

MINUTES

PUBLIC SAFETY COMMITTEE MEETING

5:30 P. M., FEBRUARY 4, 2021

*IN RESPONSE TO THE COVID-19 PANDEMIC, THE MEETING OF THE PUBLIC SAFETY COMMITTEE WAS CONDUCTED ELECTRONICALLY. THE MEETING WAS MADE AVAILABLE TO THE PUBLIC AS A LIVE STREAM VIA ZOOM (PER THE AGENDA).

Keeley Steele, Chairperson, called the meeting of the Charleston City Council Committee on Public Safety to order at 5:30 p.m., FEBRUARY 4, 2021.

Committee Members Present:

Keeley Steele, Chair

Chuck Overstreet, Vice Chair

Pat Jones

Bruce King

Deanna McKinney

Shannon Snodgrass

Tiffany Wesley-Plear

1. Approval of Previous Minutes –
Councilmember King moved to approve the minutes of the previous meeting on 1-14-2021. Councilmember Overstreet seconded the motion. There was no objection and the minutes were approved.

2. Resolution No. 419-21 – Requesting affirmation from the City Government that it will actively survey and obtain input from the full membership of the first responder community and sanitation workers before taking further action with regard to approving, creating, expanding or otherwise acting upon any syringe exchange or distribution programs, as well as requesting affirmation that the City Council shall be fully included in this survey process –

Councilmember Steele stated that the discussion is not about harm reduction or syringe exchange. The Committee will be discussing the logistics of how the proposed survey will be carried out within the Departments. She requested that the meeting to be kept to an hour, so 30 minutes will be spent discussing the resolution and 30 minutes will be spent discussing how the 4-24-2021 meeting will be conducted. Councilmember Steele stated that the intention of the resolution is pretty clear, but it had been brought to her attention that it is missing a “Therefore be it resolved” clause. She asked City Attorney, Kevin Baker to discuss this and any other possible changes for a Committee Substitute.

Baker added that the Committee could approve to change the document to the format of a resolution as currently it reads more like a petition because it mentions “signatory members.” If the resolution was adopted, it would be from the Council body not specific members. He added that resolutions typically contain “Whereas” clauses that set the purpose and a resolve clause that sets forth the action that the resolution is directing take place.

Councilmember King, who submitted the resolution, asked for clarification as to what should be in the resolve clause. His idea was to get with some IT people and send out a survey via Survey Monkey via email of a list of about 10 questions to first responders, Refuse workers and Public Grounds employees. Baker made some clarifications on the language and added that he wasn’t sure if all of the Refuse and Public Grounds employees had a City email. Councilmember King replied that they could work with IT for a workaround.

Councilmember Steele added that if Public Grounds employees were to be included, then Parking employees (parking garages) should also be included. She also wanted to work out the timeline and logistics of the survey. She asked the Department Heads present if an anonymous survey of employees had ever been done before to their knowledge; if so, how was that done. Chief Hunt replied that the CPD has done something similar when they vote for members of the Pension Board etc. They do paper ballots in a physical drop box that is later counted, the timing is coordinated to accommodate both shifts. He added that names are crossed off as they vote to prevent multiple voting. Councilmember King replied that electronic surveys can be simple and anonymous with near-instant results. He added that he thought the questions should be kept simple, with Yes or No responses. Chief Hunt requested that the survey be kept open for at least 4 days.

Councilmember Wesley-Plear added that, from her experience, many Refuse workers did not have personal emails or City emails. She agreed that the survey should be

simple. Director of Refuse, Jered Lanham, agreed that the vast majority do not have private emails and paper surveys would work better. Councilmember Snodgrass stated that they wanted the process to be short and simple, being concerned with Police, Fire, Refuse and Public Grounds. She added that it is most important that it be anonymous and that no one could see them filling out the survey. She added that her idea was to have a City computer available at those locations. Director of Public Works, Brent Webster, added that they are limited, but with the help of IT, they could probably dedicate 1 or 2 computers. Councilmember Steele agreed that it would be best to keep the survey in one format.

Councilmember Steele asked if the questions needed to be determined during the meeting or at a later time. Baker replied that they could put the questions on the resolution, but it wasn't necessary. He read the proposed changes to the resolution thus far. Councilmember Steele asked who would be responsible for creating the questions. Baker replied that, as the current resolution was drafted, it would be in the hands of the Mayor or City Manager to figure it out and execute it. Councilmember Snodgrass stated that to be fair and make employees feel comfortable, the survey results should come back to Public Safety Committee, but should not come from the Mayor's Office.

Councilmember Snodgrass stated that the survey questions should come from the Public Safety Committee. Councilmember Steele asked how that would happen (a Committee meeting solely to create the survey etc.). Councilmember Snodgrass replied that they could work on it after the resolution passes, either by a subcommittee or a full meeting.

Councilmember Wesley-Plear suggested having the Departments submit questions to be approved by the Committee so that they aren't starting from scratch. Councilmember McKinney agreed.

Councilmember King asked why they weren't contacted about changing some of the language in the resolution (the resolve clause, for example) before this meeting. Baker replied that he did reach out to Councilmember King when the resolution was first brought to his attention on the Friday before it was introduced. He had suggested that they could work on the language so that it could be brought to Council and adopted at the flowing meeting instead of referring it to Committee. He added that Councilmember King was insistent that it was to be introduced as written at that time. Once referred to Committee, it is in their hands to adjust the language via committee substitute.

Councilmember King requested that the Public Safety Committee create the survey and administer it with the help of the IT Department. Councilmember Snodgrass agreed, adding that they are making it harder than it needs to be. She stated that she thought the resolution was clear as it stands.

Councilmember Jones asked if the survey could be ready before Council approved the resolution. Councilmember Snodgrass clarified that the resolution needed to be passed by the Committee and passed by Council before the survey could be administered.

Councilmember Overstreet suggested to make the changes proposed by the City Attorney with the Committee making the questions. Baker read the updated changes. Councilmember Steele clarified with Baker that the resolution as currently written would place the responsibility of executing the survey on the Administration as directed by the Mayor or City Manager. Councilmember Snodgrass again expressed concern that employees wouldn't feel comfortable if the survey came directly from the Administration. She clarified with Baker that he recommended the "signatory" line be changed to reflect that a resolution is a statement from the whole Council body, not just the sponsors of it. Otherwise, it reads more like a petition to him.

Councilmember Wesley-Plear suggested that the resolution be written so that the survey has to be approved by the Public Safety Committee. Councilmember Snodgrass stated that there is an ex-fire chief on the Committee and they could reach out to those Department Heads themselves to create questions that would universally apply to all employees. Councilmember Wesley-Plear cautioned that the questions would need to be carefully worded so as to not skew the results.

Councilmember Jones suggested to add to the resolution that SOAR should stop their needle exchange program until they are able to consider the matter. Councilmember Wesley-Plear stated that they couldn't name a specific organization. Councilmember Jones suggested that needle exchanges be stopped unless they are WV State certified programs. Baker replied that they could put whatever they would like into the resolution, but it wouldn't be an enforceable ordinance. They could only request it.

Councilmember McKinney stated that they needed to remember to be respectful. They do not want to make decisions without including the right people. They should also not be considering questions without including the appropriate Department Heads. Additionally, 10 is probably too many questions. **Proofed**

Councilmember King stated that he would like to see a statement in the resolution asking SOAR to halt their needle exchange program. Baker summarized the current changes to the resolution per the discussion. Councilmember Snodgrass agreed to the needle exchange program restriction. Councilmember Steele added that she thought that would bog down the discussion for the actual bill. Councilmember Overstreet agreed, and suggested adding in the resolutions that Department Heads would be consulted. Councilmember McKinney agreed. Councilmember Wesley-Plear agreed that a particular organization did not need to be named. While she was fine with adding the previously mentioned clause, she thought it would hold up the survey process.

Councilmember King motioned to amend the resolution to add "We would request any organization currently operating a needle exchange without State certification to suspend such distribution until such time that Council takes action on pending legislation." Councilmember Jones seconded.

Yeas: Jones, King, Overstreet, Snodgrass
Nays: McKinney, Steele, Wesley-Plear

With the yeas being in the majority, the Amendment was approved.

Baker then read the resolution in its entirety. Councilmember Snodgrass asked for the last section to be read again.

From the audience, Councilmember Faegre added that there have been a lot of contradicting statements. She added that it was very intimidating when, several years ago, many police and fire workers lined Council Chambers opposed to needle distribution. She added that it was very clear how they felt.

From the audience, Councilmember Pharr added that the conversation around the resolution had changed since she first saw it, adding that the intent was to gather information and to speak and listen. It is embarrassing that Councilmembers are speaking over one another to the point where she doesn't even know what they are discussing. They also need to hear from the organizations. She did not agree with the amendment, and asked if she could have her name removed as a sponsor. She added that it was disrespectful to be constantly telling someone that they are out of order or talking over other people. Nikki Smith, from the Clerk's Office, added that her name could be removed, and asked that she submit her request via email.

From the audience, Councilmember Knauff asked who from Public Works would be answering the survey as he was under the impression that it would be Refuse and Public Grounds. Webster replied that he only spoke to inform the Committee that the Department was email challenged and to help ensure the process was as easy as possible for the workers. Councilmember Knauff asked Baker to read the last section again. Baker clarified that Public Works was included in the language instead of listing the various departments (refuse, streets, etc.) as they all fall under Public Works.

Councilmember King added that the only thing the resolution does is ask to survey employees of the City. He agreed that all Members have the responsibility to learn about the topic. He encouraged members to also visit Heath Right.

Councilmember King motioned to approve the resolution. Councilmember Overstreet seconded. With the yeas being in the majority, Resolution No. 419-21 Committee Substitute was approved.

3. Discussion on how to conduct the meeting on 2/24/2021 in order to take up Bill No. 7893

Councilmember Steele asked if the Committee wanted to possibly meet in person for their next meeting. The majority of the Committee seemed to be in favor with meeting in

person. Councilmember Wesley-Plear asked how many members of the public would be able to attend. Councilmember Steele said they will be in a better position to determine that after the first in-person Council meeting on 2-16-2021. Smith clarified that if an in-person meeting was to be open to the public, there could not really be a limit. However, the Committee could meet in person, but allow access to the public via Zoom or some other live streaming method. Councilmember Steele confirmed they could decide after the first in person Council meeting. Smith added that the Committee could potentially meet in Council Chambers, but the number of people present would be limited. Snodgrass thanked those listening to the meeting. From the audience, Councilmember Faegre stated that the Ordinance and Rules Committee had meet in Council Chambers in the past, adding that the room was packed and Committee meetings were not public hearings. From the audience, Councilmember Knauff asked what the difference would be between having the meeting at the Convention Center versus Council Chambers. Smith replied that because of the current socially distanced guidelines, Council Chambers would only be viable if only the members and a few invited panelists were present, whereas a completely open in person meeting would only be possible at the Convention Center.

4. Discussion on invites to next SOAR event and invites to a "Town Hall" with WVDII

Councilmember Steele stated that the West Virginia Drug Intervention Institute had invited all Councilmembers to their Town Hall meeting, as well as SOAR's event that upcoming Saturday. Regardless of their opinions, as public officials they should do their jobs with integrity by having all the information.

Councilmember Snodgrass motioned to adjourn. Councilmember Jones seconded.
Meeting adjourned

Committee Substitute for 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~~ City Council notes 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~~ City Council further notes 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~~ City Council agrees and believes 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~~ Public Safety Committee will actively survey and obtain input from the full membership of our first responder community and the full membership of our ~~sanitation~~ Public Works 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 t~~ 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 recognizes~~ the crucial role of our first responders and ~~sanitation~~ Public Works 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 further action necessary to effectuate its spirit and purpose.~~

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

That the Public Safety Committee is hereby directed to create a survey regarding opinions about the distribution and/or exchange of hypodermic syringes in order to obtain anonymous City employee responses; and to work with the Charleston Police Department Chief, the Charleston Fire Department Chief, and the Director of Public Works to distribute the survey to the employees of these departments.

And that we request any organization currently operating a needle distribution without state certification to suspend such distribution until the City Council takes action on the

| pending legislation.