring Hill Cemetery	952	Regular	23,724	23,655	69	0.29%	154,207	144,054	10,153	6.58%	308,413	164,359
		IPT	11,625	3,607	8,018	68.97%	69,750	27,570	42,180	60.47%	62,000	34,430
	Budget 8	OT	775	217	558	72.01%	5,040	6,381	(1,341)	-26.60%	10,080	3,699
	Actual 8	Total	36,124	27,479	8,645	23.93%	228,997	178,004	50,992	22.27%	380,493	202,489
General Fund		Regular	2,641,229	2,587,746	53,483	2.02%	16,765,016	15,721,833	1,043,183	6.22%	33,370,026	17,648,193
		IPT	31,485	12,445	19,040	60.47%	312,650	74,959	237,691	76.02%	483,500	420,516
		OT	349,755	328,797	20,958	5.99%	2,066,479	2,165,971	(99,492)	-4.81%	4,127,447	1,961,476
	Budget 755	Reimb.	(2,846)	-	(2,846)	-100.00%	(18,500)	(453)	(18,047)	-97.55%	(37,000)	(36,547)
	Actual 711	Total	3,019,623	2,928,987	90,636	3.00%	19,125,645	17,962,310	1,163,336	6.08%	37,943,973	19,993,638

CITY OF CHARLESTON
Payroll Variance Analysis
December 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	33,132	42,344	56.10%	490,592	347,612	142,980	29.14%	981,184	633,572
Budget 25		25	IPT	21,923	495	21,428	97.74%	142,500	6,451	136,049	95.47%	285,000	278,549
			OT	3,077	1,387	1,690	54.93%	20,000	2,013	17,987	89.93%	40,000	37,987
			Total	100,476	35,014	65,462	65.15%	653,092	356,077	297,015	45.48%	1,306,184	950,107
Actual 11		11	Total	100,476	35,014	65,462	65.15%	653,092	356,077	297,015	45.48%	1,306,184	950,107
Parking System		406	Regular	54,579	47,324	7,254	13.29%	354,761	295,453	59,308	16.72%	709,521	414,068
Budget 20		20	IPT	3,923	2,136	1,788	45.56%	25,500	13,666	11,834	46.41%	51,000	37,334
			OT	1,292	142	1,150	88.98%	8,400	1,372	7,028	83.67%	16,800	15,428
			Total	59,794	49,602	10,192	17.04%	388,661	310,491	78,170	20.11%	777,321	466,830
Actual 18		18	Total	59,794	49,602	10,192	17.04%	388,661	310,491	78,170	20.11%	777,321	466,830
Total			Regular	2,771,283	2,668,202	103,081	3.72%	17,610,368	16,364,898	1,245,470	7.07%	35,060,731	18,695,833
Budget 800		800	IPT	57,331	15,075	42,256	73.71%	480,650	95,076	385,574	80.22%	819,500	724,424
			OT	354,125	330,326	23,798	6.72%	2,094,879	2,169,356	(74,477)	-3.56%	4,184,247	2,014,891
			Reimb.	(2,846)	-	(2,846)	100.00%	(18,500)	(453)	(18,047)	97.55%	(37,000)	(36,547)
Actual 740		740	Total	3,179,892	3,013,603	166,289	5.23%	20,167,398	18,628,877	1,538,521	7.63%	40,027,478	21,398,601

Vacancy Report:

CARE Office	1
City Manager	1
City Collector	2
Municipal Court	1
Engineering	1
MOECD	1
Information Systems	1
Constituent Services	1
Public Works (all)	6
Police - Uniform	11
Fire - Uniform	9
Homeland Security	1
Parks & Rec	5
Municipal Auditorium	3
Total General Fund	44
CCCC	14
Parking System	2
Total All	60

**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: **Tuesday, January 5th, 2020**
RE: **December 2020** Financial Information, Charleston Municipal Court

TOTAL CITATIONS FILED: 476

Criminal Violations: 84
Traffic Violations: 391
Parking: 1
Building Search Warrants: 0

RESTITUTION COLLECTED (paid to victims): \$1700.93

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	391	
CRIMINAL	84	
PARKING	1	
Total Filed Violations		476

Completed Cases...

Paid Fine...		
TRAFFIC	140	
CRIMINAL	2	
PARKING	0	
Total Paid Fines		142
Before Judge...		
TRAFFIC	6	
CRIMINAL	1	
PARKING	0	
Total Before Judge		7
Total Completed		149

Other Completed...

DISMISS- OFFICER NOT WITH CITY		
TRAFFIC	1	
CRIMINAL	21	
PARKING	0	
Total		22
DEFENDANT DECEASED		
TRAFFIC	0	
CRIMINAL	3	
PARKING	0	
Total		3
DISMISSED OFFICER FAIL TO PROS		
TRAFFIC	29	
CRIMINAL	7	
PARKING	0	
Total		36
DISMISSED(PRESENTED INSURANCE)		
TRAFFIC	39	
CRIMINAL	0	
PARKING	0	
Total		39
DISMISSED E-PROOF		

CHARLESTON MUNICIPAL COURT

Page: 2

Report For December 1, 2020 Thru December 31, 2020

FILEDST

TRAFFIC	4	
CRIMINAL	0	
PARKING	0	
Total		4

DISMISSED (PRESENTED DL)

TRAFFIC	3	
CRIMINAL	0	
PARKING	0	
Total		3

DISMISSED STORE CLOSED

TRAFFIC	0	
CRIMINAL	7	
PARKING	0	
Total		7

DISMISSED OFF FAIL TO PROV VIN

TRAFFIC	1	
CRIMINAL	0	
PARKING	0	
Total		1

DISMISSED (PROSECUTOR'S ORDER)

TRAFFIC	29	
CRIMINAL	14	
PARKING	0	
Total		43

DISMISSED PRESENTED RECORDS

TRAFFIC	28	
CRIMINAL	0	
PARKING	0	
Total		28

DISMISSED AFTER PT DIVERSION

TRAFFIC	4	
CRIMINAL	7	
PARKING	0	
Total		11

Dismissed Pursuant to Plea

TRAFFIC	3	
CRIMINAL	2	
PARKING	0	
Total		5

DISMISSED VICTIM/WITNESS FTA

TRAFFIC	0	
CRIMINAL	4	
PARKING	0	
Total		4

DISMISSED WITHOUT PREJUDICE

CHARLESTON MUNICIPAL COURT

Page: 3

Report For December 1, 2020 Thru December 31, 2020

FILEDST

TRAFFIC	23	
CRIMINAL	28	
PARKING	0	
Total		51

OFFICER/COMPLAINANT DECEASED

TRAFFIC	25	
CRIMINAL	21	
PARKING	0	
Total		46

VOIDED DOCKET

TRAFFIC	1	
CRIMINAL	0	
PARKING	0	
Total		1

Total Other Completed	304
-----------------------	-----

Grand Total Completed	453
-----------------------	-----

Net Difference Filed/Complete	23
-------------------------------	----

Warrants...

Issued...

TRAFFIC	315	
CRIMINAL	227	
PARKING	0	
Total Violations		542
Total Warrants Issued		542

Cleared...

TRAFFIC	237	
CRIMINAL	183	
PARKING	0	
Total Violations		420
Total Warrants Cleared		420

Change in Total Warrants	122
--------------------------	-----

Other Paid Cases...

Paid Fine...

Total Other Paid Fines	73
------------------------	----

CVC CRIME VICTIM'S FUND	\$1,293.00
LAWFND LAW ENFORCE. TRAIN STATE	\$1,665.00
LAWLOC LAW ENFORCE. TRAIN (LOCAL)	\$730.00
ADMIN ADMINISTRATIVE COST	\$308.00

CHARLESTON MUNICIPAL COURT

Page: 4

Report For December 1, 2020 Thru December 31, 2020

FILEDST

FINE FINE	\$15,284.00
JAILF REGIONAL JAIL CORR.	\$6,696.00
CCF COMMUNITY CORRECTIONS FUND	\$97.00
OP OVER PAYMENT	\$36.00
PCADM PC ADMIN FEE	\$223.00
REST RESTITUTION	\$1,700.93
ABF APPEAL BOND FEE	\$2.00
Total Fees/Fines Paid	\$28,034.93

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.

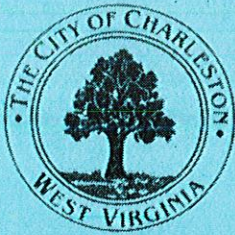
Other Paid Cases:

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.



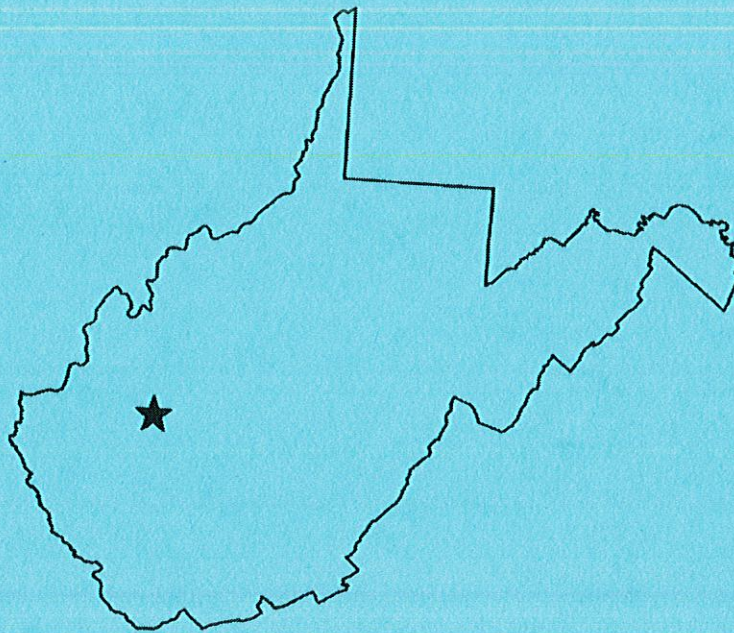
City of Charleston West Virginia

Vic Grigoraci

City Treasurer's Report to City Council

Month Ended

December 2020



Respectfully submitted,

Victor Grigoraci, CPA – City Treasurer

December 2020

City Treasurer's Report All Funds Collections and Withdrawals

Fund / Description	Balance		Collections		Withdrawals	
	December 2019	November 2020	December 2020	December 2020	December 31, 2020	Balance December 31, 2020
001 General Fund	9,669,642.79	26,810,260.94	7,386,304.40	8,059,787.55		26,136,777.79
002 Coal Severance Tax	88.07	35.05	0.00	0.00		35.05
003 Municipal Stabilization	4,327,661.66	4,732,944.54	400.88	0.00		4,733,345.42
009 Community Development	12,394.93	2,631.10	151,481.88	149,650.57		4,462.41
010 Supportive Housing	0.00	0.00	2,388.36	2,388.36		0.00
012 West Side Improvement	14,387.25	0.00	0.00	0.00		0.00
014 IT Infrastructure	90,456.95	541,183.86	45.84	0.00		541,229.70
015 Charleston Land Reuse	37,586.53	243,831.26	20.61	675.00		243,176.87
016 Charleston Land Trust	82.42	0.00	0.00	0.00		0.00
017 Project West Invest	557.45	563.77	0.05	0.00		563.82
018 Planning Grant	0.00	0.00	13,800.00	13,800.00		0.00
019 Tourism & Promotions	0.00	500,215.88	42.37	0.00		500,258.25
020 Business Development	0.00	751,636.38	63.66	0.00		751,700.04
021 Community Participation	0.00	114,055.52	9.34	8,500.00		105,564.86
024 LGBTQ Working Group	0.00	483.83	0.04	0.00		483.87
026 Uniform Pension Reserve Fund	18,892,887.51	22,495,735.32	10.09	423,781.00		22,071,964.41
035 Municipal Beautification	32,637.10	32,764.78	2.78	0.00		32,767.56
036 Special Demolition	18,266.74	38,547.66	3.26	0.00		38,550.92
037 Sister Cities	27,483.75	27,591.31	2.34	0.00		27,593.65
038 Solid Waste	240,250.14	662,103.53	364,941.08	881,887.71		145,156.90
039 Waste Disposal	0.00	0.00	129,614.60	80,706.00		48,908.60
040 Landfill Closure	3,379,941.58	3,478,777.52	65.96	0.00		3,478,843.48
041 Police Contributions	15,865.12	23,949.76	1,002.07	0.00		24,951.83
042 Police Evidence	1,115,993.51	1,010,590.53	85.58	731.00		1,009,945.11
043 Forfeited Funds	275,001.78	377,463.88	24,504.98	1,418.99		400,549.87
044 Municipal Court	195,294.56	220,614.72	29,736.93	27,441.00		222,910.65
045 Homeland Security	20,576.80	20,580.04	0.00	0.00		20,580.04
047 Health Insurance Reserves	6,217,430.07	6,241,757.63	528.67	0.00		6,242,286.30
048 Wayfinding Commission	74,342.71	21,234.33	1.80	0.00		21,236.13
049 Live On The Levee	6,794.71	13,105.20	1.07	1,571.00		11,535.27
074 Slack Plaza	600,000.00	0.00	0.00	0.00		0.00
080 Human Rights	176,793.29	176,793.29	0.00	0.00		176,793.29
081 Home Program	48,057.03	102,227.11	2,088.94	38,663.99		65,652.06
085 Firefighters Assistance Grant	77.08	77.08	0.00	0.00		77.08
088 SBA Riverfront Project Donation Account	9.18	9.18	0.00	0.00		9.18
088 SBA Riverfront Project Grant Account	10,167.71	10,167.71	0.00	0.00		10,167.71
090 Byrne Justice	0.00	0.00	13,502.19	13,502.19		0.00
095 Police Grants	101,718.76	117,648.01	12,983.33	2,694.33		127,937.01
096 Historic Preservation	20,601.00	15,020.00	0.00	0.00		15,020.00
099 Public Arts Grant	149,264.34	178,914.34	0.00	0.00		178,914.34
100 Sinking Fund	4,113,336.17	4,025,367.13	340.95	0.00		4,025,708.08
200 Infrastructure	152,871.47	153,469.62	13.00	0.00		153,482.62
214 Civic Center Capital Improvement	392,698.61	409,084.07	34.65	0.00		409,118.72
215 Municipal Auditorium Capital Improvement	161,893.49	168,319.00	14.26	0.00		168,333.26
220 General Maintenance	2,632,566.46	4,220,717.90	12,997.42	0.00		4,233,715.32
221 City Service Fee Capital Project	1,092,867.79	1,854,950.51	117,958.76	861.16		1,972,048.11
222 Facilities Maintenance	829,467.74	1,572,982.40	205.02	1,824.95		1,571,362.47
255 Ballpark Maintenance	53,012.77	78,231.54	6.63	0.00		78,238.17
402 Civic Center Revenue	182,948.21	61,459.14	237,354.94	236,999.86		61,814.22
406 Parking System Revenue	5,055,000.34	4,909,192.50	163,774.18	98,839.67		4,974,127.01
426 Parking Operation and Maintenance	1,580,710.25	2,315,668.99	196.14	0.00		2,315,865.13
427 Civic Center TIF Project	157,928.82	392,106.96	33.21	0.00		392,140.17
900 M - DENT	743,148.50	657,483.49	35,175.72	16,517.87		676,141.34
901 Pending Forfeiture	942,588.76	1,086,815.64	89.18	70,662.43		1,016,242.39
Working Cash Advance Fund	32,925.00	32,925.00	0.00	0.00		32,925.00
Total All Funds	63,896,276.90	90,902,288.95	8,701,827.16	10,132,904.63		89,471,211.48



CITY OF CHARLESTON
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Council Members
Department Heads

FROM: Jonathan T. Storage, City Manager

DATE: January 11, 2021

SUBJECT: Personnel Appointment – City Collector

I am pleased to announce that Christina Merbedone-Byrd, Esq. has been appointed the next City Collector for the City of Charleston. Ms. Merbedone-Byrd begins her employment today, January 11, 2021.

Ms. Merbedone-Byrd is an accomplished attorney and government administrator who has extensive experience in government financial affairs. Prior to her hiring, she served as Deputy State Treasurer.

Please help me welcome Ms. Merbedone-Byrd as she takes on her new role with the City.

Bill No. 7891

Introduced in Council

January 19, 2021

Introduced by

Sam Minardi and Brent Burton

Passed by Council

Referred to
**Planning/Streets & Traffic
Committee**
Finance Committee

Bill No. 7891 - A Bill creating a no outlet on Overbrook Road, a public thoroughfare, in the City of Charleston, West Virginia and updating the traffic control map and traffic control file consistent with this Bill.

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

1. The Council of the City of Charleston, West Virginia finds and determines that prior hereto a request has been made to create a no outlet on Overbrook Road to reduce excessive vehicular traffic on the public thoroughfare, in order to maintain public safety.

2. That Overbrook Road was intended to serve a residential community but is now being used as a main thoroughfare and short-cut connecting to other public streets, and as a result there has been an increase in accidents not reported to the Charleston Police Department or near-accidents as caught on video by homeowners and reported on news outlets, the said increase in vehicular traffic creating an unreasonable danger to public safety to the residents of Overbrook Road and to other vehicular and pedestrian traffic on Overbrook Road.

3. That Overbrook Road is approximately 12 feet in width in certain locations and thus can only accommodate one vehicle when said road is a two way street.

4. That other alternatives, including expansion and re-design of Overbrook Road are not viable options due to cost, available width of the existing right-of-way, and current terrain and street design.

5. That it is prudent to designate a portion of Overbrook Road as having no outlet and restricting its use as a public thoroughfare for local and public safety traffic only.

6. That a no outlet segment of Overbrook Road be and is hereby created, reserving, however, unto the City of Charleston or unto any public utility, all right, title and interest said City or utility may now have in the public thoroughfare comprising Overbrook Road.

7. That no person shall construct improvements or take any other actions which would use the no outlet segment for their personal use or benefit.

29 8. That the no outlet segment, including placement of applicable signage, shall be designed
30 by the City Engineer and City Traffic Director, or designees, to accomplish the public purposes as
31 articulated in this Ordinance.

32 9. That the traffic control file and traffic control map shall be updated consistent with this
33 ordinance.

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

Bill No. 7893

Introduced in Council:

January 19, 2021

Introduced by:

**Sam Minardi, Adam Knauff, Pat Jones
Shannon Snodgrass, Bruce King,
Deanna McKinney, Jennifer Pharr,
Jeanine Faegre and Chuck Overstreet**

Adopted by Council:

Referred to:

Public Safety

Bill No. 7893 - A BILL to amend and reenact Sections 78-381, 78-382, and 78-383 of the Municipal Code of the City of Charleston and to repeal Sections 78-396 and 78-397 of said Code, all relating to requiring any distribution of hypodermic needles within the City of Charleston to be performed by persons or entities that have a certification as a Harm Reduction Program from the State of West Virginia in addition to any required state license; eliminating the ability for the Chief of Police to provide exceptions, and establishing penalties for violations.

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

That Sections 78-381, 78-382, and 78-383 of the Municipal Code of the City of Charleston is amended and reenacted, and that Sections 78-396 and 78-397 of said Code are repealed, all to read as follows:

Subdivision II. - ~~Sale, Marketing, and Distribution~~ of Hypodermic Needles and Syringes

Sec. 78-381. - ~~Sale, marketing and distribution~~ Distribution of hypodermic needles; state license certification required.

It shall be unlawful for any person or persons as principal, clerk, agent, ~~or servant or otherwise acting individually or on behalf of any entity, organization or group to sell, market, or distribute~~ any hypodermic syringes, needles and other similar objects used or designed for injecting substances into the human body, without obtaining and having certification as a Harm Reduction Program from the West Virginia Bureau for Public Health within the West Virginia Department of Health and Human Resources and any ~~and all licenses required under state law to do so; except that, items distributed by or exchanged at a needle exchange program sponsored or approved by the Chief of Police of the Charleston Police Department, as provided by Subdivision III herein, are thereby approved and are not unlawful.~~

Sec. 78-382. - Compliance with state law and regulations.

Every person, entity, organization, or group certified or licensed to sell, market, or distribute hypodermic needles shall comply with all applicable state law and regulations.

~~Subdivision III. -- Needle Exchange Program~~

Sec. 78-383. - Penalty.

Any person violating any provision of this subdivision shall, if convicted, be guilty of a misdemeanor and be fined not less than five hundred ~~ten~~ dollars nor more than one thousand ~~five hundred~~ dollars for the first offense and succeeding offenses. Each day that such violation shall continue shall be deemed a separate and distinct offense.

~~Sec. 78-396. -- Needle exchange program authorized.~~

~~The City of Charleston, by and through its Chief of Police, may sponsor, approve, or participate in a program or programs within the City of Charleston for the distribution or exchange of hypodermic syringes, needles and other similar objects used or designed for injecting substances into the human body.~~

~~Sec. 78-397. -- Rules and regulations; Chief of Police authorized.~~

~~The Chief of Police of the City of Charleston Police Department is authorized to promulgate reasonable rules or regulations deemed necessary to implement and administer a program within the City of Charleston provided for in Section 78-396 for the distribution or exchange of hypodermic syringes, needles and other similar objects used or designed for injecting substances into the human body.~~

Resolution No. 419-21

Introduced in Council:

January 19, 2020

Introduced by:

Adam Knauff, Bruce King, Chuck Overstreet, Deanna McKinney, Jennifer Pharr, Pat Jones, Sam Minardi and Shannon Snodgrass

Adopted by Council:

Referred to:

Public Safety

Resolution No. 419-21 - WHEREUPON, the herein signatory members of the City Council of Charleston, WV are presented with an issue of ongoing public concern - the distribution and/or exchange of hypodermic syringes for the purpose of intravenous drug use. These members note that the City's first responder community, namely police and fire, have not been fully informed of the status of this issue that impacts their daily work lives. Likewise, other City employees directly impacted by this issue, such as sanitation and refuse workers, likewise do not appear to have been fully apprised of the status of this current debate.

WHEREAS, these signatory Council members further note that input and cooperation of first responders is considered so critical on this issue that it was recently cited by the West Virginia Department of Health and Human Resources as a factor when it considered and rejected the application of a proposed syringe distribution program within Charleston City limits. These members agree and believe the additional input of sanitation workers is necessary for good governance, employee morale and community safety.

WHEREAS, these signatory members of the Charleston, WV City Council request affirmation from our City Government that it will actively survey and obtain input from the full membership of our first responder community and the full membership of our sanitation workers before taking further action with regard to approving, creating, expanding or otherwise acting upon any syringe exchange or distribution programs. We request affirmation from our City Government that the City Council of Charleston, WV shall be fully included in this survey process, which may be conducted anonymously or in any other way deemed appropriate for the protection of City workers. This Resolution in no way prohibits any City Department from enforcing existing laws that revolve around this issue.

WHEREAS, these signatory members of the Charleston, WV City Council recognize the crucial role of our first responders and sanitation workers on this issue. We value and seek their expertise and opinions. These signatory members of the Charleston, WV City Council ask the City Council of Charleston, WV to adopt this Resolution at the next regularly scheduled meeting of Council and to take any such

1 further action necessary to effectuate its spirit and purpose.
2

Bill No. 7894

Introduced in Council:

January 19, 2021

Introduced by:

Joseph Jenkins; John Kennedy Bailey

Adopted by Council:

Referred to:

Environmental & Recycling

Bill No. 7894 - A BILL to amend the Municipal Code of the City of Charleston, by adding thereto new sections, designated Sections 102-331, 102-332, and 102-333 within a newly created Article IX, Chapter 102 of said Code, relating to establishing the Charleston Adopt-A-Street Program.

WHEREAS, the West Virginia Legislature recently adopted SB 225 during the 2020 Regular Session that empowers municipalities to enact Adopt-A-Street programs, W. Va. Code § 8-12-20; and

WHEREAS, the City of Charleston recognizes the success of the state Adopt-A-Highway program in West Virginia where 25,000 volunteers regularly pick up litter on 4000 miles of highway and have been responsible for the removal of 40 million pounds of litter since the state program began; and

WHEREAS, the City of Charleston recognizes the commitment of many of its citizens, organizations and businesses to the improvement of the quality of the City's environment through the elimination of litter; and

WHEREAS, the City of Charleston and the state has received inquiries from the public about adopting streets maintained by the City; and

WHEREAS, the City of Charleston wants to formally recognize the community's commitment, respond to the public's desire for such a program, and to further encourage the public to participate in the shared commitment to a clean and litter free environment; and

WHEREAS, the City of Charleston finds it in the best interests of the public and the quality of the City's environment to establish the Charleston Adopt-A-Street Program.

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

That the Municipal Code of the City of Charleston, as amended, be amended by adding thereto new sections, designated Sections 102-331, 102-332, and 102-333, within a newly created Article IX, Chapter 102 of said Code, all to read as follows:

36 **ARTICLE IX. – CHARLESTON ADOPT-A-STREET PROGRAM.**

37
38 **Sec. 102-331 – General.**

- 39
40 (a) There is hereby created the Charleston Adopt-A-Street Program. The program
41 will be administered by the Director of Public Works, in consultation with the
42 City of Charleston Traffic Engineer. The director is encouraged to coordinate
43 with the state Adopt-A-Highway program and its administrators, the West
44 Virginia Department of Environmental Protection and West Virginia Division of
45 Highways, and other state or federal agencies, to seek any and all available
46 assistance and grant funding for the program.
47

48 **Sec. 102-332 – Eligible Streets.**

- 49
50 (a) Any street maintained by the City of Charleston is eligible for adoption,
51 including, without limitation, alleys, dirt roads and streets off the beaten path as
52 well as major streets; *provided, however*, the following are not eligible for
53 adoption:
54 (1) Interstates, interstate exchanges and interstate on/entrance ramps and
55 off/exit ramps; and
56 (2) Streets deemed unsafe.
57 (b) Adopted streets must be at least six blocks long or a relatively equivalent length
58 if the street does not have traditional or identifiable blocks. The overall length
59 of an adopted street should take into account the reasonable beginning and
60 end of the eligible street and the reasonableness of dividing an eligible street
61 into adoptable sections to maximize adoption and minimize the orphaning of
62 sections, parts or blocks of a street.
63 (c) Adopters may select a street for adoption or request the director to suggest an
64 adoptable street. The director, in consultation with the traffic engineer, shall
65 approve the streets to be adopted, taking into consideration the requirements
66 herein and the safety of the volunteers and the traveling public.
67

68 **Sec. 102-333 – Program Participation.**

- 69
70 (a) Individuals, families, churches, businesses, schools, civic organizations,
71 government agencies, scouting groups, fraternities, sororities, and
72 communities may participate in the Charleston Adopt-A-Street Program.
73 (b) The director shall implement an application process for the program. An
74 adopter is expected to commit to three cleanups per year for at least two years.
75 Those that complete the six required cleanups in the two-year contract period
76 are awarded a certificate of accomplishment signed by the mayor. An adopter
77 may continue with their adoption of the street as long as they perform three
78 cleanups per year. If an adopter fails to perform at least five cleanups in a two-
79 year period, the adopted street shall be eligible for adoption by another adopter.
80 (c) Each cleanup shall be at least 30 days apart. The director shall set forth
81 requirements for scheduling cleanups and for the submission of cleanup

- 82 reports.
- 83 (d) The City shall provide volunteers garbage bags, gloves, safety vests, safety
- 84 training similar to or the same as that required by the state, and traffic warning
- 85 signs¹, and such other items that may be provided at the discretion of the
- 86 director.
- 87 (e) The safety of the volunteers participating in an adoption is of the utmost
- 88 importance. Therefore:
- 89 (1) Volunteers shall be at least 12 years old;
- 90 (2) Volunteers shall wear safety vests provided by the City during the
- 91 cleanup at all times;
- 92 (3) Adopters shall post traffic warning signs provided by the City during the
- 93 cleanup; and
- 94 (4) Adopters and their volunteers shall adhere to any other requirements of
- 95 the director.
- 96 (f) As volunteers pick up litter, bags that have been filled shall be placed on street
- 97 sides for removal and disposal by the City. Recycling of items found during a
- 98 cleanup is encouraged.
- 99 (g) Adopters must clean adopted streets with their own volunteers and may not
- 100 subcontract the work.
- 101 (h) The director, in consultation with the traffic engineer, shall erect a sign at each
- 102 end of the adopted street bearing the Adopt-A-Street logo and the name of the
- 103 adopter after two cleanups have been reported.
- 104
- 105

Secs. 102-334—102-340 - Reserved.