



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

A meeting of the Council Committee on Ordinance & Rules will be held on Tuesday, January 18, 2022 at 5:30 PM. **To be held in person**
AV ROOM #308, CITY HALL

Agenda

APPROVAL OF PREVIOUS MINUTES

1. 9-1-2021

RESOLUTIONS

1. Resolution No. 582-21 - Amending the Rules of Council by adding thereto a new rule, designated Rule No. 23, clarifying the process related to absences from Council meetings.

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MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:00 P. M., NOVEMBER 9, 2021

THE MEETING WAS HELD IN PERSON IN THE AV ROOM #308 IN CITY HALL.

Chad Robinson, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:00p.m., NOVEMBER 9, 2021.

Committee Members Present:

Chad Robinson, Chair
Bobby Reishman, Vice Chair
Ben Adams
Becky Ceperley
Emmett Pepper
Keeley Steele

Absent:

Adam Knauff

Councilmembers also Present:

None

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.

Councilmember Robinson asked City Attorney, Kevin Baker, to explain the bill and the proposed Committee Substitute. Baker stated that the Committee Substitute leaves the Municipal Beautification Commission (MBC) in place. He added that the bill removes the Wayfinding Commission and creates the Public Art Commission. The bill sets forth the duties, powers and composition of the Art Commission. Their primary duty is to find opportunities to collaborate on public art, identify resources outside of the Charleston Fund for Public Art, approve requests for the placement of murals, etc. Some slight changes to the MBC include removed references to super graphics, and a change of their duty to recommend maintenance and rules for a variety of parks.

Councilmember Steele asked if the MBC was still responsible for the Tree Board. She added that their title seemed obtuse. Baker pointed out the section that references the Tree Board. Public Art Director, Jeff Pierson, added that the MBC met either that day to discuss the Tree Board and their duties. They will be evaluating their goals and future projects over the next few meetings. Councilmember Steele replied that perhaps they could request that the MBC consider renaming themselves as well to better fit with their current duties.

Councilmember Adams inquired as to who would be taking the responsibilities of the Wayfinding Commission. Baker replied that the Traffic Operations Department typically handles the signage now instead of the grant fundraising that the Commission used to do. Additionally, the full time Events Coordinator would handle the banner program. The MBC will also be working on the City Center Project as a consulting resource.

Councilmember Pepper confirmed with Baker that public requests for the removal of trees of public right of ways would go to the Tree Board. The City will remove trees if they are deemed dead and in danger of falling.

Councilmember Steel spoke in favor of keeping the MBC.

With no further discussion, Councilmember Ceperley made a motion to approve Bill No. 7927 as a Committee Substitute. Councilmember Steele seconded. With those being present having voted unanimously in the affirmative, the Chair declared Bill No. 7927 as a Committee Substitute as approved.

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

Bill No. 7927 Committee Substitute

A BILL to amend the Municipal Code of the City of Charleston, as amended, by amending and reenacting Section 2-533; and by amending and reenacting 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; modifying the duties of the beautification commission; eliminating the 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, 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 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 Section 2-533 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 amended and reenacted, all to read as follows:

CHAPTER 2. – ADMINISTRATION.

ARTICLE VII. – BAORDS, COMMITTEES AND COMMISSIONS.

DIVISION 2. - BEAUTIFICATION COMMISSION.

Sec. 2-533. – Duties.

(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~~ maintainance 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.

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;~~

~~(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. 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.~~

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

~~(b) City council may appropriate funds as it deems necessary to finance the activities and expenses of the commission. Members of the commission may seek reimbursement by the commission for their reasonable actual expenses incurred in connection with the performance of their duties. The city~~

~~shall not otherwise obligate itself to fund the activities or expenses of the commission.~~

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

Resolution No. 582-21

Introduced in Council:

December 6, 2021

Adopted by Council:

Introduced by:

Becky Ceperley

Referred to:

Ordinance and Rules

Resolution No. 582-21 - Amending the Rules of Council by adding thereto a new rule, designated Rule No. 23, clarifying the process related to absences from Council meetings.

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

That the Rules of Council be amended by adding thereto a new rule, designated Rule No. 23, to read as follows:

Rule No. 23. - Order of business at regular meetings; special order of business.

(a) The City Council hereby recognizes that the provision of Section 86 of the City of Charleston Charter that purports to automatically declare a member's office vacant if they have three consecutive unexcused absences have been superseded by state law. Namely, the West Virginia Legislature created a process for the removal of public officers, including members of City Council, that provides due process and is contained in West Virginia Code § 6-6-7.

(b) Notwithstanding section (a) of this rule, the City Council finds that attendance at City Council meetings is an important part of each member's duties and encourages all members to attend each meeting. In recognition of this, the City Council desires to formalize a process for alerting the City Clerk with respect to absences in advance of scheduled meetings, as contained in section (c) of this rule.

(c) Before 5:00 p.m. on the day of a scheduled meeting of City Council or on a day further in advance, a member that is unable to attend a scheduled meeting of City Council may contact the City Clerk by email to notify the Clerk of the impending absence and whether the absence is due to a business, family, medical, or personal reason. If timely notice of the absence is received by email, the absence will be declared excused and entered in the journal as such. If a member does not provide timely notice of the absence, they may provide notice as soon as possible thereafter to the City Clerk and the City Council may move to declare the absence excused at the next regularly scheduled meeting. If no notice is provided, the absence will remain classified as unexcused. The City Council further acknowledges that whether an absence is excused or unexcused, by itself, has no bearing on the potential removal from office of any member pursuant to the requirements contained in West Virginia

1 Code § 6-6-7.