

CHARLESTON CITY COUNCIL

Regular Meeting

January 3, 2023

at 12:00 PM



THIS MEETING WILL TAKE PLACE IN PERSON AND CAN BE VIEWED LIVE VIA

<https://charlestonwv.civicclerk.com/web/home.aspx>

Council Chambers, Third Floor
City Hall, 501 Virginia St. E.
Charleston, WV

AGENDA

INVOCATION AND PLEDGE OF ALLEGIANCE

SWEARING IN OF MAYOR, AMY GOODWIN

SWEARING IN OF COUNCILMEMBERS

APPOINTMENT OF CITY CLERK

SWEARING IN OF CITY TREASURER, BEN ADAMS

SWEARING IN OF MUNICIPAL JUDGE, MATTHEW SMITH

ELECTION OF COUNCIL PRESIDENT PRO TEMPORE

APPOINTMENT OF CITY MANAGER

COMMUNICATIONS

RESOLUTIONS

1. Resolution No. 754-23 - Adopting the rules of Council.

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE JANUARY 3, 2023 AT 7:00 PM.

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

Resolution No. 754-23

Introduced in Council:

Adopted by Council:

January 3, 2023

Introduced by:

Referred to:

Becky Ceperley

1 **Resolution No. 754-23** - Adopting the Rules of Council to govern the proceedings of
2 Council.

3
4 **Now, therefore, be it Resolved by the Council of the City of Charleston, West**
5 **Virginia:**

6
7 That the Rules of Council be adopted as follows and shall govern the proceedings of the
8 Council until amended:

9
10 **Rule No. 1. - Time and place of meetings.**

11
12 (a) The city council shall meet in regular public session at the council chamber in
13 the city building at 7:00 p.m. on the first and third Mondays of each month. If the first or
14 third Monday is a holiday, the city council shall meet on the next business day at 7:00
15 p.m.

16 (b) If the city council shall determine that the council chamber in the city building
17 is not or will not, for any reason, be an appropriate place for the holding of a meeting,
18 the council may, upon motion, designate another place open to the public within the city
19 for the holding of such meeting.

20 (c) Notwithstanding the provisions of subsection (b) of this rule, the presiding
21 officer may make an emergency declaration that a natural or man-made disaster has
22 actually occurred or is imminent or that an emergency exists or may be imminent due to
23 a large-scale threat beyond local control, which requires the meeting of council to be
24 held electronically, rather than in-person. An electronic meeting may be held over media
25 such as audio, video, or computer-based communications when the presiding officer
26 makes such an emergency declaration. If the presiding officer exercises the authority
27 under this subsection to require an electronic meeting, the meeting shall be held in a
28 manner that ensures city council members are able to participate and the public is able
29 to observe the meeting consistent with the West Virginia Open Governmental
30 Proceedings Act, W. Va. Code §6-9A-1, et seq.

31
32 **Rule No. 2. - Committees.**

33
34 (a) The city council shall have the following standing committees:
35 Committee on Finance.

1 Committee on Ordinance and Rules.
2 Committee on Planning, Streets, and Traffic.
3 Committee on Public Safety.
4 Committee on Parks and Recreation.
5 Committee on Environment and Recycling.
6 Committee on Urban Renewal and Economic Development.
7 Committee on Facilities.
8 Committee on Parking Facilities.

9 (b) All standing committees shall consist of not less than three nor more than
10 nine members unless the city council by resolution specifically provides otherwise. All
11 standing committees shall be appointed by the mayor. The members of the Committee
12 on Parking Facilities shall be the same as those appointed and serving as the members
13 of the Committee on Finance.

14 (c) In addition to the foregoing standing committees, the city council may
15 authorize such select committees as may be provided by resolution.

16
17 **Rule No. 3. - Filing of papers to be introduced at city council meetings, and action**
18 **thereon by clerk of council.**
19

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

22 (a) All bills, resolutions, petitions, committee reports, communications,
23 appointments, and other documents for introduction or consideration by the city council
24 must be filed in the office of the clerk of the council not later than 12:00 noon on Friday
25 immediately preceding the day of the meeting at which it is intended they be introduced
26 or considered; provided that this restriction shall not apply to the mayor or the mayor's
27 designated deputy; provided, however, that any written mayoral recommendation or
28 communication for the appointment of any individual to a position, board, or seat that
29 requires the consent of council shall be filed by 12:00 noon on Friday immediately
30 preceding the day of the meeting.

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

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

36 (d) No bill or resolution shall be filed with the clerk of the council or introduced
37 from the floor unless it bears the signature of at least one member of the city council as
38 sponsor. Any member of the city council, for this purpose, may verbally authorize the
39 clerk of the council or any of the clerk's deputies to sign the member's name thereto.
40

41 **Rule No. 4. - Order of business at regular meetings; special order of business.**
42

43 (a) The order of business for each regular meeting shall be:

44 (1) Roll call.

45 (2) To read, correct and approve of the minutes of previous meetings.

46 (3) To hear from public speakers pursuant to Rule No. 22.

- 1 (4) To receive and dispose of communications.
- 2 (5) To receive and dispose of petitions.
- 3 (6) To receive and dispose of resolutions.
- 4 (7) To receive reports of standing committees and act thereon.
- 5 (8) To receive reports of select committees and act thereon.
- 6 (9) To receive reports of city officials.
- 7 (10) Bills introduced and referred to the appropriate committees.
- 8 (11) Unfinished business and miscellaneous matters.
- 9 (12) Remarks by members.
- 10 (13) Roll call.
- 11 (14) Adjournment.

12 (b) The presiding officer may order any question a special order of business
13 irrespective of the order of business set forth in subsection (a).

14
15 **Rule No. 5. - Reading the journal.**

16
17 Following the roll call, the journal of the proceedings of the previous meeting
18 shall be read and any alterations or corrections may be submitted and entered of
19 record. Upon motion, duly approved, reading of the journal of the preceding of the
20 previous meeting may be dispensed with.

21
22 **Rule No. 6. - Draft of bills and resolutions.**

23
24 (a) All bills and resolutions introduced in the city council shall be typewritten on
25 one side only, on plain white paper, measuring eight inches by 11½ inches, single
26 spaced and in such form as prescribed by the clerk of the council.

27 (b) No bill may be introduced in the city council proposing to amend any existing
28 law unless the bill sets forth the section or sections to be amended in their entirety, and
29 indicates:

30 (1) The language in existing law, if any, which the bill would eliminate by
31 striking through such language; and

32 (2) Any language which the bill would add to said section or sections by
33 underlining all such additional language.

34
35 **Rule No. 7. - Procedures for enacting ordinances.**

36
37 A proposed ordinance shall be read by title at not less than two meetings of the
38 city council with at least one week intervening between each meeting.

39 No proposed ordinance shall be materially amended at the same meeting at
40 which finally adopted. No proposed amendment shall be construed as materially
41 amending the proposed ordinance except by order of the presiding officer either upon
42 the presiding officer's own motion or that of any member of the city council.

43 The city council may enact an ordinance at the same meeting at which it is
44 introduced in the case of a pressing public emergency in the event delay would
45 endanger the public health, safety or morals. The nature of such emergency shall be set
46 out in full in the proposed ordinance. No motion to suspend the rules shall be necessary

1 or in order but any such proposed ordinance must be approved by an affirmative vote of
2 two-thirds of the members elected to the city council except when otherwise provided in
3 the Code of West Virginia.
4

5 **Rule No. 8. - Reference of bills, resolutions, etc., to committees.**
6

7 No bill, resolution, petition, communication or report may be divided among two
8 or more committees although it contains subjects properly within the jurisdiction of
9 several committees but must be referred to one committee in its entirety.

10 When the presiding officer is of the opinion that a bill, resolution, petition,
11 communication or report should be considered by more than one committee, at the time
12 of referring it the presiding officer may direct that when the committee to which it is
13 referred completes its consideration thereof and makes a recommendation with respect
14 thereto, such bill, resolution, petition, communication or report shall be automatically
15 referred to such other committee as directed by the presiding officer upon making the
16 initial referral.

17 This provision shall not be construed as limiting the right of any member of the
18 city council to move, or the presiding officer to order, the reference of any bill,
19 resolution, petition, communication or report to another committee upon receipt of the
20 report of the committee to which initially referred, or to recommit to the committee to
21 which initially referred.
22

23 **Rule No. 9. - Requests for action; making entries in the journal.**
24

25 Requests for action made by a member of the city council shall not be
26 reproduced in the journal nor forwarded to the person or persons designated by the
27 presiding officer for action or attention unless such request is reduced to writing and
28 filed with the clerk of the council prior to adjournment of the meeting at which such
29 request is made.

30 No remarks, voting explanations or words spoken in debate by any member of
31 the city council shall be reproduced in the journal except by unanimous consent of the
32 members of the council present, upon motion by a member and unless a written copy
33 thereof is delivered to the office of the clerk of the council by 12:00 noon of the following
34 day.

35 The clerk of the council is authorized to condense and summarize any requests
36 for action, remarks, vote explanations and words spoken in debate that are to be noted
37 in the journal, but all writings filed with the clerk shall be kept and preserved as an
38 appendix to the journal.
39

40 **Rule No. 10. - Reports of committees.**
41

42 All reports of committees shall be delivered to the clerk of the council for reading
43 without comment, all statements or arguments to follow the reading thereof by the clerk.
44

45 **Rule No. 11. - Resolutions and motions to amend.**
46

1 All resolutions and motions to amend any motion, resolution or bill shall be
2 reduced to writing and shall be read by the clerk of the council before being debated.
3 Forms on which amendments are to be written shall be prescribed by the clerk of the
4 council and made available to any member.

5 A member of the city council may move to reconsider the vote on any question
6 during the meeting at which such question was voted upon or at the next regular
7 meeting of council if the member voted on the prevailing side or, irrespective of how the
8 member voted, if there was not a roll call vote.

9 The following motions shall be decided without debate and without amendment:

10 (1) Motion to adjourn.

11 (2) Motion to table.

12 (3) Motion for the previous question.

13 (4) Motion to recess.

14
15 **Rule No. 12. - Rules of debate.**

16
17 No question shall be debated until it has been propounded by the chair, and then
18 the mover shall have the right to explain his or her view in preference to any other
19 member and shall have the right to close the debate.

20 When two or more members of the city council arise at the same time, the
21 presiding officer shall name the person to speak; but in all cases, the member who shall
22 first rise and address the chair shall speak first.

23 No one shall disturb or interrupt a member who is speaking, without the
24 member's permission, except to call to order if the member is transgressing the rules.

25
26 **Rule No. 13. - Call for a division of a question.**

27
28 Any member of the city council may call for a division of any question before a
29 vote is taken thereon if it comprehends propositions in substance so distinct that, if one
30 proposition be taken away, another substantive proposition remains for decision by the
31 city council; but a member of the city council calling for a division of a question shall
32 state in what manner the question shall be divided.

33
34 **Rule No. 14. - Use of a previous roll call.**

35
36 On any question, the roll call immediately next preceding may be used to record
37 the vote of the city council upon a unanimous consent request by any member, provided
38 such previous roll call was unanimous. If any member objects to the use of the previous
39 roll call, the clerk will call the roll for the vote as if it were the first vote of the meeting.

40
41 **Rule No. 15. - When a member abstains from voting.**

42
43 No member shall vote on any question before the city council if the member is
44 directly and immediately interested therein other than as a citizen of the City of
45 Charleston; however, no member may abstain from voting without, prior to a vote being
46 taken, having stated the reason for not voting and having obtained a ruling from the

1 presiding officer excusing the member from voting.

2
3 **Rule No. 16. - Decisions on questions of order.**

4
5 The presiding officer shall decide all questions of order, subject to an appeal to
6 the city council which shall be determined by a majority vote of those present and
7 voting.

8
9 **Rule No. 17. - Presiding officer may relinquish chair.**

10
11 The presiding officer of the city council may call any member of the city council to
12 the chair, who shall exercise its functions for the time being.

13
14 **Rule No. 18. - Demand of previous question.**

15
16 If the previous question be demanded by ~~not less than three members~~, the
17 presiding officer shall, without debate, put the question: "Shall the main question be now
18 put?" If this question be decided in the affirmative, all further debate shall cease and the
19 vote be at once taken on the proposition pending before the city council. When the
20 council refuses to order the main question, the consideration of the subject shall be
21 resumed as if the previous question had not been demanded.

22
23 **Rule No. 19. - Rescission, amendment and suspension of rules.**

24
25 (a) No standing order or rule of the city council shall be rescinded or amended
26 except by a majority vote of the members elected to the city council.

27 (b) No rule of the city council shall be suspended in any case except by
28 unanimous consent of the councilmembers present, provided, that no rule shall be
29 suspended if compliance therewith is made mandatory by state law, the city Charter or
30 an ordinance of the City of Charleston.

31
32 **Rule No. 20. - Calling for a division of city council.**

33
34 The presiding officer may in case of doubt and shall upon the request of any
35 member call for a division of the city council on any vote by requiring first those voting in
36 the affirmative to stand and then those voting in the negative to stand.

37
38 **Rule No. 21. - Parliamentary rules of order.**

39
40 The rules of parliamentary usage comprised in the manual known as "Manual of
41 Legislative Procedure" by Paul Mason shall govern the city council in all cases not
42 provided for by the rules of city council, city Charter and state law. In any case not
43 governed by said manual, said rules, city Charter or state law, the city council shall be
44 governed by the practice in the House of Delegates of the State of West Virginia.

45 A copy of said manual shall remain on file in the office of the clerk of the city
46 council.

1
2 **Rule No. 22. - Members of the public speaking before city council.**
3

4 (a) A member of council may ask the floor for a member of the public to speak
5 before council, which said motion is nondebatable. Upon such request, the presiding
6 officer shall inquire of the councilmember the subject matter of the inquiry and ask
7 council if there is any objection to the person speaking, and, if an objection is raised,
8 then council, by majority vote, shall determine whether or not the person shall be
9 allowed to address council. Any person addressing council shall be allowed no more
10 than five minutes to make remarks, unless by unanimous consent council allows a
11 longer period of time.

12 (b) A maximum of ten minutes shall be set aside at the outset of each meeting of
13 the council to permit members of the public, without leave of council, to address the
14 council on any matter pertaining to the city's business. Any member of the public
15 wishing to address the council shall first register with the clerk of the city council, or the
16 clerk's designated representative for such purpose, in the council's chambers not earlier
17 than 15 minutes before the beginning of each meeting setting forth his or her name, the
18 group, if any, on whose behalf he or she wishes to speak, and the subject matter which
19 he or she wishes to address: Provided, that if the presiding officer exercises the
20 authority contained in rule 1(c) to hold a meeting electronically, then the city clerk may
21 provide for an extended and different period of time and manner for public speakers to
22 sign up that will allow for an efficient meeting of council and create ample opportunity for
23 the public to participate, as long as that period of time and manner are included on the
24 publicly posted agenda for the meeting. If more than one person registers to address
25 council, such persons shall be allocated time on a prorated basis, and shall be
26 permitted to speak only for the time allotted. In no event shall more than five people be
27 permitted to address the council under this rule 22(b). Nothing in this rule 22(b) shall
28 affect the ability of a member of council to request that a member of the public be
29 allowed to speak pursuant to rule 22(a).
30

31 **Rule No. 23. - Order of business at regular meetings; special order of business.**
32

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

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

44 (c) Before 5:00 p.m. on the day of a scheduled meeting of city council or on a day
45 further in advance, a member that is unable to attend a scheduled meeting of city
46 council may contact the city clerk by email to notify the clerk of the impending absence

1 and whether the absence is due to a business, family, medical, or personal reason. If
2 timely notice of the absence is received by email, the absence will be declared excused
3 and entered in the journal as such. If a member does not provide timely notice of the
4 absence, they may provide notice as soon as possible thereafter to the city clerk and
5 the city council may move to declare the absence excused at the next regularly
6 scheduled meeting. If no notice is provided, the absence will remain classified as
7 unexcused. The city council further acknowledges that whether an absence is excused
8 or unexcused, by itself, has no bearing on the potential removal from office of any
9 member pursuant to the requirements contained in W. Va. Code § 6-6-7.