



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Special Meeting – Tuesday, January 3, 2023

at 12:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

**Amy Shuler Goodwin
Mayor**

**Miles C. Cary II
City Clerk**

CALL TO ORDER

The Council met in the Chambers of the City Building at 12:00 P.M., for the first special meeting in the month of January on the 3rd day, in the year 2023, and was called to order. The invocation was delivered by Hoy Adams and the Pledge of Allegiance was led Harper and Bodie Smith.

This being the 1st special meeting of the month of January, 2023, the swearing in of the newly elected Mayor, City Council Members, Treasurer and Municipal Judge of the City of Charleston convened.

The newly elected mayor, Amy Shuler Goodwin, came forward to be sworn in office by the United States District Judge for the Southern District of West Virginia, Joseph R. Goodwin. Amy Shuler Goodwin was declared the Mayor for the City of Charleston.

Mayor Goodwin took the podium and called for the newly elected Council members to please rise and be sworn in office by herself. All members were declared Council for the City of Charleston.

Pursuant to the provisions of Section 35 of the City Charter, the floor was declared open for nominations to the position of City Clerk. A motion was made by Councilmember Ceperley to nominate Miles C. Cary II. Councilmember Hoover seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative Miles C. Cary II came forward to be sworn in office by Mayor Goodwin. Miles C. Cary II was declared City Clerk.

Mayor Goodwin called for the newly elected Treasurer, Ben Adams, to come forward and be sworn in office by herself. Ben Adams was declared the Treasurer for the City of Charleston.

Mayor Goodwin called for the newly elected Municipal Judge, Matthew Smith, to come forward and be sworn in office by The Honorable Chief Judge Tara Salango. Matthew Smith was declared the Municipal Judge for the City of Charleston.

Pursuant to Section 4 and 15 of the City Charter, the floor was declared open for nominations to the position of Council President Pro Tempore. A motion was made by Councilmember Hoover to nominate Councilmember Becky Ceperley. Councilmember Cook seconded the motion. A nomination was made by Councilmember Kerns to nominate Councilmember Snodgrass. The nomination was seconded.

A Roll Call was taken:

Ceperley: Burton, Ceperley, Cook, Ferrell, Gianola, Haas, Hoover, Jenkins, King, Minardi, Moore, Pepper, Pharr, Robinson, Rubio, Salango, Taylor, Mayor Goodwin

Snodgrass: Annie, Burka, Faegre, Jones, Kerns, Overstreet, Snodgrass, Solomon, Steelhammer

With a majority of members elected recorded thereon as voting in the affirmative (Ceperley with 18, Snodgrass with 9) Councilmember Becky Ceperley was declared the Council President Pro Tempore.

APPOINTMENTS

1.

Amy Shuler Goodwin
Office of the Mayor
City of Charleston



P.O. Box 2749
Charleston, WV 25330
(304) 348-8174 Office

TO: MILES CARY
CITY CLERK

FROM: AMY SHULER GOODWIN
MAYOR

RE: COUNCIL COMMITTEE APPOINTMENT COMMUNICATION

DATE: JANUARY 3, 2023

The following are appointments for City Council committee assignments effective January 3, 2023:

Finance/Parking: Jenkins (Chair), Burton (Vice), Robinson, Hoover, Ceperley, Taylor, Moore

Environment & Recycling: Minardi (Chair), Pepper (Vice), Solomon, Faegre, Pharr, Steelehammer, Haas

Facilities: Burton (Chair), Cook (Vice), Snodgrass, Jones, Steelehammer, Gianola, Kerns

Ordinance & Rules: Robinson (Chair), Salango (Vice), Ceperley, Pepper, Annie, Minardi, Jenkins

Parks & Recreation: Cook (Chair), King (Vice), Jones, Salango, Robinson, Ferrell, Annie

Planning/Streets & Traffic: Hoover (Chair), Pharr (Vice), Haas, Gianola, Ceperley, Rubio, Burka

Public Safety: Taylor (Chair), Overstreet (Vice), Cook, Kerns, Hoover, Rubio, King

Urban Renewal & Economic Development: Moore (Chair), Overstreet (Vice), Ferrell, Solomon, Burka, Snodgrass, Faegre

ASG/mls

Received and Filed.

RESOLUTIONS

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

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

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

Rule No. 1. - Time and place of meetings.

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

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

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

Rule No. 2. - Committees.

(a) The city council shall have the following standing committees:

Committee on Finance.

Committee on Ordinance and Rules.

Committee on Planning, Streets, and Traffic.

Committee on Public Safety.

Committee on Parks and Recreation.

Committee on Environment and Recycling.

Committee on Urban Renewal and Economic Development.

Committee on Facilities.

Committee on Parking Facilities.

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

(c) In addition to the foregoing standing committees, the city council may authorize such select

committees as may be provided by resolution.

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

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

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

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

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

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

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

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

- (1) Roll call.
- (2) To read, correct and approve of the minutes of previous meetings.
- (3) To hear from public speakers pursuant to Rule No. 22.
- (4) To receive and dispose of communications.
- (5) To receive and dispose of petitions.
- (6) To receive and dispose of resolutions.
- (7) To receive reports of standing committees and act thereon.
- (8) To receive reports of select committees and act thereon.
- (9) To receive reports of city officials.
- (10) Bills introduced and referred to the appropriate committees.
- (11) Unfinished business and miscellaneous matters.
- (12) Remarks by members.
- (13) Roll call.
- (14) Adjournment.

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

Rule No. 5. - Reading the journal.

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

Rule No. 6. - Draft of bills and resolutions.

(a) All bills and resolutions introduced in the city council shall be typewritten on one side only, on plain white paper, measuring eight inches by 11 inches, single spaced and in such form as prescribed by the clerk of the council.

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

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

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

Rule No. 7. - Procedures for enacting ordinances.

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

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

The city council may enact an ordinance at the same meeting at which it is introduced in the case of a pressing public emergency in the event delay would endanger the public health, safety or morals. The nature of such emergency shall be set out in full in the proposed ordinance. No motion to suspend the rules shall be necessary or in order but any such proposed ordinance must be approved by an affirmative vote of two-thirds of the members elected to the city council except when otherwise provided in the Code of West Virginia.

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

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

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

This provision shall not be construed as limiting the right of any member of the city council to move, or the presiding officer to order, the reference of any bill, resolution, petition, communication or

report to another committee upon receipt of the report of the committee to which initially referred, or to recommit to the committee to which initially referred.

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

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

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

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

Rule No. 10. - Reports of committees.

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

Rule No. 11. - Resolutions and motions to amend.

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

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

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

- (1) Motion to adjourn.
- (2) Motion to table.
- (3) Motion for the previous question.
- (4) Motion to recess.

Rule No. 12. - Rules of debate.

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

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

No one shall disturb or interrupt a member who is speaking, without the member's permission,

except to call to order if the member is transgressing the rules.

Rule No. 13. - Call for a division of a question.

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

Rule No. 14. - Use of a previous roll call.

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

Rule No. 15. - When a member abstains from voting.

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

Rule No. 16. - Decisions on questions of order.

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

Rule No. 17. - Presiding officer may relinquish chair.

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

Rule No. 18. - Demand of previous question.

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

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

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

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

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

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

Rule No. 21. - Parliamentary rules of order.

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

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

Rule No. 22. - Members of the public speaking before city council.

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

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

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 W. Va. 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 W. Va. Code § 6-6-7.

Councilmember Snodgrass motioned to amend Resolution No. 754-23 by restoring the portion struck out in Rule 18 “by not less than three members,”.

Councilmember Jenkins spoke in favor of the amendment.

With members present recorded thereon as voting in the majority as affirmative, the Mayor declared the amendment to Resolution No. 754-23 adopted.

Councilmember Faegre asked what the purpose for these changes was. Councilmember Ceperley replied that it was to clarify the way Council has been operating as is required every four years.

Councilmember Ceperley motioned to the resolution as amended. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 754-23 as amended as adopted.

ADJOURNMENT

The Clerk, Miles C. Cary II, called the closing roll call:

YEAS: Annie, Burka, Burton, Ceperley, Cook, Faegre, Ferrell, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Robinson, Rubio, Salango, Snodgrass, Solomon, Steelhammer, Taylor, Mayor Goodwin

NAYS: NONE

ABSENT: NONE

At 12:52 p.m., by a motion from Councilmember Ceperley, Council adjourned until Tuesday, January 3, 2023, at 7:00 p.m., in the Council Chamber in City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk