

Planning, Streets and Traffic Committee

Monday, June 27, 2022, at 5:00 p.m.

City Service Center – 915 Quarrier Street – Conference Room

Members Present

Mary Beth Hoover
Sam Minardi
Becky Ceperley
Jennifer Pharr *via phone*

Staff Present

Dan Vriendt
Kevin Baker
Matt Hartline
Sgt. Oldham
Brent Webster

Public Present

Shannon Snodgrass *via phone*
Chad Robinson
Emmett Pepper

1. Call to Order

2. Discussion on Sidewalks

Mary Beth met with Mayor Goodwin and discussed concerns with the condition of the city's sidewalks. They are looking at a couple different programs in other cities. One of the cities being looked at is Columbus, Ohio. It's similar to a grant program and is based on income. The process is somewhat extensive in that there would be an application to complete and a committee may have to be formed. The other program discussed was the City of Huntington. Councilman Robinson had spoken to Mary Beth about Huntington's program which involves the homeowner buying the materials and the city doing the work. Mary Beth is hoping on getting guidelines to review and adapt to what best serves the City of Charleston. The contribution from the residents could be based on a sliding scale, according to their income level. Jennifer Pharr mentioned that there were bricks in front of the old Woolworth building that looked dangerous but had been repaired by the city and she was very pleased with expeditious repair by the city of that area of sidewalk. Brent Webster indicated that he would pass that compliment along to Public Grounds.

3. Unfinished Business

Bill No. 7957 - A Bill to repeal ordinance 7908, passed by Council on May 3, 2021, which established a one-way street on 2nd Avenue from Florida Street to Bream Street by prohibiting vehicular traffic from traveling in an easterly direction, and re-establishing this portion of 2nd Avenue as a two-way street; and modifying existing and/or adding necessary traffic control devices and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Mary Beth said she did not have a chance to talk to Councilman Moore, the sponsor of Bill No. 7957, until the last meeting. Matt Hartline is familiar with this bill. Mr. Moore said because the one block is only the access at this location, there is heavy traffic in both directions. This location is near Mary C. Snow Elementary. The neighbors want this street returned to its original traffic pattern.

Motion and Vote: A motion was made Becky Ceperley, seconded by Sam Minardi and the Committee voted unanimously 4-0 to approve Bill No. 7957.

Bill No. 7965 - A Bill to establish a no parking zone on the west side of Dunbar Street, Wednesdays 6:00 am through 10:00am located from a point 189 feet north of Quarrier Street to a point 245 feet north of Quarrier Street and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

This was a request from Parks & Rec for the purpose of mowing a strip of land that is difficult to access. Basically, it is putting a “no parking” only on Wednesdays from 6:00 a.m. to 10:00 a.m. Matt Hartline stated that there is potential for trouble with enforcement with that small of a timeframe. Someone has to be there to ticket them and they still cannot mow unless they tow the car. It is one particular resident that parks there. Mary Beth asked if there was the capability to put a sticker on the vehicle notifying the residents they are parking in a “no parking” zone during the specific hours and next week they would need to move their car or be towed. Jennifer Pharr suggested informing the residents at Atlas know about this. Would a heads-up be helpful? Matt said it may be helpful but he is not 100% sure where they live. It impacts one person and Matt isn’t sure if this person resides in the Atlas Building? Matt Hartline and Becky Ceperley agree that if the area is going to be made “no parking”, make it “no parking” permanently.

Motion and Vote: A motion to amend Bill No. 7965 by striking “a no parking zone on the west side of Dunbar Street, Wednesdays 6:00 am through 10:00 am” and amend Bill No. 7965 to provide for a permanent “no parking” zone on the west side of Dunbar Street was made Becky Ceperley, seconded by Sam Minardi and the Committee voted unanimously 4-0 to approve the amendment to Bill No. 7965.

Motion and Vote: A motion was made by Becky Ceperley to accept Bill No. 7965, as amended, seconded by Sam Minardi and the Committee approved the motion by a unanimous vote of 4-0.

Bill No. 7956 - A Bill to amend and reenact Sections 114-915, 114-916, 114-917, 114-918, and 114-920 of the Municipal Code of the City of Charleston, as amended, all relating to authorizing the use of motorized scooters; updating definitions; requiring operators of motorized scooters to follow traffic laws; setting certain additional requirements for operating a motorized scooter after sunset and before sunrise; detailing additional prohibited acts; and creating criminal penalties for violations.

Kevin Baker informed the Committee that, currently, it is against the City Ordinance to operate a motorized scooter in the City of Charleston. That is not being enforced because there are individuals riding them around town quite frequently. Becky Ceperley asked for the definition of a motorized scooter. Kevin responded that it is a two-wheel device with a person holding the handlebars standing on the base. Sgt. Oldham added that the bill provides for a one-wheel device. Kevin supports the enforcement matching the code. He added that a bill needs to be updated to authorize what is essentially taking place and the details of the Committee’s proposal.

Kevin added that, if the council is not interested in such a bill, the city needs to start ticketing and enforcing those using motorized scooters within the city.

Mary Beth ask Sgt. Oldham for his input. Sgt. Oldham explained to the Committee that CPD is busy as it is. There are a lot of the scooters around the city on the sidewalks and the law is not enforced because the officers are busy attending to more urgent matters. Sgt Oldham does not seeing this being enforceable until something bad happens as a result of the scooters being used throughout the city. It is not that CPD cannot enforce it, they can. However, there are so many other things going on that would take precedence to enforcing a law prohibiting the use of scooters in the city.

Councilman Pepper, who has been intricately involved in drafting the bill, indicated that he agrees with Kevin. It is not legal. The City of St. Albans has dealt with this same situation. Councilman Pepper called the City of St. Albans to see if they have had any issues. Their seemed to be more confusion during the first couple of months. There were no significant issues that the St. Albans experienced. Councilman Pepper personally prefers limiting the area to sidewalk where there are no pedestrians.

Sam Minardi noted a contradiction in the Bill concerning the use of motorized scooters on sidewalks. The fine for being in violation of the provisions set forth n the Bill is \$25.00. A DUI can also be issued in conjunction with the operation of a motorized scooter. There is ambiguity as to whether the pedestrian or operator of a motorized scooter has the right of way on the sidewalk. Sgt. Oldham said that if Committee makes the Bill too convoluted, most officers will not attempt to enforce it. If the cases are taken before a judge each time, the officers will avoid the matter altogether over having to spend a lot of time in court over a motorized scooter violation. Sgt. Oldham also brought up the question of where the liability would fall in the case of an accident involving a motorized scooter.

Councilwoman Snodgrass addressed the committee with her concerns from a public safety standpoint, primarily her experience with brain trauma injuries. Many of the citizens Councilwoman Snodgrass spoke with were averse to the proposal because the motorized scooter operators would be uninsured, leaving the cost to repair any damage or cover any loss to the owner of the vehicle. In West Virginia, residents pay higher insurance rates due to the number of uninsured or under-insured drivers in the state. Councilwoman Snodgrass reiterated her primary concern is public safety and that it is the responsibility of the council members to promote and ensure public safety. A 180-pound person on a bike or on a scooter, travelling potentially 30 mph, that is a catastrophic injury to a person that is walking out of a restaurant and struck by a person on a bike or scooter. When speaking with CPD officers, Councilwoman Snodgrass asked them about the enforceability of the laws pertaining to operating a motorized scooter. The officers said the laws were enforceable by traffic. However, there are only six traffic officers and it seems unlikely they are available to take on the additional responsibility of enforcing motorized scooter laws. Councilwoman Snodgrass is also concerned that the Committee is ahead of the infrastructure, i.e., designated parking for motorized scooters and the obstacle this would impose on the handicapped, especially those in wheelchairs.

Mary Beth replied that the top speed of a Bird scooter is 15 mph, not 30 mph. The Bill also states the maximum speed limit is not to exceed 25 mph. Mary Beth further stated that she understood when you rented a scooter, you sign an agreement relinquishing any and all liability claims. Because of the

volume of scooters already being operated within the city, something has to be done to address the situation.

Councilwoman Snodgrass noted that, on the books, scooters are not legal to operate within the city. Mary Beth agreed. Sam Minardi brought up the fact that these scooters could not travel on a road that exceeds 30 mph i.e., Bridge Road.

If the city pursues this matter, the City Manager will contact Bird Scooter for a proposal. Emmett Pepper stated that the scooters would be beneficial for people staying in hotels in Charleston to get around and do sight-seeing.

Chad Robinson noted that the scooters are in all the cities now and the kids love them. The scooters would have been ideal for kids who were in town this past weekend for soccer. It is not a matter of recreating the wheel. There are three or four cities in West Virginia now allowing for transportation by scooters, putting Charleston behind in our own state. If we can figure out a way to regulate the usage of scooters it would give the kids in our city something to do. Mary Beth brought up the fact that you have to be 18 and have a driver's license to rent a scooter. Mary Beth further agrees that this is something the city should have if a compromise can be reached with a Bill that the Committee feels comfortable passing. She further stated that, no one wants to see anyone get hurt, but that is a liability for us all every day we walk out our front door.

Becky Ceperley spoke of issues that were encountered during FestivALL with a biker that refused to yield to pedestrians on the sidewalk. Chad Robinson asked how the scooters are any more dangerous than the motorized bikes that are all over the city.

Councilwoman Snodgrass added that a person operating a bicycle has more control than someone operating a motorized scooter. She also added that the CPD traffic officers be a part of the decision-making process in finalizing the bill. Most of the officers Councilwoman Snodgrass spoke with said they were aware that it is on the books, but they will not be issuing citations.

Becky Ceperley asked what about this bill is making people uncomfortable? Does it need revisions? Is it good to go as it is currently drafted? Sam Minardi asked if the plan was to pass the bill at this meeting. Mary Beth said she definitely wanted to have discussion but did not know if an agreement would be reached tonight on the motorized scooter bill. Emmett Pepper indicated he had gone over the bill with Chief Hunt and he had no problems. From a legal standpoint, Kevin Baker indicated that he had no concerns with liability resulting from accidents involving the scooters falling on the city. The biggest questions are policy questions i.e., what acts are prohibited and sidewalks vs street questions. Kevin Baker stated that his understanding of Sgt. Oldham's position is that the CPD is not likely to enforce laws pertaining to motorized scooters without the laws being more definitive. Sgt. Oldham stated that, while the laws are enforceable, the current bill is highly subjective and, as further stated by Sam Minardi, in some instances, contradictory in comparison to the current traffic laws in the City of Charleston.

Kevin Baker said that he will make revisions to the bill and present it to the Committee for review.

It seems as though the Committee agreed that it would be better for the scooters to be off the sidewalks and on the streets.

Jennifer Pharr recommended placing signs at events such as “Live on the Levee” prohibiting the use of the motorized scooters.

Motion and Vote: A motion was made by Sam Minardi and seconded by Becky Ceperley to approve Bill No. 7965, as amended (prohibiting use on sidewalks and address language concerning street closures and traffic signals, to be drafted by Kevin Baker). The Committee approved the motion by a unanimous vote of 4-0.

Motion and Vote: A motion was made by Becky Ceperley and seconded by Sam Minardi that Bill No. 7965, as amended, be sent to Public Safety. The Committee approved the motion by a unanimous vote of 4-0.

Bill No. 7821, Committee Substitute - A Bill to amend and reenact Section 114-402 of the Code of the City of Charleston, as amended; and to amend said Code by adding thereto a new Article, designated Article XV, consisting of Section 114-940, all relating to safely traveling the streets of Charleston; reducing; and authorizing the use of low-speed vehicles consistent with state law.

Based on a recent law passed by the City of Charleston, Kevin Baker informed the committee that Bill No. 7821, Committee Substitute, is not relevant at this time.

Motion and Vote: A motion was made by Becky Ceperley and seconded by Sam Minardi that Bill No. 7821, Committee Substitute be held over until the next meeting of the Planning, Streets and Traffic Committee. The Committee approved the motion by a unanimous vote of 4-0.

4. Approval of the Minutes of the May 23, 2022, meeting

Motion and Vote: A motion was made Becky Ceperley, seconded by Sam Minardi and the Committee voted unanimously 4-0 to approve the minutes of the May 23, 2022 meeting.

5. Adjournment