



CITY OF CHARLESTON WEST VIRGINIA



COUNCIL MEMBER – WARD 20

Chad Robinson
793 Lower Donnally Rd.
Charleston, WV 25304
304- 389-7373
chad.robinson@cityofcharleston.org

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 Monday, September 19, 2022 at 6:00 PM. **To be held in person**
AV ROOM #308, CITY HALL

Agenda

APPROVAL OF PREVIOUS MINUTES

1. 6-6-2022
2. 7-18-2022

RESOLUTIONS

1. Resolution No. 724-22 - Declaring the City Council for the City of Charleston's support for the Kanawha County Schools' 2022 Excess Levy.

BILLS

1. Bill No. 7964 Committee Substitute - A BILL to amend the Municipal Code of the City of Charleston by adding a new Division consisting of four sections related to creating the Charleston Victims Assistance Program Commission. (the language of the proposed Committee Substitute has been listed on the agenda)

ADJOURN

CR/ns

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

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., JUNE 6, 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 5:30 p.m., JUNE 6, 2022.

Committee Members Present:

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

Absent:

None

Councilmembers also Present:

Bruce King
Bobby Brown

1. Approval of Previous – Councilmember Ceperley motioned to approve the previous minutes from 4-7-2022. Councilmember Steele seconded. With the members being present having voted unanimously in the affirmative, the Chair declared the minutes approved.

2. Bill No. 7960 Committee Substitute – A BILL to amend the Municipal Code relating to creating a process for refuse related citations.

City Attorney, Kevin Baker, explained that the bill will create a citation process for putting out trash on the wrong day or time, which would be similar to what the City does with parking citations. The citations would be issued by the Refuse Department, and could be appealed to Brent Webster for review. After that, citizens would be able to appeal in Municipal Court. Additionally, fines will be substantially increased for littering into any body of water. These fines match those in State Code. There is additional language in 98.2 that is a catch-all penalty for anything that doesn't have its own specific offense. The Committee Substitute makes some changes with respect to property owners/landlords in that trash cannot be put out earlier than 6:00 the day before collection day.

Public Works Director, Brent Webster, added that the bill is probably long overdue, and will fix some issues. It will allow them to focus on the repeat offenders. Refuse Director, Jared Lanham, added that citations will mostly be complaint driven. They intend to show some leniency, especially for a period after the bill is passed. Baker added that it will take a while to implement the process. Webster clarified that the appeal process would be informal, and would be handled similar to how the Parking System does it.

Councilmember Robinson added that the idea for this bill originally came from Councilmember John Kennedy Bailey.

Councilmember Steele added that the East End would feel a little beat up over this bill as they are the only neighborhood that receives parking fines on garbage day. She added that the flat areas have problems with the transient population going through garbage, which is not the fault of any homeowner. Baker added that he didn't see the intent of the bill being to punish homeowners in that situation. Loose trash on private property is a violation of the building code. Robinson added that some landlords in particular put an entire apartment's worth of trash on the sidewalk when they evict a tenant, regardless of when the trash pickup day is. Steele clarified with Lanham that the intent is to focus on repeat offenders.

From the audience, Councilmember King asked for clarification about loose items. Baker replied that an accumulation of loose trash in yards, etc. is a violation of the building code, so violations for that would be handled by the Building Department, and would apply to commercial properties as well. Councilmember Pepper added that the Building Code also requires an adequate number of trash cans to be available.

From the audience, Councilmember Brown suggested that warnings should be issued verbally, then written when possible.

Councilmember Knauff added that he was in favor of the bill. He receives many complaints about informal, ad hoc dumpsters, and asked if the bill would apply to that. Councilmember Robinson replied that it would for repeat offenders. Baker agreed, and

added that he didn't think the physical ad hoc dumpsters were a violation, but keeping trash in them outside of the designated time period would be. Councilmember Knauff asked who would have the authority to write citations. Councilmember Robinson replied that the Director, Assistant Director and Foreman would be able to write citations per the language in the bill.

Councilmember Pepper asked if this could be enforced by Police Officers. Baker replied that they could enforce it theoretically. Councilmember Pepper asked if the stated fines for waterways could be applied to non-waterways as well. Baker replied that the bill could be amended to do that.

Councilmember Robinson clarified with Baker that Section 98.42 is that catch-all section, and 98.101(f) has more specific penalties that could apply to a violation.

Councilmember Pepper motioned to amend Bill No. 7960 Committee Substitute to mirror the language in Section 98.3 to Section 98.4. Councilmember Ceperley seconded that motion. With those being present having voted unanimously in the affirmative, the Chair declared the amendment as passed.

Councilmember Pepper added that he had wanted to propose a volunteer adopt-a-trash-can program for public trash cans. He would not be making an amendment for it at the meeting, but definitely wanted to further discuss that at a later time. Webster added that he had concerns for the longevity of such a program, and who would be ultimately responsible for those cans if the program wasn't kept up with as needed. Councilmember Robinson added that he would probably prefer for such a program to be more informal. Councilmember Ceperley added that she has heard from many businesses that they do not have proper way to recycle their cardboard.

With those being present having voted unanimously in the affirmative, the Chair declared Bill No. 7960 Committee Substitute as Amended as approved.

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

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:15 P. M., JULY 18, 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., JULY 18, 2022.

Committee Members Present:

Chad Robinson, Chair
Bobby Reishman, Vice Chair
Ben Adams
Emmett Pepper (via Zoom)

Absent:

Becky Ceperley
Adam Knauff
Keeley Steele

Councilmembers also Present:

1. Bill No. 7966 – A BILL to amend the Code of the City of Charleston by updating references to the state building code in order to conform to the state requirements, effective August 1, 2022.

City Attorney, Kevin Baker, explained that the Fire Commission has updated their rules through the State to adopt the most recent version of the International Building Code. The bill incorporates those modifications into City Code as is required.

Councilmember Pepper added that it is great that the City is adopting these changes earlier than required.

Councilmember Reishman motioned to approve Bill No. 7966. Councilmember Adams seconded. With those being present having voted unanimously in the affirmative, the Chair declared Bill No. 7966 as approved.

2. Discussion of Consumer Protection

Councilmember Pepper introduced Matt Stonestreet, who practices consumer law, and is working with him to ensure that the City has strong consumer protections in place.

Stonestreet added that most consumer statutes are from the 1970s, including the City and State's codes, and have not been updated much since. It is important that these laws be updated as the landscape has changed significantly. Companies are not required to tell consumers when they are going to take or sell their retina information, facial scans or fingerprint information, for example. By updating the Consumer Protection section of the City Code, they would be advancing the City's ability to get a potential redress.

Councilmember Adams added that the proposed bill was interesting, but he was worried about the duties it would place on the City Attorney. He clarified with Stonestreet that there used to be a Consumer Protection Director within the City that was successful. Stonestreet added that the new language would allow for the Attorney's Office to hire outside counsel as needed to help with any additional burden placed on that Department.

Councilmember Adams summarized that the bill proposes to protect home improvement, biometric information, debt collectors and prohibited acts, such as consumer fraud, etc. Stonestreet added that they are all categorized as "honesty laws" to prevent harm to the consumer and other legitimate businesses. This would include a company simply telling a consumer they are collecting their biometric data, or for disclosing that a certain fee will be charged, for example.

Councilmember Robinson asked what in the proposed bill is not already covered under the State's Consumer Protection law. Stonestreet replied that, while their would be

some overlap, State law doesn't contain anything about biometric data collection. Councilmember Robinson asked if the Building Department had the authority over the home improvement section of the proposed bill. Director of the Building Department, Tony Harmon, replied that they would not be able to go after any such businesses, but could refer problems to State agencies.

Councilmember Adams confirmed that the Attorney's General's Office published an annual report with these statistics.

Councilmember Reishman motioned to adjourn the meeting. Meeting adjourned.

Resolution No. 724-22

Introduced in Council:

September 19, 2022

Introduced by:

Becky Ceperley

Adopted by Council:

Referred to:

Ordinance and Rules

Resolution No. 724-22 - Declaring the City Council for the City of Charleston's support for the Kanawha County Schools' 2022 Excess Levy.

WHEREAS, the elected leaders of the City of Charleston recognize the importance of Kanawha County Schools' ability to operate an award-winning, properly funded public school system for the future of our city, county, and state; and

WHEREAS, the Citizens of the City of Charleston have historically supported the Excess Levy, which has been in effect since 1937 and helps provide enough funds for quality facilities, course options, and staffing toward the best education possible for students in our city and county; and

WHEREAS, the Excess Levy provides funds for needed custodians, counselors, and art teachers; important safety and security improvements; and required building maintenance, including roof and air conditioner repairs and replacements; and

WHEREAS, the failure of the Excess Levy would result in the loss of one-fourth of Kanawha County Schools' current operating budget, which would be devastating to our school system, our classrooms, our teachers, and our students; and

WHEREAS, our school system needs these excess levy funds to offer a broad curriculum competitive with our surrounding counties and states, and so that Kanawha County will be able to continue to offer quality classes in well-maintained classrooms in a comfortable and safe learning environment.

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

That the elected leaders of the City of Charleston believe that the Kanawha County Schools Excess Levy is crucial to the successful operation of our schools, we recognize the importance of a strong school system to the long-term success of public-school students in Charleston, and we endorse for approval the Kanawha County Schools Excess Levy election that is on the ballot on November 8, 2022.

Bill No. 7964 Committee Substitute

Introduced in Council:

June 6, 2022

Introduced by:

Deanna McKinney

Adopted by Council:

Referred to:

Ordinances & Rules

Bill No. 7964 Committee Substitute - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new Division consisting of four sections, designated Sections 2-721, 2-722, 2-723, and 2-724, all relating to creating the ~~violence prevention~~Charleston Victims Assistance Program eCommission; setting forth the composition, terms, and certain procedural requirements; declaring the ~~violence prevention~~victims assistance commission's powers and duties; providing rule-making authority for the ~~violence prevention~~victims assistance commission; and requiring an annual report from the ~~violence prevention~~victims assistance commission.

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

That the Municipal Code of the City of Charleston, as amended, be amended by adding thereto a new Division consisting of four sections, designated Sections 2-721, 2-722, 2-723, and 2-724, all to read as follows:

CHAPTER 2. – ADMINISTRATION.

ARTICLE VII. – BAORDS, COMMITTEES AND COMMISSIONS.

DIVISION 12. – ~~VIOLENCE PREVENTION~~VICTIMS ASSISTANCE COMMISSION.

Sec. 2-721. – ~~Violence Prevention~~Victims Assistance Commission created.

There is hereby created the "City of Charleston ~~Violence Prevention~~Victims Assistance Commission" and it shall exist as an agency of the city to account for revenues received from transfers from other funds and other available sources, including donations, to be used for victims assistance and violence prevention education efforts and support ~~for victims of violence~~.

Sec. 2-722. - Composition and organization of commission.

(a) Composition. The City of Charleston ~~Violence Prevention~~Victims Assistance Commission shall consist of seven members, each appointed by the Mayor. Of the seven members, one shall be the Chief of Police, two shall be members of City Council, and four shall be residents of the City who have an expressed interest and history in violence prevention or providing support for victims of violence. Of these four resident members, at least one shall have experience as a social worker or mental health worker

and at least one shall be a spiritual leader.

(b) Terms of Service. The appointments of members other than the council members and Chief of Police shall be made such that each appointment is for a 3-year term. Each such member shall serve until their successors are duly appointed and qualified, unless removed from the commission by a majority vote of the commission due to any violation of the rules or by-laws authorized by subsection (d) of this section. Vacancies other than by reason of expiration of term of office shall be filled for the unexpired term only. The council members of the commission shall serve for a term coextensive with their term as a member of council. The Chief of Police shall serve for a term coextensive with his or her term of Chief of Police.

(c) Service without compensation. All members shall serve without compensation.

(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, including but not limited to a requirement for regular attendance at meetings in order to maintain a seat on the commission.

(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 monthly, and may meet more frequently if it elects. The Chair 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.

Sec. 2-723. – Duties and powers.

The ~~violence prevention~~victims assistance commission's duties shall include, but not be limited to:

(1) Coordinating the efforts of the City and community groups for the National Night Out, National Gun Violence Awareness Day, and other violence prevention efforts involving the City of Charleston.

(2) Identifying opportunities to collaborate on educational programs with other organizations and committees with the goal of reducing and preventing violence in the community, including but not limited to collaborating with the State of West Virginia's Victim Assistance Program;

(3) Identifying opportunities to support victims of violence in the community, including but not limited to facilitating connections with the State of West Virginia's

82 Victim Assistance Program;

83 _____ (4) Identifying resources that may be used to help fund the efforts of the
84 commission as stated herein, including but not limited to making contact with the State
85 of West Virginia's Victim Assistance Program;

86 _____ (5) Reviewing and recommending approval of applications for funds, as
87 available, related to violence prevention and victim compensation; and

88 _____ (6) Working with the City of Charleston to identify policy or procedure changes
89 that could-provides assistance to victims of violence and to help prevent violence-or
90 support victims of violence.

91
92 **Sec. 2-724. - Finances and reporting.**

93
94 _____ The commission shall prepare an annual report of the violence preventionvictims
95 assistance commission and an annual budget based on the city's fiscal year. The report
96 and budget shall be presented to council annually at the second meeting in December.
97

Bill No. 7964

Introduced in Council:

June 6, 2022

Introduced by:

Deanna McKinney

Adopted by Council:

Referred to:

Ordinances & Rules

Bill No. 7964 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new Division consisting of four sections, designated Sections 2-721, 2-722, 2-723, and 2-724, all relating to creating the violence prevention commission; setting forth the composition, terms, and certain procedural requirements; declaring the violence prevention commission's powers and duties; providing rule-making authority for the violence prevention commission; and requiring an annual report from the violence prevention commission.

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

That the Municipal Code of the City of Charleston, as amended, be amended by adding thereto a new Division consisting of four sections, designated Sections 2-721, 2-722, 2-723, and 2-724, all to read as follows:

CHAPTER 2. – ADMINISTRATION.

ARTICLE VII. – BAORDS, COMMITTEES AND COMMISSIONS.

DIVISION 12. – VIOLENCE PREVENTION COMMISSION.

Sec. 2-721. – Violence Prevention Commission created.

There is hereby created the "City of Charleston Violence Prevention Commission" and it shall exist as an agency of the city to account for revenues received from transfers from other funds and other available sources, including donations, to be used for violence prevention education efforts and support for victims of violence.

Sec. 2-722. - Composition and organization of commission.

(a) Composition. The City of Charleston Violence Prevention Commission shall consist of seven members, each appointed by the Mayor. Of the seven members, one shall be the Chief of Police, two shall be members of City Council, and four shall be residents of the City who have an expressed interest and history in violence prevention or providing support for victims of violence. Of these four resident members, at least one shall have experience as a social worker or mental health worker and at least one shall be a spiritual leader.

36 (b) Terms of Service. The appointments of members other than the council
37 members and Chief of Police shall be made such that each appointment is for a 3-year
38 term. Each such member shall serve until their successors are duly appointed and
39 qualified, unless removed from the commission by a majority vote of the commission
40 due to any violation of the rules or by-laws authorized by subsection (d) of this section.
41 Vacancies other than by reason of expiration of term of office shall be filled for the
42 unexpired term only. The council members of the commission shall serve for a term
43 coextensive with their term as a member of council. The Chief of Police shall serve for a
44 term coextensive with his or her term of Chief of Police.

45
46 (c) Service without compensation. All members shall serve without
47 compensation.

48
49 (d) Governance. Members of the commission shall select annually from its
50 membership a chair, a vice-chair, and any other officers as it determines necessary for
51 the performance of its duties. The commission may adopt such rules or by-laws as may
52 be necessary for the transaction of its business, including but not limited to a
53 requirement for regular attendance at meetings in order to maintain a seat on the
54 commission.

55
56 (e) Meetings. Meetings of the commission shall be open to the public and be
57 properly noticed in accordance with the Open Governmental Proceedings Act, West
58 Virginia Code Chapter 6, Article 9A. The commission shall meet monthly, and may meet
59 more frequently if it elects. The Chair shall provide an agenda for meetings of the
60 commission to the City Clerk for posting consistent with the Open Governmental
61 Proceedings Act at least three business days prior to any meeting.

62
63 (f) Quorum. A majority of the members of the commission shall constitute a
64 quorum. A majority vote of the members present at a meeting shall be required for any
65 action or decision of the commission.

66
67 **Sec. 2-723. – Duties and powers.**

68
69 The violence prevention commission's duties shall include, but not be limited to:

70 (1) Coordinating the efforts of the City and community groups for the National
71 Night Out, National Gun Violence Awareness Day, and other violence prevention efforts
72 involving the City of Charleston.

73 (2) Identifying opportunities to collaborate on educational programs with other
74 organizations and committees with the goal of reducing and preventing violence in the
75 community;

76 (3) Identifying opportunities to support victims of violence in the community;

77 (4) Identifying resources that may be used to help fund the efforts of the
78 commission as stated herein;

79 (5) Reviewing and recommending approval of applications for funds, as
80 available, related to violence prevention and victim compensation; and

81 (6) Working with the City of Charleston to identify policy or procedure changes

82 that could help prevent violence or support victims of violence.

83
84 **Sec. 2-724. - Finances and reporting.**

85
86 The commission shall prepare an annual report of the violence prevention
87 commission and an annual budget based on the city's fiscal year. The report and
88 budget shall be presented to council annually at the second meeting in December.
89