



CITY OF CHARLESTON WEST VIRGINIA



COUNCIL MEMBER – WARD 20

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Ordinance and Rules Committee, Chair
Parks and Recreation Committee
Finance Committee
Parking Facilities Committee

TO: Ordinance and Rules Committee
FROM: Chad Robinson, Chair
RE: Committee Meeting

A meeting of the Council Committee on Ordinance & Rules will be held on Tuesday, November 9,
2021 at 5:00 PM. **To be held in person**
AV ROOM #308, CITY HALL

Agenda

APPROVAL OF PREVIOUS MINUTES

1. 9-1-2021

BILLS

1. Bill No. 7927 - A BILL to amend the Municipal Code of the City of Charleston related to reorganizing certain city commissions; creating the public art commission; eliminating the beautification commission and wayfinding commission; setting forth the composition, terms, and certain procedural requirements of the public art commission; declaring the public art commissions powers and duties; providing rule-making authority for the public art commission; and requiring an annual report from the public art commission.
2. ~~Bill No. 7928 – A BILL to amend and reenact Section 2-138 of the Municipal Code of the City of Charleston, as amended, relating to updating restrictions on municipal officers and employees eligibility for certain grant funds; creating exceptions; and creating criminal and other penalties for violation. Removed from agenda 11-4-2021~~

ADJOURN

THE AGENDA WAS AMENDED ON 11-4-2021

CR/ns

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., SEPTEMBER 1, 2021

THE MEETING WAS MADE AVAILABLE TO THE PUBLIC AND AS A LIVE STREAM VIA ZOOM (PER THE AGENDA).

Jeanine Faegre, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:30p.m., SEPTEMBER 1, 2021.

Committee Members Present:

Jeanine Faegre, Chair (via Zoom)
Bobby Reishman, Vice Chair (via Zoom)
John Kennedy Bailey (via Zoom)
Bobby Haas (via Zoom)
Courtney Persinger (via Zoom)
Robert Sheets (via Zoom)
Keeley Steele (via Zoom)

Absent:

None

Councilmembers also Present:

Adam Knauff (via Zoom)
Chad Robinson (via Zoom)

1. Approval of Previous Minutes – Councilmember Reishman moved to approve the minutes of the previous meeting on 7-27-2021. Councilmember Sheets seconded. There was no objection, and the minutes were approved.

2. Resolution No. 529-21 – Amending Rules No. 3 and No. 13 of the Rules of Council to require that appointment recommendations from the Mayor to City Council be filed with the clerk by 12:00 noon on Friday immediately preceding the day of the meeting considering the recommendation; that each recommendation be made individually and voted on individually; and that each recommendation state whether the person has a familial relationship with the Mayor, any Member of Council, and any member of the Mayor’s Administration.

Councilmember Faegre asked Councilmember Knauff, the resolution’s sponsor, to remark on the resolution. Councilmember Knauff stated that the resolution requires that nominations for appointments be given to the City Clerk’s Office by noon the Friday before a Council meeting, requires that Council vote individually on all of those nominations and requires that those nominations disclose any familial relationship of the nominee with the Mayor’s Office, Administration, City Council or Department Heads. He added that the resolution is not reactionary to anything. He had provided the members via email with documentation of his interest in the subject since his initial term in 2010. At the beginning of his current term, he emailed the City Clerk’s Office to request that appointments be emailed to him when they are received.

Councilmember Knauff stated that when these appointments are received the day of the meeting, it becomes difficult to ask questions or vet nominations and the direction that the Administration would want that Committee to go. Additionally, these nominations aren’t frequently presented to Council, and when they are, they are done so in groups. It does not seem like that big of a time consideration to have them voted on individually. This will give Councilmembers the flexibility to ask questions. Lastly, Councilmember Knauff added that it was important that familial relationships be disclosed in order to be as transparent as possible. He added that nothing in the resolution would prevent a familial relationship, but there does need to be transparency.

Councilmember Faegre added that she is in favor of transparency. She agreed that Councilmembers should know well in advance who the recommendations will be. She added that any Mayor is going to appointment people that they can depend on and are loyal to their goals.

Councilmember Steele stated that she did not have an issue with Council getting more advanced notice of appointments. She added that disclosing familial relationships is not important. Councilmember Steele motioned to amend the resolution by:

removing on line 6 of the first page “and that each recommendation state whether the person has a familial relationship with the Mayor, any Member of Council, and any member of the Mayor’s Administration.”
And removing on line 28 on the second page “and such recommendation or communication shall include a statement disclosing any familial relationships the

recommended appointee has to the Mayor, any Member of Council, and any member of the Mayor's Administration. For the purposes of this rule, "Mayor's Administration" means any employee of the City of Charleston who holds a position of influence, including but not limited to the City Manager, City Solicitor, Department Directors, or assistants to the Mayor."

Councilmember Reishman seconded.

Councilmember Reishman added that the familial requirement makes it seem like they believe something is suspicious, which is not the case.

Councilmember Persinger added that all three points are very good, and it is extremely relevant in politics to disclose familial relationships. Nepotism exists, and while he is not accusing anyone of it, he doesn't understand why anyone would not want to disclose information that is relevant.

Councilmember Sheets agreed that the familial relationship language should be removed. He added that during his original term, he had asked that appointments should include qualifications of the nominees.

Councilmember Knauff added that the intent of the familial disclosure requirement was not to show distrust, but should be done for the sake of transparency. He added that the requirement would apply to City Council and Department Heads as well as the Mayor.

Councilmember Steele added that she has never heard a Councilmember question an appointment during a Council meeting. Despite Councilmember Knauff's previous interest in the matter, the resolution was introduced after the last two appointments (which did have familial relationships with City staff). Councilmember Steele added that if they had known those appointments beforehand, questions could have been answered in a timely manner.

With the majority of the members voting in the affirmative, with at least one recognized Nay from Persinger, Councilmember Faegre declared the amendment to Resolution 529-21 as approved.

With no further discussion, Councilmember Reishman made a motion to approve the resolution as a Committee Substitute. Councilmember Bailey seconded.

A roll call was taken:

Yeas: Faegre, Reishman, Haas, Persinger, Sheets, Steele

Nays: Bailey

With the Yeas being in the majority, Resolution No. 529-21 Committee Substitute was approved.

Councilmember Reishman motioned to adjourn the meeting. Councilmember Steele seconded. Meeting adjourned.

Resolution No. 529-21 - Amending Rules No. 3 and No. 13 of the Rules of Council to require that appointment recommendations from the Mayor to City Council be filed with the clerk by 12:00 noon on Friday immediately preceding the day of the meeting considering the recommendation; that each recommendation be made individually and voted on individually; and that each recommendation state whether the person has a familial relationship with the Mayor, any Member of Council, and any member of the Mayor's Administration.

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

That Rules No. 3 and No. 13 of the Rules of Council be amended, all to read as follows:

Rule No. 3. - Filing of papers to be introduced at city council meetings, and action thereon by clerk of council.

In order to promote the orderly conduct of the business of the city council and the timely preparation of an accurate agenda, the following rules are hereby established:

(a) All bills, resolutions, petitions, committee reports, communications, appointments, and other documents for consideration by the city council must be filed in the office of the clerk of the council not later than 12:00 noon on Friday immediately preceding the day of the meeting at which it is intended they be considered; provided that this restriction shall not apply to the mayor or the mayor's designated deputy; provided, however, that any written mayoral recommendation or communication for the appointment of any individual to a position, board, or seat that requires the consent of Council may not contain more than one individual appointee and shall be filed by 12:00 noon on Friday immediately preceding the day of the meeting and such recommendation or communication shall include a statement disclosing any familial relationships the recommended appointee has to the Mayor, any Member of Council, and any member of the Mayor's Administration. For the purposes of this rule, "Mayor's Administration" means any employee of the City of Charleston who holds a position of influence, including but not limited to the City Manager, City Solicitor, Department Directors, or assistants to the Mayor.

(b) Nothing herein shall be construed to prohibit any member of the city council, at the proper order of business, from introducing or submitting any bill, resolution, petition, committee report or communication during any regular meeting.

(c) The clerk of the council shall assign a serial number to each bill and resolution introduced and shall have authority to edit and correct them as to form.

(d) No bill or resolution shall be filed with the clerk of the council or introduced from the floor unless it bears the signature of at least one member of the city council as sponsor. Any member of the city council, for this purpose, may verbally authorize the clerk of the council or any of the clerk's deputies to sign the member's name thereto.

Rule No. 13. - Call for a division of a question.

Any member of the city council may call for a division of any question before a vote is taken thereon if it comprehends propositions in substance so distinct that, if one proposition be taken away, another substantive proposition remains for decision by the city council; but a member of the city council calling for a division of a question shall state in what manner the question shall be divided. Notwithstanding the foregoing, every vote regarding the appointment of a person to any position, board, or seat shall be taken individually, identifying each proposed appointment for its own separate vote, and under no circumstances may multiple proposed appointment

Bill No. 7927

Introduced in Council:

September 7, 2021

Introduced by:

Keeley Steele

Adopted by Council:

Referred to:

Ordinances & Rules

Bill No. 7927 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by amending and reenacting Sections 2-531, 2-532, 2-533, and 2-534; and by amending said code by repealing Sections 2-681, 2-682, 2-683, and 2-684, all relating to reorganizing certain city commissions; creating the public art commission; eliminating the beautification commission and wayfinding commission; setting forth the composition, terms, and certain procedural requirements of the public art commission; declaring the public art commissions powers and duties; providing rule-making authority for the public art commission; and requiring an annual report from the public art commission.

WHEREAS, there is a need to continually evaluate the organization of city government; and

WHEREAS, the stated duties of the beautification commission and wayfinding commission have largely been managed by city employees and private groups, such as the various garden clubs and community associations; and

WHEREAS, the beautification commission last filed an annual report for calendar year 2011 and the wayfinding commission last filed an annual report for calendar year 2017; and

WHEREAS, there has been a growing focus within the City of Charleston on public art making the creation of a Public Art Commission a logical next step for the advancement of public art; and

WHEREAS, excellent and innovative public art projects are created with a strong infrastructure for planning, advocacy, funding, and maintenance; and

WHEREAS, the Mayor and City Council are dedicated to promoting a vibrant arts culture in the City of Charleston by providing infrastructure through the implementation of a comprehensive public art strategy; and

WHEREAS, having this infrastructure in place will create a sustainable public art program in Charleston.

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

37
38 That Sections 2-531, 2-532, 2-533, and 2-534 of the Municipal Code of the City of
39 Charleston, as amended, be amended and reenacted, and that Sections 2-681, 2-682,
40 2-683, and 2-684 of said code be repealed, all to read as follows:

41
42 **CHAPTER 2. – ADMINISTRATION.**

43 **ARTICLE VII. – BAORDS, COMMITTEES AND COMMISSIONS.**

44 **DIVISION 2. - BEAUTIFICATION COMMISSION PUBLIC ART COMMISSION.**

45
46 **~~Sec. 2-531. - Created; composition; appointment, term and compensation of~~**
47 **~~members; filling vacancies.~~ Public Art Commission created.**

48
49 There is hereby created the "City of Charleston Public Art Commission" and it
50 shall exist as an agency of the city to provide planning, advocacy, and funding of public
51 art projects in the city. The Public Art Commission shall be staffed by the City's Director
52 of the Office of Public Art.

53
54 The Municipal Beautification Commission previously created in this division is
55 hereby eliminated. There is created the "Municipal Beautification Commission of
56 Charleston." The commission shall consist of 12 members who shall be appointed by
57 the mayor and confirmed by the city council. All members shall be appointed for terms
58 of three years each and until their successors are duly appointed and qualified; and, to
59 provide staggered terms of office, four members shall be appointed on or before
60 September 19 of each year, to take office on September 19 of the year in which
61 appointed. Vacancies occurring other than by reason of expiration of term of office shall
62 be filled for the unexpired term only. Members shall serve without compensation.

63
64 **~~Sec. 2-532. - Annual organizational meeting; officers; rules; meetings.~~**
65 **Composition and organization of commission.**

66
67 (a) Composition. The City of Charleston Public Art Commission shall consist of
68 nine members, each appointed by the Mayor. Of the nine members, one shall be an
69 artist that is experienced or informed about public art, one shall be a member of City
70 Council, one shall be an art professional, such as an artist, curator, administrator, art
71 historian, or educator, one shall be an urban planner or developer, one shall be an
72 architect, landscape architect, or a horticulturist, and four shall be members of the
73 general public who work or reside in Charleston.

74
75 (b) Terms of Service. To provide staggered terms, the initial appointments of
76 members other than the council member shall be made such that two appointments are
77 for a 1-year term, two appointments are for a 2-year term, two appointments are for a 3-
78 year term, and two appointments are for a 4-year term. Each such member shall serve
79 until their successors are duly appointed and qualified. Following the initial
80 appointments, all appointments shall be for a term of four years. The council member of
81 the commission shall serve for a term coextensive with their term as a member of

council. Vacancies other than by reason of expiration of term of office shall be filled for the unexpired term only.

(c) Service without compensation. All members shall serve without compensation, but may be reimbursed for reasonable expenses arising out of the performance of their duties provided there has been advance approval for such expenses from the Director of the Office of Public Art.

(d) Governance. Members of the commission shall select annually from its membership a chair, a vice-chair, and any other officers as it determines necessary for the performance of its duties. The commission may adopt such rules or by-laws as may be necessary for the transaction of its business.

(e) Meetings. Meetings of the commission shall be open to the public and be properly noticed in accordance with the Open Governmental Proceedings Act, West Virginia Code Chapter 6, Article 9A. The commission shall meet quarterly, and may meet more frequently if it elects. The Director of the Office of Public Art shall provide an agenda for meetings of the commission to the City Clerk for posting consistent with the Open Governmental Proceedings Act at least three business days prior to any meeting.

(f) Quorum. A majority of the members of the commission shall constitute a quorum. A majority vote of the members present at a meeting shall be required for any action or decision of the commission.

~~At its first meeting after the appointment of new members each year, the beautification commission shall elect from its membership a chairman, secretary and such other officers as it determines to be necessary for the performance of its duties. The commission shall adopt such rules and hold such meetings as shall be necessary or convenient for the transaction of its business.~~

Sec. 2-533. – Duties Powers and duties.

(a) The public art commission's duties shall include, but not be limited to:

(1) Identifying opportunities to collaborate on commissions for public art and educational programs with other organizations and committees;

(2) Identifying resources outside of the Charleston Fund for Public Art for commissioning new work, conservation, maintenance, and educational programs within the city;

(3) Approving requests for the placement of a mural on any outside wall, façade or other surface of a building or structure within the City.

(4) Working with the Office of Public Art to create a Public Art Strategy for the City of Charleston, which shall include a flexible road map for acquisition and maintenance of public art based on available opportunities and funding sources.

~~(a) It shall be the duty of the beautification commission to advise and recommend to the mayor or the city council such programs or projects as would, in the opinion of the commission, improve the beauty and general welfare of the city.~~

128 ~~_____ (b) The mayor or the council may request the advice or cooperation of the~~
129 ~~commission for any project or program connected with the beautification, cleanliness or~~
130 ~~general welfare of the city.~~

131 ~~_____ (c) The commission shall submit an annual report to the mayor, generally~~
132 ~~outlining its program and progress during the previous year.~~

133 ~~_____ (d) It shall be the duty of the commission to maintain Davis Park, Slack Plaza,~~
134 ~~Brawley Walkway, Shanklin Park, Elk River Park and Ruffner Park and to promulgate~~
135 ~~rules and regulations for the use of such parks.~~

136 ~~_____ (e) It shall be the duty of the commission to review all proposed supergraphics to~~
137 ~~ensure that such supergraphics are in keeping with the intended location and are free~~
138 ~~from expressed or implied commercial, political or religious advertisement.~~

139 ~~_____ (f) The commission shall approve recommendations for expenditures from the~~
140 ~~municipal beautification project fund.~~

141 ~~_____ (g) The commission shall, upon recommendation of the department head,~~
142 ~~approve the citywide consulting horticulturalist and make this recommendation to the~~
143 ~~finance committee and the city council.~~

144 ~~_____ (h) The commission shall serve as the tree board for the city.~~

145
146 **Sec. 2-534. - Expenses of members; finances. Finances and reporting.**

147
148 ~~_____ The commission shall prepare an annual report of the Public Arts Strategy and~~
149 ~~an annual budget that incorporates allocations from Charleston's Fund for Public Art~~
150 ~~and any other available funding sources. The annual term for the report and budget~~
151 ~~shall be based on the city's fiscal year. The report and budget shall be presented to~~
152 ~~council annually at the second meeting in December.~~

153 ~~_____ Members of the beautification commission shall be reimbursed by the city for~~
154 ~~their actual expenses incurred in connection with the performance of their duties, and~~
155 ~~the city council may appropriate such funds as it deems appropriate to finance the~~
156 ~~activities of the commission.~~

157
158 **DIVISION 8. – WAYFINDING COMMISSION.**

159
160 **Sec. 2-681. – Creation, composition, term of members, vacancies, compensation.**

161
162 ~~_____ There is hereby continued the Wayfinding Commission. The commission shall~~
163 ~~consist of eleven voting members who shall be appointed by the mayor and confirmed~~
164 ~~by Charleston City Council. Of these eleven members, at least one shall be selected~~
165 ~~from the Municipal Beautification Commission; at least one shall represent the~~
166 ~~Charleston Area Alliance; at least one shall represent the Charleston Convention and~~
167 ~~Visitor's Bureau; at least one shall represent the Kanawha County Commission; at least~~
168 ~~one shall be selected from Charleston City Council; and at least one shall represent the~~
169 ~~City of South Charleston. The term of each member shall be three years and~~
170 ~~membership shall be staggered so that the terms of four members shall expire in each~~
171 ~~of two successive years and the terms of three members shall expire in each third year.~~
172 ~~In the case of a vacancy during a term, a replacement member shall serve the~~
173 ~~remainder of the term. Members of the commission shall serve without compensation.~~

Those members selected from any entity named above shall serve so long as they are acting members of or represent such entity.

Sec. 2-682. -- Organization.

— (a) The commission shall select annually from its membership a chairman, vice chairman, secretary and other officers as it determines necessary for the performance of its duties. A majority of the members of the commission will constitute a quorum. No action of the commission shall be official, unless authorized by a majority of the commission.

— (b) The commission shall adopt such rules and hold such meetings as shall be necessary or convenient for the transaction of its business.

(Bill. No. 6936, § 2-182, 11-4-2002; Bill No. 7043, 3-15-2004; Bill No. 7201, 7-3-2006)

Sec. 2-683. -- Duties and powers.

— (a) The commission shall: (i) create, oversee and review a directional sign system for residents and visitors to major public areas, destinations and places in the city and its environs, (herein the "Wayfinding System"); (ii), promote and regulate the use of banners and other decorations to identify districts, places of interest, and arts, sports and other public events; (iii) create, oversee, and reviews signs in all parks owned or operated by the city; and (iv) pursue and implement plans and goals adopted from time to time by city council. For such purposes the commission shall have the authority to create, use, regulate and develop the following:

- (a) Geographic districts and their boundaries included in the Wayfinding System;
- (b) Destination and attraction signs included in the Wayfinding System;
- (c) Banners and decorations in public rights-of-way;
- (d) District colors;
- (e) Graphic logos for the districts;
- (f) A Charleston Area Wayfinding Map;
- (g) Signs in parks owned or operated by the city;
- (h) A long-term maintenance program for sustaining signs, banners and other decorations;
- (i) Policies and procedures regarding licensure and/or fair use of registered, copywrited, or otherwise legally protected designs, logos, maps, signs or other intellectual property of the Wayfinding Commission; and
- (j) Placement, location and removal of directional signs, signs in parks,, banners and decorations.

— (b) The commission shall report to city council the plan and design of signs, the identification of geographic districts, and the assignment of district colors and any changes thereto.

Sec. 2-684. -- Finances and reports.

— (a) The commission shall have power and authority to raise funds and to maintain operating accounts for the receipt and disbursement of funds for the purposes

220 ~~stated in this division. The commission shall also have power and authority to create a~~
221 ~~permanent endowment fund to be used and administered for the purposes stated in this~~
222 ~~division. The operating accounts and endowment fund shall be subject to periodic audit~~
223 ~~by the city. The commission shall provide monthly statements to the city for all operating~~
224 ~~accounts and annual statements for the endowment fund.~~

225 ~~—— (b) City council may appropriate funds as it deems necessary to finance the~~
226 ~~activities and expenses of the commission. Members of the commission may seek~~
227 ~~reimbursement by the commission for their reasonable actual expenses incurred in~~
228 ~~connection with the performance of their duties. The city shall not otherwise obligate~~
229 ~~itself to fund the activities or expenses of the commission.~~

230 ~~—— (c) By February 1 of each year the commission shall make an annual report to~~
231 ~~city council of its activities, a financial report showing receipts and expenditures from~~
232 ~~any accounts maintained by it and the status of any endowment funds.~~

Committee Substitute for Bill No. 7927

Introduced in Council:

September 7, 2021

Introduced by:

Keeley Steele

Adopted by Council:

Referred to:

Ordinances & Rules

Committee Substitute for Bill No. 7927 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by amending and reenacting Sections ~~2-531, 2-532, 2-533, and 2-534~~; and by amending and reenacting said code by repealing Sections 2-681, 2-682, 2-683, and 2-684 of said code, all relating to reorganizing certain city commissions; creating the public art commission; eliminating modifying the duties of the beautification commission; eliminating the and wayfinding commission; setting forth the composition, terms, and certain procedural requirements of the public art commission; declaring the public art commissions powers and duties; providing rule-making authority for the public art commission; and requiring an annual report from the public art commission.

WHEREAS, there is a need to continually evaluate the organization of city government; and

~~WHEREAS, the stated duties of the beautification commission and wayfinding commission have largely been managed by city employees and private groups, such as the various garden clubs and community associations; and~~

~~WHEREAS, the beautification commission last filed an annual report for calendar year 2011 and the wayfinding commission last filed an annual report for calendar year 2017; and~~

WHEREAS, there has been a growing focus within the City of Charleston on public art making the creation of a Public Art Commission a logical next step for the advancement of public art; and

WHEREAS, excellent and innovative public art projects are created with a strong infrastructure for planning, advocacy, funding, and maintenance; and

WHEREAS, the Mayor and City Council are dedicated to promoting a vibrant ~~arts~~ culture in the City of Charleston by providing infrastructure through the implementation of a comprehensive public art and beautification strategy; and

WHEREAS, having this infrastructure in place will create a sustainable public art

program in Charleston.

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

That Sections ~~2-531, 2-532, 2-533, and 2-534~~ of the Municipal Code of the City of Charleston, as amended, be amended and reenacted, and that Sections 2-681, 2-682, 2-683, and 2-684 of said code be ~~repealed~~amended and reenacted, all to read as follows:

CHAPTER 2. – ADMINISTRATION.

ARTICLE VII. – BAORDS, COMMITTEES AND COMMISSIONS.

DIVISION 2. - BEAUTIFICATION COMMISSION PUBLIC ART COMMISSION.

~~Sec. 2-531. – Created; composition; appointment, term and compensation of members; filling vacancies. Public Art Commission created.~~

~~There is hereby created the "City of Charleston Public Art Commission" and it shall exist as an agency of the city to provide planning, advocacy, and funding of public art projects in the city. The Public Art Commission shall be staffed by the City's Director of the Office of Public Art.~~

~~The Municipal Beautification Commission previously created in this division is hereby eliminated. There is created the "Municipal Beautification Commission of Charleston." The commission shall consist of 12 members who shall be appointed by the mayor and confirmed by the city council. All members shall be appointed for terms of three years each and until their successors are duly appointed and qualified; and, to provide staggered terms of office, four members shall be appointed on or before September 19 of each year, to take office on September 19 of the year in which appointed. Vacancies occurring other than by reason of expiration of term of office shall be filled for the unexpired term only. Members shall serve without compensation.~~

~~Sec. 2-532. – Annual organizational meeting; officers; rules; meetings. Composition and organization of commission.~~

~~(a) Composition. The City of Charleston Public Art Commission shall consist of nine members, each appointed by the Mayor. Of the nine members, one shall be an artist that is experienced or informed about public art, one shall be a member of City Council, one shall be an art professional, such as an artist, curator, administrator, art historian, or educator, one shall be an urban planner or developer, one shall be an architect, landscape architect, or a horticulturist, and four shall be members of the general public who work or reside in Charleston.~~

~~(b) Terms of Service. To provide staggered terms, the initial appointments of members other than the council member shall be made such that two appointments are for a 1-year term, two appointments are for a 2-year term, two appointments are for a 3-year term, and two appointments are for a 4-year term. Each such member shall serve~~

82 ~~until their successors are duly appointed and qualified. Following the initial~~
83 ~~appointments, all appointments shall be for a term of four years. The council member of~~
84 ~~the commission shall serve for a term coextensive with their term as a member of~~
85 ~~council. Vacancies other than by reason of expiration of term of office shall be filled for~~
86 ~~the unexpired term only.~~

87
88 ~~_____ (c) Service without compensation. All members shall serve without~~
89 ~~compensation, but may be reimbursed for reasonable expenses arising out of the~~
90 ~~performance of their duties provided there has been advance approval for such~~
91 ~~expenses from the Director of the Office of Public Art.~~

92
93 ~~_____ (d) Governance. Members of the commission shall select annually from its~~
94 ~~membership a chair, a vice-chair, and any other officers as it determines necessary for~~
95 ~~the performance of its duties. The commission may adopt such rules or by-laws as may~~
96 ~~be necessary for the transaction of its business.~~

97
98 ~~_____ (e) Meetings. Meetings of the commission shall be open to the public and be~~
99 ~~properly noticed in accordance with the Open Governmental Proceedings Act, West~~
100 ~~Virginia Code Chapter 6, Article 9A. The commission shall meet quarterly, and may~~
101 ~~meet more frequently if it elects. The Director of the Office of Public Art shall provide an~~
102 ~~agenda for meetings of the commission to the City Clerk for posting consistent with the~~
103 ~~Open Governmental Proceedings Act at least three business days prior to any meeting.~~

104
105 ~~_____ (f) Quorum. A majority of the members of the commission shall constitute a~~
106 ~~quorum. A majority vote of the members present at a meeting shall be required for any~~
107 ~~action or decision of the commission.~~

108
109 ~~_____ At its first meeting after the appointment of new members each year, the~~
110 ~~beautification commission shall elect from its membership a chairman, secretary and~~
111 ~~such other officers as it determines to be necessary for the performance of its duties.~~
112 ~~The commission shall adopt such rules and hold such meetings as shall be necessary~~
113 ~~or convenient for the transaction of its business.~~

114 115 **Sec. 2-533. – Duties ~~Powers and duties.~~**

116
117 ~~_____ (a) The public art commission's duties shall include, but not be limited to:~~

118 ~~_____ (1) Identifying opportunities to collaborate on commissions for public art and~~
119 ~~educational programs with other organizations and committees;~~

120 ~~_____ (2) Identifying resources outside of the Charleston Fund for Public Art for~~
121 ~~commissioning new work, conservation, maintenance, and educational programs within~~
122 ~~the city;~~

123 ~~_____ (3) Approving requests for the placement of a mural on any outside wall, façade~~
124 ~~or other surface of a building or structure within the City.~~

125 ~~_____ (4) Working with the Office of Public Art to create a Public Art Strategy for the~~
126 ~~City of Charleston, which shall include a flexible road map for acquisition and~~
127 ~~maintenance of public art based on available opportunities and funding sources.~~

(a) It shall be the duty of the beautification commission to advise and recommend to the mayor or the city council such programs or projects as would, in the opinion of the commission, improve the beauty and general welfare of the city.

(b) The mayor or the council may request the advice or cooperation of the commission for any project or program connected with the beautification, cleanliness or general welfare of the city.

(c) The commission shall submit an annual report to the mayor, generally outlining its program and progress during the previous year.

(d) It shall be the duty of the commission to recommend maintain maintenance and rules of Davis Park, Slack Plaza, Brawley Walkway, Shanklin Park, Elk River Park and Ruffner Park and to promulgate rules and regulations for the use of such parks.

~~_____ (e) It shall be the duty of the commission to review all proposed supergraphics to ensure that such supergraphics are in keeping with the intended location and are free from expressed or implied commercial, political or religious advertisement.~~

~~(f)~~ (e) The commission shall approve recommendations for expenditures from the municipal beautification project fund.

~~(g)~~ (f) The commission shall, upon recommendation of the department head, approve the citywide consulting horticulturalist and make this recommendation to the finance committee and the city council.

~~(h)~~ (g) The commission shall serve as the tree board for the city.

Sec. 2-534. -- Expenses of members; finances. Finances and reporting.

~~_____ The commission shall prepare an annual report of the Public Arts Strategy and an annual budget that incorporates allocations from Charleston's Fund for Public Art and any other available funding sources. The annual term for the report and budget shall be based on the city's fiscal year. The report and budget shall be presented to council annually at the second meeting in December.~~

~~_____ Members of the beautification commission shall be reimbursed by the city for their actual expenses incurred in connection with the performance of their duties, and the city council may appropriate such funds as it deems appropriate to finance the activities of the commission.~~

DIVISION 8. -- WAYFINDING COMMISSION. PUBLIC ART COMMISSION.

Sec. 2-681. -- Creation, composition, term of members, vacancies, compensation. Public Art Commission created.

~~_____ There is hereby created the "City of Charleston Public Art Commission" and it shall exist as an agency of the city to provide planning, advocacy, and funding of public art projects in the city. The Public Art Commission shall be staffed by the City's Director of the Office of Public Art.~~

~~_____ The Wayfinding Commission previously created in this division is hereby eliminated and all duties of the Wayfinding Commission are transferred to the departments of the City of Charleston. There is hereby continued the Wayfinding~~

Commission. The commission shall consist of eleven voting members who shall be appointed by the mayor and confirmed by Charleston City Council. Of these eleven members, at least one shall be selected from the Municipal Beautification Commission; at least one shall represent the Charleston Area Alliance; at least one shall represent the Charleston Convention and Visitor's Bureau; at least one shall represent the Kanawha County Commission; at least one shall be selected from Charleston City Council; and at least one shall represent the City of South Charleston. The term of each member shall be three years and membership shall be staggered so that the terms of four members shall expire in each of two successive years and the terms of three members shall expire in each third year. In the case of a vacancy during a term, a replacement member shall serve the remainder of the term. Members of the commission shall serve without compensation. Those members selected from any entity named above shall serve so long as they are acting members of or represent such entity.

Sec. 2-682. - Organization. Composition and organization of commission.

(a) Composition. The City of Charleston Public Art Commission shall consist of nine members, each appointed by the Mayor. Of the nine members, one shall be an artist that is experienced or informed about public art, one shall be a member of City Council, one shall be an art professional, such as an artist, curator, administrator, art historian, or educator, one shall be an urban planner or developer, one shall be an architect, landscape architect, or a horticulturist, and four shall be members of the general public who work or reside in Charleston.

(b) Terms of Service. To provide staggered terms, the initial appointments of members other than the council member shall be made such that two appointments are for a 1-year term, two appointments are for a 2-year term, two appointments are for a 3-year term, and two appointments are for a 4-year term. Each such member shall serve until their successors are duly appointed and qualified. Following the initial appointments, all appointments shall be for a term of four years. The council member of the commission shall serve for a term coextensive with their term as a member of council. Vacancies other than by reason of expiration of term of office shall be filled for the unexpired term only.

(c) Service without compensation. All members shall serve without compensation, but may be reimbursed for reasonable expenses arising out of the performance of their duties provided there has been advance approval for such expenses from the Director of the Office of Public Art.

(d) Governance. Members of the commission shall select annually from its membership a chair, a vice-chair, and any other officers as it determines necessary for the performance of its duties. The commission may adopt such rules or by-laws as may be necessary for the transaction of its business.

(e) Meetings. Meetings of the commission shall be open to the public and be

properly noticed in accordance with the Open Governmental Proceedings Act, West Virginia Code Chapter 6, Article 9A. The commission shall meet quarterly, and may meet more frequently if it elects. The Director of the Office of Public Art shall provide an agenda for meetings of the commission to the City Clerk for posting consistent with the Open Governmental Proceedings Act at least three business days prior to any meeting.

(f) Quorum. A majority of the members of the commission shall constitute a quorum. A majority vote of the members present at a meeting shall be required for any action or decision of the commission.

~~_____ (a) The commission shall select annually from its membership a chairman, vice chairman, secretary and other officers as it determines necessary for the performance of its duties. A majority of the members of the commission will constitute a quorum. No action of the commission shall be official, unless authorized by a majority of the commission.~~

~~_____ (b) The commission shall adopt such rules and hold such meetings as shall be necessary or convenient for the transaction of its business.~~

~~(Bill. No. 6936, § 2-182, 11-4-2002; Bill No. 7043, 3-15-2004; Bill No. 7201, 7-3-2006)~~

Sec. 2-683. – Duties and powers.

(a) The public art commission's duties shall include, but not be limited to:

(1) Identifying opportunities to collaborate on commissions for public art and educational programs with other organizations and committees;

(2) Identifying resources outside of the Charleston Fund for Public Art for commissioning new work, conservation, maintenance, and educational programs within the city;

(3) Approving requests for the placement of a mural on any outside wall, façade or other surface of a building or structure within the City.

(4) Working with the Office of Public Art to create a Public Art Strategy for the City of Charleston, which shall include a flexible road map for acquisition and maintenance of public art based on available opportunities and funding sources.

~~_____ (a) The commission shall: (i) create, oversee and review a directional sign system for residents and visitors to major public areas, destinations and places in the city and its environs, (herein the "Wayfinding System"); (ii), promote and regulate the use of banners and other decorations to identify districts, places of interest, and arts, sports and other public events; (iii) create, oversee, and reviews signs in all parks owned or operated by the city; and (iv) pursue and implement plans and goals adopted from time to time by city council. For such purposes the commission shall have the authority to create, use, regulate and develop the following:~~

~~_____ (a) Geographic districts and their boundaries included in the Wayfinding System;~~

~~_____ (b) Destination and attraction signs included in the Wayfinding System;~~

~~_____ (c) Banners and decorations in public rights-of-way;~~

~~_____ (d) District colors;~~

~~_____ (e) Graphic logos for the districts;~~

~~_____ (f) A Charleston Area Wayfinding Map;~~

~~_____ (g) Signs in parks owned or operated by the city;~~

266 ~~—— (h) A long-term maintenance program for sustaining signs, banners and other~~
267 ~~decorations;~~

268 ~~—— (i) Policies and procedures regarding licensure and/or fair use of registered,~~
269 ~~copywrited, or otherwise legally protected designs, logos, maps, signs or other~~
270 ~~intellectual property of the Wayfinding Commission; and~~

271 ~~—— (j) Placement, location and removal of directional signs, signs in parks,, banners~~
272 ~~and decorations.~~

273 ~~—— (b) The commission shall report to city council the plan and design of signs, the~~
274 ~~identification of geographic districts, and the assignment of district colors and any~~
275 ~~changes thereto.~~

276
277 **Sec. 2-684. - Finances and reports. Finances and reporting.**
278

279 The commission shall prepare an annual report of the Public Arts Strategy and
280 an annual budget that incorporates allocations from Charleston's Fund for Public Art
281 and any other available funding sources. The annual term for the report and budget
282 shall be based on the city's fiscal year. The report and budget shall be presented to
283 council annually at the second meeting in December.

284 ~~—— (a) The commission shall have power and authority to raise funds and to~~
285 ~~maintain operating accounts for the receipt and disbursement of funds for the purposes~~
286 ~~stated in this division. The commission shall also have power and authority to create a~~
287 ~~permanent endowment fund to be used and administered for the purposes stated in this~~
288 ~~division. The operating accounts and endowment fund shall be subject to periodic audit~~
289 ~~by the city. The commission shall provide monthly statements to the city for all operating~~
290 ~~accounts and annual statements for the endowment fund.~~

291 ~~—— (b) City council may appropriate funds as it deems necessary to finance the~~
292 ~~activities and expenses of the commission. Members of the commission may seek~~
293 ~~reimbursement by the commission for their reasonable actual expenses incurred in~~
294 ~~connection with the performance of their duties. The city shall not otherwise obligate~~
295 ~~itself to fund the activities or expenses of the commission.~~

296 ~~—— (c) By February 1 of each year the commission shall make an annual report to~~
297 ~~city council of its activities, a financial report showing receipts and expenditures from~~
298 ~~any accounts maintained by it and the status of any endowment funds.~~
299