



CITY OF CHARLESTON WEST VIRGINIA



COUNCIL MEMBER – WARD 20

Chad Robinson
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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 Thursday, April 7, 2022
at 5:00 PM. **To be held in person**
AV ROOM #308, CITY HALL

The Public may also view over Zoom:

<https://us02web.zoom.us/j/87401354328?pwd=SnRDaUE2M1cwdXcrbzA0ZFbTNHc2QT09>

Passcode: 175399

Phone: 301-715-8592 or 312-626-6799

Webinar ID: 874 0135 4328

Agenda

APPROVAL OF PREVIOUS MINUTES

1. 2-7-2022

BILLS

1. Bill No. 7928 - A BILL to amend the Municipal Code of the City of Charleston relating to updating restrictions on municipal officers and employees eligibility for certain grant funds; creating exceptions; and creating criminal and other penalties for violation.

CR/ns

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk.com>**

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:15 P. M., FEBRUARY 7, 2022

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 5:15 p.m., FEBRUARY 7, 2022.

Committee Members Present:

Chad Robinson, Chair

Bobby Reishman, Vice Chair (arrived at 5:37, after approval of minutes)

Ben Adams (arrived at 5:51, after all votes)

Becky Ceperley

Adam Knauff

Emmett Pepper

Keeley Steele (via Zoom)

Absent:

None

Councilmembers also Present:

Mary Beth Hoover

1. Approval of Previous – Councilmember Ceperley motioned to approve the previous minutes from 1-18-2022. Councilmember Knauff seconded. With the members being present having voted unanimously in the affirmative, the Chair declared the minutes approved.

Bill No. 7945 Committee Substitute – A BILL to amend and reenact Sections of the Municipal Code of the City of Charleston relating to updating the vacant structure registry; updating definitions; clarifying exemptions, and increasing fees.

Councilmember Pepper, the bill's sponsor, added that the term 'habitual presence' has been clarified, in that just because someone regularly cuts the grass, doesn't always mean the building isn't vacant. The bill also corrects a loophole where an actively renovating status did not need to have an end date, and thus could never be considered a vacant structure. The proposed bill limits that to 18 months. Additionally, a structure is not considered vacant if it has at least been inhabited by an owner within 18 months. A \$750 registration fee has been added for empty and open buildings, with an additional \$1,000 if it remains empty and open 6 months later. If a building has been on the registry for over a year, then the fee has been increased to \$20/day fee will apply. Councilmember Pepper added that the Committee Substitute takes the suggestion from the community that makes allowances for if the owner resides within 300 feet of the vacant structure, in addition to a technical change

Councilmember Knauff asked if the previously mentioned 300 feet was a long distance between houses or property lines. Director of Planning, Dan Vriendt, replied that it was about a block, and any farther than that would probably not have a line of sight with the property.

Councilmember Ceperley confirmed with Councilmember Pepper that Council had passed related fees in 2019 that had mostly not been implemented. Councilmember Ceperley asked if these fines are actually paid and productive. Vriendt added that out-of-state, absent landlords most frequently hold up the process and are the biggest violators.

Councilmember Steele expressed concerns that the City would not be effective at keeping track of the process, and added that there doesn't seem to be a distinction in the bill between commercial and private properties. Councilmember Steele asked if double taxation would occur for cases where overdue City-related fees (such as refuse) were owed. City Attorney, Kevin Baker, added that refuse fees are assessed on every structure, occupied or not. This would be separate from any fees associated with vacant structures. Councilmember Knauff asked if they felt that the clause provides satisfactory justifications for the Building Commission supporting the extension. He was under the impression that written justification would be adequate for commercial or residential properties. Councilmember Steele added that she thought commercial properties were in a completely different category. She added that she was concerned owners would tear down their commercial properties as opposed to work on them.

With no further discussion, Councilmember Pepper made a motion to approve the Bill. Councilmember Knauff seconded. With those being present having voted unanimously in the majority as affirmative, with 2 recognized Nays from Ceperley and Steele, the Chair declared Bill No. 7945 Committee Substitute as approved.

Bill No. 7946 – A bill amending the Code of the City of Charleston by adjusting the qualifications for service on the Charleston Historic Landmarks Commission.

Baker added that for the Historic Landmarks Commission, State law dictates that a majority of the members have to demonstrate a certain special interest: history, architecture, planning, real estate or law. The current code provides for specific qualifications for 4 of those members, and one of those specifically mentions a real estate broker. Clarifying that language will open the position up to more people who would qualify.

With no further discussion, Councilmember Ceperley made a motion to approve the Bill. Councilmember Reishman seconded. With those being present having voted unanimously in the affirmative, the Chair declared Bill No. 9746 as approved.

Open discussion on ideas for any possible ordinance changes

Councilmember Robinson stated that he wanted to have an open discussion on any ordinances that should be examined that are outdated or need updates, etc. Baker added that a lot of the City Code hasn't been updated since the 1970s.

Councilmember Steele added that it would be good to have a strategy session to go over them.

Councilmember Robinson added that he was working with Baker to come up with a way to possibly move the simple Code updates through Council quicker than the usual process.

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

Bill No. 7928

Introduced in Council:

September 7, 2021

Adopted by Council:

Introduced by:

**Shannon Snodgrass, Adam Knauff
and Courtney Persinger**

Referred to:

**Ordinance and Rules
and Finance**

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.

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

That Section 2-138 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

ARTICLE IV. – OFFICERS AND EMPLOYEES.

DIVISION 1. – GENERALLY.

Sec. 2-138. - Standards of conduct of city officers and employees for federal grants; penalties.

(a) No municipal officer or employee for the city shall accept or receive directly or indirectly from any person known by such officer or employee to be interested in any bid, contract or purchase, by rebate, gift or otherwise, any money or other thing of value whatsoever or any promise, obligation or contract for future reward or compensation when such contract is to be funded in whole or in part by any federal grant funds. Any contract or purchase funded solely by nonfederal funds shall be governed by the provisions of W. Va. Code ch. 61, art. 5A (W. Va. Code § 61-5A-1 et seq.) relating to bribery and corrupt practices.

(b) No Municipal Officer, employees of the Mayor's office or heads of departments, their immediate family members or business in which such person has a direct financial benefit can financially benefit either directly or indirectly from funding from the city of Charleston. No municipal officer or employees in the Mayor's office, heads of departments, immediate family member, or business in which such person has a direct financial benefit shall accept or receive any grant, incentives, or funding from the city or administered through the city, unless receiving such grant, incentives, or funding is based in part upon the person's low- or moderate-income status, as defined by the United States Department of Housing and Urban Development. This prohibition includes direct financial payments, grants, land or property to the municipal officer, employees on the Mayor's office, heads of departments from third parties that first

35 received city funding in order to fund their own programs.

36
37 (c) Any person violating subsection (a) or (b) of this section relating to federal
38 funds or city administered grants shall be guilty of a misdemeanor and upon conviction
39 shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 30
40 days or by both fine and imprisonment. In addition to the criminal penalty, such officer or
41 employee shall be subject to such disciplinary action as may be appropriate; and any
42 such contract or purchase entered into or grant awarded shall be null and void.

Bill No. 7928 Committee Substitute

Introduced in Council:

September 7, 2021

Adopted by Council:

Introduced by:

**Shannon Snodgrass, Adam Knauff
and Courtney Persinger**

Referred to:

**Ordinance and Rules
and Finance**

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~~(b) No Municipal Officer, employees of the Mayor's office or heads of departments, their immediate family members or business in which such person has a direct financial benefit can financially benefit either directly or indirectly from funding from the city of Charleston.~~ No municipal officer, ~~or~~ employees in the Mayor's office, heads of departments, immediate family members ~~of such persons~~, or business in which ~~any~~ such person has a direct financial benefit shall accept or receive any grant, ~~incentives, or funding~~ from the city or administered through the city, unless receiving such grant, ~~incentives, or funding~~ is based in part upon the person's low- or moderate-income status, as defined by the United States Department of Housing and Urban Development. This prohibition includes ~~prohibiting~~ direct financial payments ~~with the~~

35 ~~proceeds of city grants, grants, land or property to the any~~ municipal officer, employees
36 ~~on in the Mayor's office, heads of departments, immediate family members of such~~
37 ~~persons, or business in which any such person has a direct financial benefit from third~~
38 ~~parties that first received city grant funding in order to fund their own programs. It is not~~
39 ~~a violation of this subsection if the individual receiving the financial benefit has~~
40 ~~previously obtained a written advisory opinion from the West Virginia Ethics~~
41 ~~Commission permitting the individual to receive the financial benefit. For the purposes~~
42 ~~of this subsection, terms used herein shall have the same definition as contained in W.~~
43 ~~Va. Code § 6B-1-3.~~

44
45 (c) Any person violating subsection (a) or (b) of this section relating to federal
46 funds or city administered grants shall be guilty of a misdemeanor and upon conviction
47 shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 30
48 days or by both fine and imprisonment. In addition to the criminal penalty, such officer or
49 employee shall be subject to such disciplinary action as may be appropriate; and any
50 such contract or purchase entered into or grant awarded shall be null and void.