



CITY OF CHARLESTON WEST VIRGINIA



COUNCIL MEMBER – WARD 20

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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 Monday, October 2, 2023 at 5:00 PM. **To be held in person**
AV ROOM #308, CITY HALL

Agenda

APPROVAL OF PREVIOUS MINUTES

1. 9-21-2023

BILLS

1. Bill No. 8013 Committee Substitute as Amended - A BILL to amend the Municipal Code by adding a new Article to authorize Private Outdoor Designated Areas.

RESOLUTIONS

1. Resolution No. 885-23 - Amending the Rules of Council by adding thereto a new rule relating to privileges to the floor of council chambers during the meetings of city council.

CR/ns

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

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

4:00 P. M., SEPTEMBER 21, 2023

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 4:00 p.m., SEPTEMBER 21, 2023.

Committee Members Present:

Chad Robinson, Chair

Patrick Salango, Vice Chair

Frank Annie

Joseph Jenkins

Sam Minardi (arrived after approval of previous minutes)

Emmett Pepper

Absent:

Becky Ceperley

Councilmembers also Present:

Mary Beth Hoover

Shawn Taylor

Beth Kerns

1. Approval of Previous Minutes –

Councilmember Papper motioned to approve the previous minutes from 9-5-2023. With those being present having voted unanimously in the affirmative, the Chair declared the minutes as approved.

2. Bill No. 8013 - A BILL to amend and reenact the Municipal Code by adding thereto a new relating to authorizing Private Outdoor Designated Areas–

City Attorney, Kevin Baker, stated that the State has given municipalities the authority to allow private clubs to apply for inclusion in the designated PODA. He added that special cups are required. The ABCA has created a special license (S-4 permit) in addition to the regular license for this. Requirements for City approval include a valid business license, Class A license for a private club, in good standing with the City, located within the PODA area. The container must be non-glass. Baker added that so far, the ABCA has only approved plastic cups. State law allows for up to 18 oz. cups, but the proposed bill states 16 oz. State law requires signage that clearly states the boundaries of the PODA. There are also requirements that the participating venues make their restrooms available as well as any public restrooms within the area. The businesses must follow all Kanawha Charleston Health Department requirements. They must also make waste receptacles available during the PODAs operating hours. Baker added that the bill allows the City Manager to revoke specific businesses or the entire PODA in the interest of public safety. The three PODAs proposed are City Center, Elk City and Bridge Road with operating hours of 4pm-10pm Thursday and Friday and 10am-10pm Saturday and Sunday. Baker added that there are currently no businesses that qualify in the Elk City PODA, but there is potential.

Councilmember Jenkins confirmed that the City would have control of the design of the cups. He saw it as an advertising opportunity for the specific areas. Baker added that the cups also have to be approved by the ABCA. Councilmember Jenkins asked if the cups could be reusable. Baker replied that seemed to be the anticipation of the Legislature. It doesn't seem like the ABCA is wanting to approve that yet, but might in the future.

Mayor Goodwin added that they have studied some of the cities that already have PODAs in place. An important part of the set up is to make everything consistent for both locals and visitors. Additionally, recyclable cups are the most commonly used. The Mayor added that she thought it would be best to start with the same items for all the PODAs. Throughout their research, they have found that good communication was the key to success.

Councilmember Jenkins added that the bill requires dedicated City personnel for the areas (police officers, street/refuse, etc.). He added there are only four officers assigned to the South Side and the bill lists two required officers for the area's PODA. Are those PODA officers allowed to leave the area to answer calls etc.? Baker replied that there would probably be a learning curve once put into effect. State law only requires that the bill list the estimated number of personnel needed to ensure public safety and efficient operations.

Councilmember Pepper asked if aluminum solo cups had been approved. Baker replied that so far, the ABCA has only approved plastic cups. Councilmember Pepper asked for clarification about the signage. Baker replied that the State law requires more specific

language about size and types of signs that he has drafted. He added that giving the City Manager more authority over decisions would be acceptable. Baker added that other cities have placed their signs as stickers on the street, which would be supported by the State law. Councilmember Pepper added that if the PODA should ever be shut down (or changed significantly) the businesses and relevant Councilmembers should be notified.

Councilmember Minardi confirmed with Baker that uniformed officers are a requirement of State law. He asked if security could be outsourced. Baker replied that the number listed in the bill is the estimated requirement, which could be broadly interpreted.

Councilmember Jenkins asked, as it related to the definition of private clubs, if micro-breweries or distilleries would count. Baker replied that they would seem to be technically outside of that definition, but he didn't think they would be prohibited from getting a private club license.

Councilmember Robinson asked for clarification about the liability issue. Baker replied that the State law requires all of the S4 participating private clubs to enter into an agreement with each other to where they would jointly be liable for actions within the PODA. This does not seem to be as big of an obstacle as he originally thought. Councilmember Robinson asked if the bill could be broader by leaving out the specific mentions of the types of personnel. Baker replied that although the number is an estimate, he thought the bill needed to have some kind of number in it. Councilmember Jenkins suggested that the language could read "safety personnel." Councilmember Robinson agreed, and added that it could read "up to."

Councilmember Robinson proposed adding a fourth PODA that would include the Market, Bricks and Barrells and the ballpark. He also suggested squaring up the City Center PODA between Hale Street and Dickenson Street and between Quarrier Street and Virginia Street.

From the audience, Councilmember Kerns added that plastic solo cups would be able to be recycled.

From the audience, Councilmember Taylor asked what authority did the ABCA have as to the material of the containers. Baker added that the State law required that drinks be served in a non-glass container, approved by the municipality and the ABCA. Baker added that if the City and the business owners could make a strong agreement in favor of an alternate material to plastic, they should (be might not) approve it.

From the audience, Councilmember Hoover agreed with the suggested map changes and the additional PODA suggestion.

City Manager, Ben Mishoe, added they there are compostable cups that look like regular plastic cups.

Mayor Goodwin added that some cities initially provided the containers to the PODAs at

the start, and then the businesses were responsible for purchasing their own cups with the logos and additional requirements approved by the City and ABCA.

Business owner Kim Rossi (Hale and Quarrier Streets) initially thought that their businesses were not included within the City Center PODA, but it was determined that they were. Rossi added that there are cups that will biodegrade on their own within a set number of years without the need to recycle or compost them.

Evan Osborne, representing the Capital Market, added that the additional PODA would greatly benefit the Market.

Councilmember Pepper wanted to make sure the businesses were ok with the operating hours of the PODAs. Chief of Staff, Matt Sutton, added that there was a safety benefit to having events end fairly early, and they have seen that successfully implemented with the Regatta and Live on the Levee. The Mayor agreed that they have received similar feedback from other cities with PODAs.

Baker added that the ABCA is still working out how to handle fairs/festivals that happen within the PODA. It would seem like the PODA would be turned off in those instances.

Councilmember Robinson asked if the City could apply for a permit for a Regatta PODA. Baker replied that it is likely the City will need to work with the ABCA about that. He would recommend that Council adopt a resolution for the Regatta right before it starts. It will likely be confusing to people for some time as everyone learns the rules.

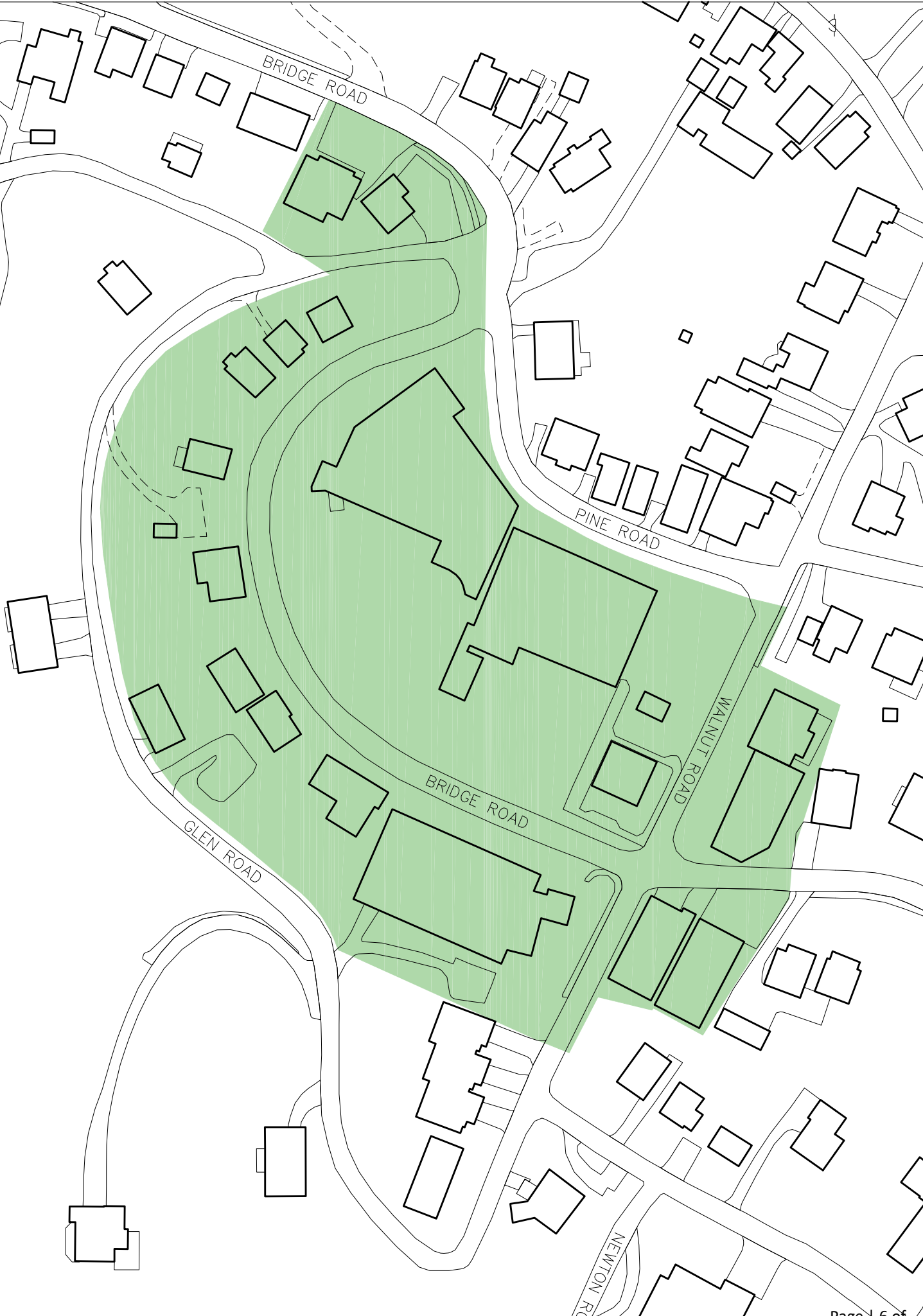
Councilmember Jenkins added that the bill should give more authority to the City Manager.

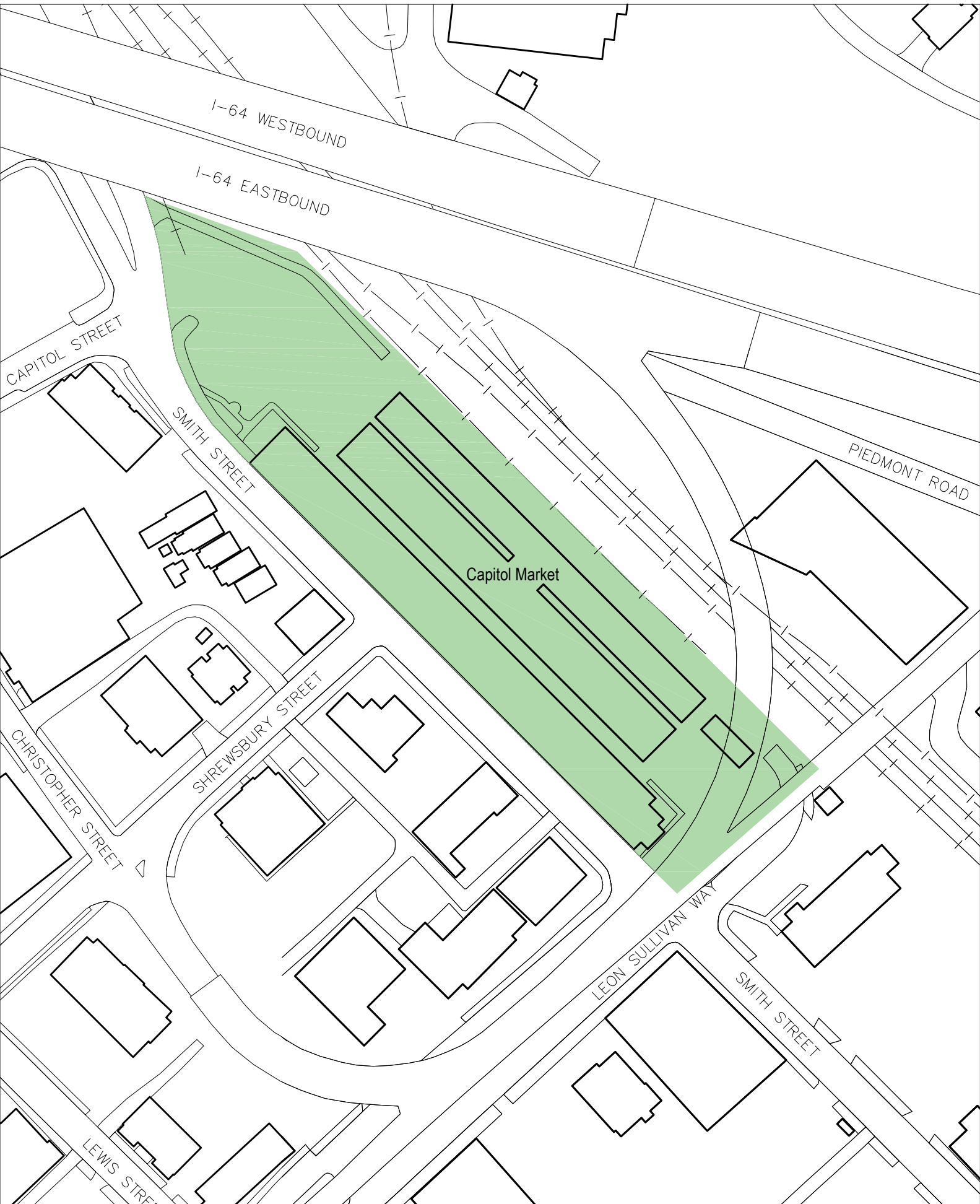
Councilmember Robinson added that there would be a meeting at Adelphia on Thursday next week for businesses to meet and discuss the PODAs.

Baker added that he thought the S4 license would be \$100.

Councilmember Minardi motioned to adjourn the meeting. Meeting adjourned.

Bridge Road Private Outdoor Designated Area (PODA)





Capitol Market Private Outdoor Designated Area (PODA)

City Center Private Outdoor Designated Area (PODA)





Elk City Private Outdoor Designated Area (PODA)

Bill No. 8013 Committee Substitute

Introduced in Council:

September 18, 2023

Adopted by Council:

Introduced by:

**Chad Robinson, Bruce King,
Frank Annie, Mary Beth Hoover,
Jennifer Pharr, Shawn Taylor,
Joseph Jenkins, Sam Minardi and
Patrick Salango**

Referred to:

Ordinance & Rules

1 **Bill No. 8013 Committee Substitute** - A BILL to amend and reenact Sec. 6-91 of the
2 Municipal Code of the City of Charleston, as amended; and to amend said Code by
3 adding thereto a new Article IV within Chapter 6, consisting of 4 divisions, designated
4 Sec. 6-151, 6-152, 6-153, 6-154, 6-155, 6-156, 6-157, 6-158, 6-159, 6-166, 6-167, 6-
5 168, 6-171, 6-172, 6-173, 6-176, 6-177, ~~and 6-178~~, 6-181, 6-182, and 6-183, all relating
6 to authorizing Private Outdoor Designated Areas; updating prohibitions on drinking in
7 public places; providing details for the operation of Private Outdoor Designated Areas;
8 creating certain requirements and prohibitions for businesses and individuals within
9 Private Outdoor Designated Areas; creating criminal penalties for violations of the
10 article; requiring certain signage be placed to demarcate Private Outdoor Designated
11 Areas; authorizing the City Manager to take action to revoke permits or suspend Private
12 Outdoor Designated Areas when public safety so requires; creating the City Center
13 PODA, Bridge Road PODA, ~~and Elk City PODA~~, and Capitol Market PODA; and setting
14 forth day, time, and personnel needed for the operation of each Private Outdoor
15 Designated Area.

16
17 **Now, therefore, be it ordained by the Council of the City of Charleston:**

18
19 That ~~Sec. 6-91 of~~ the Municipal Code of the City of Charleston, as amended, is hereby
20 ~~amended and reenacted; and that said Code is hereby~~ amended by adding thereto a
21 new Article IV within Chapter 6, consisting of 4 divisions, designated Sec. 6-151, 6-152,
22 6-153, 6-154, 6-155, 6-156, 6-157, 6-158, 6-159, 6-166, 6-167, 6-168, 6-171, 6-172, 6-
23 173, 6-176, 6-177, ~~and 6-178~~, 6-181, 6-182, and 6-183, all to read as follows:

24
25 **CHAPTER 6. – ALCOHOLIC BEVERAGES.**

26 **ARTICLE III. – INTOXICATING LIQUOR.**

27 **DIVISION 1. – GENERALLY.**

28
29 **~~Sec. 6-91. – Prohibited drinking and prohibited possession.~~**

30
31 ~~It shall be unlawful for any person to:~~

32 ~~(1) Drink alcoholic liquor in a public place except as otherwise provided by~~

33 law.

34 ~~_____ (2) Drink alcoholic liquor in a motor vehicle upon any street, open space or~~
35 ~~in a public garage.~~

36 ~~_____ (3) Tender a drink of alcoholic liquor to another person in a public place or~~
37 ~~in any place mentioned in subsection (2) of this section or in a public place, except as~~
38 ~~otherwise provided by law.~~

39 ~~_____ (4) Possess alcoholic liquor in an amount in excess of one gallon, in~~
40 ~~containers not bearing stamps or seals of the state liquor control commission, without~~
41 ~~having first obtained written authority from that commission.~~

42 ~~_____ (5) Possess any alcoholic liquor which he or she knows or should know~~
43 ~~was manufactured or acquired in violation of the provisions of W. Va. Code Chapter 60~~
44 ~~(W. Va. Code § 60-1-1 et seq.).~~

45
46 **ARTICLE IV. – PRIVATE OUTDOOR DESIGNATED AREAS.**

47 **DIVISION 1. – GENERALLY.**

48
49 **Sec. 6-151. – Authorization for Private Outdoor Designated Areas.**

50
51 _____ Pursuant to West Virginia Code §8-12-26, the City of Charleston hereby adopts
52 this ordinance establishing private outdoor designated areas, as described in West
53 Virginia Code § 60-7-8g.

54
55 **Sec. 6-152. – Private Outdoor Designated Area.**

56
57 _____ A Private Outdoor Designated Area includes the public property that has become
58 a legally demarcated area established by a municipal ordinance as set forth in West
59 Virginia Code §8-12-26 for the consumption of liquor, wine, nonintoxicating beer, and
60 nonintoxicating craft beer. ~~Notwithstanding the provisions of Section 78-211 of this~~
61 ~~Code,~~ aA person may possess and consume an approved open container of liquor,
62 wine, nonintoxicating beer, or nonintoxicating craft beer sold from an approved Class S4
63 permit holder, as further detailed in this Article, outdoors within a Private Outdoor
64 Designated Area. A business operating within a Private Outdoor Designated Area may
65 choose whether or not to permit people to enter its business with an approved open
66 container of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer sold from an
67 approved Class S4 permit holder.

68
69 **Sec. 6-153. – Participation in a Private Outdoor Designated Area.**

70
71 _____ (a) Any Class A license holder under West Virginia Code §60-7-1 et seq. that
72 operates in a Private Outdoor Designated Area may apply to the City Manager for the
73 approval to operate in a Private Outdoor Designated Area. The City Manager shall
74 review the application to ensure it is complete and meets the following requirements:

75 _____ (1) The applicant is located in an established Private Outdoor Designated
76 Area, pursuant to this Article, with a front door in compliance with all building and fire
77 codes for the safe ingress and egress of members, patrons, and guests to and from the
78 Private Outdoor Designated Area.

79 (2) The applicant has a valid city and state business license and is in good
80 standing with the city.

81 (3) The applicant has a valid Class A private club license under West
82 Virginia Code §60-7-1 et seq.

83
84 (b) Once approved by the City Manager, as indicated by a letter of approval to
85 the applicant, the license holder may apply to the West Virginia Alcohol Beverage
86 Control Administration (“WVABCA”) for a special Class S4 permit, as detailed in West
87 Virginia Code § 60-7-8g, to participate in a Private Outdoor Designated Area, as further
88 detailed in this Article, in the West Virginia Code, and in any applicable rules of the
89 WVABCA. Upon approval by the WVABCA, the Class S4 permit holder shall notify the
90 City Manager’s office. Any business that receives the approval of the City Manager and
91 a Class S4 permit from the WVABCA may participate in a Private Outdoor Designated
92 Area.

93
94 (c) Participation in a Private Outdoor Designated Area does not provide a
95 business with any authority to operate outdoor dining on the public right of way. Any
96 business interested in participating in outdoor dining shall follow the requirements of
97 Chapter 102, Article VII of this Code. A business with an approved outdoor dining area
98 that is within a Private Outdoor Designated Area may operate its outdoor dining area
99 simultaneously with its participation in a Private Outdoor Designated Area.

100
101 **Sec. 6-154. – Containers.**

102
103 All beverages served from valid Class S4 permit holders for consumption in a
104 Private Outdoor Designated Area shall be served in a non-glass container not greater
105 than 16 fluid ounces, which has been approved by the City Manager and the WVABCA.

106
107 **Sec. 6-155. – Signage and Prohibitions.**

108
109 (a) Prior to the operation of a Private Outdoor Designated Area, the city shall
110 erect conspicuous signage. The signs shall be located at every reasonable point where
111 a pedestrian may exit the Private Outdoor Designated Area by way of a public sidewalk.
112 The signs shall clearly state “No alcohol beyond this point.” and provide clear notice that
113 a person is leaving the Private Outdoor Designated Area.

114
115 (b) A person may not leave a Private Outdoor Designated Area while possessing
116 an open container of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer that
117 contains liquid.

118
119 (c) A person may not possess an open container of liquor, wine, nonintoxicating
120 beer, or nonintoxicating craft beer that contains liquid while being in, on, or operating a
121 motor vehicle within a Private Outdoor Designated Area.

122
123 **Sec. 6-156. – Public Health, Safety, and Sanitation.**

125 (a) All Private Outdoor Designated Areas shall be operated in a manner
126 consistent with all state and municipal laws. The Charleston Police Department shall be
127 responsible for ensuring compliance and may issue citations within the Private Outdoor
128 Designated Areas as necessary. The Charleston Police Department shall provide a
129 copy of any citation issued within a Private Outdoor Designated Area to the WVABCA.

130
131 (b) In addition to any public restrooms in a Private Outdoor Designated Area,
132 participating Class S4 permit holders shall make available adequate restroom facilities,
133 whether permanent or portable, to serve their members and guests during all hours of
134 operation of the Private Outdoor Designated Area.

135
136 (c) All businesses operating within a Private Outdoor Designated Area shall
137 comply with all requirements of the Kanawha-Charleston Health Department.

138
139 (d) All participating businesses within a Private Outdoor Designated Area shall
140 make waste receptacles available during the operating hours of the Private Outdoor
141 Designated Area in a number sufficient to contain the waste generated within the area
142 and which are emptied regularly by each participating business as needed to ensure
143 availability. These waste receptacles are in addition to the City of Charleston public
144 waste receptacles in the area.

145
146 **Sec. 6-157. – Revocation of City Manager Approval; and General Policy Authority.**

147
148 (a) The City Manager may revoke the letter of approval of any Class S4 permit
149 holder when doing so is in the interest of public safety by sending a revocation letter to
150 both the permit holder and the WVABCA.

151
152 (b) The City Manager is authorized to create policies and procedures as
153 necessary for the efficient operation of the Private Outdoor Designated Areas, including
154 but not limited to, signage language approval, container approval, identification of
155 participating businesses and non-participating businesses, review of security plans
156 proposed to the WVABCA, the interaction and interplay between a fair or festival and
157 the Private Outdoor Designated Areas, and the duties and responsibilities of all
158 participating businesses with respect to clean up and other sanitation matters.

159
160 **Sec. 6-158. – Suspension of Private Outdoor Designated Area.**

161
162 The City Manager has the authority to suspend the operation of a Private
163 Outdoor Designated Area immediately when in the interest of public safety by providing
164 notice to all Class S4 permit holders within the Private Outdoor Designated Area, City
165 Council, any business association participating in the marketing or advertising of the
166 Private Outdoor Designated Area, and the WVABCA.

167
168 **Sec. 6-159. – Penalties.**

169
170 (a) An individual who violates any provision of this article relating to Private

171 Outdoor Designated Areas is guilty of a misdemeanor and, upon conviction, shall be
172 fined not less than \$5 and not more than \$100.

173 (b) Any person who owns or operates a business within a Private Outdoor
174 Designated Area or is employed by such a business and who violates any provision of
175 this article is guilty of a misdemeanor and, upon conviction, shall be fined not less than
176 \$5 and not more than \$1,000. Any owner, operator, or employee who violates a
177 provision of this article and is convicted of a third such offense, upon conviction, may be
178 confined for up to 30 days. These penalties for owners, operators, and employees of
179 Private Outdoor Designated Areas are in addition to any penalty from the WVABCA.

180 **DIVISION 2. – CITY CENTER PODA**

181 **Sec. 6-166. – Creation and Boundaries.**

182
183
184
185 (a) City Council for the City of Charleston hereby ~~established~~establishes a
186 Private Outdoor Designated Area known as “City Center PODA”, which shall have the
187 boundary as stated in subsection (b) of this section and which shall meet all of the
188 requirements of this Article and applicable West Virginia Code.

189 (b) The City Center PODA shall begin at the southeastern corner of the
190 intersection of ~~Virginia Street~~Kanawha Boulevard and Laidley Street, then continue
191 along ~~Virginia Laidley Street in an easterly to Summers Street, then continue along~~
192 ~~Summers Street~~ in a northerly direction, including City Center at Slack Plaza, to Lee
193 Street, ~~, including City Center at Slack Plaza,~~ then continue in an easterly direction
194 along Lee Street, including the structures on the northern side of Lee Street between
195 Summers Street and Dickinson Street, but excluding Davis Park, to ~~Hale Dickinson~~
196 Street, then continue in a southerly direction along ~~Hale Dickinson~~ Street to Virginia
197 Street ~~(including the buildings on the northern side of Quarrier Street between Hale~~
198 ~~Street and Dickinson Street)~~, then continue in a westerly direction along Virginia Street
199 to Capitol Street, then continue in a southerly direction along Capitol Street to Kanawha
200 Boulevard, then continue in a westerly direction along Kanawha Boulevard to include all
201 of Haddad Riverfront Park ~~before continuing in a northerly direction along Laidley Street~~
202 to the southeastern corner of the intersection of Laidley Street and ~~Virginia~~
203 ~~Street~~Kanawha Boulevard. The City Center PODA shall include the public rights-of-way
204 within the boundary area and the buildings at or within the following addresses: 600-~~822~~
205 ~~900~~ Virginia Street East; 500-800 Kanawha Blvd East; 8-~~247310~~ Capitol Street; 2-191
206 Summers Street; 100-235 Hale Street; ~~701-819611-900~~ Lee Street East; 700-723
207 Brawley Walkway; 700-~~910-912~~ Quarrier Street.

208 (c) The attached map of the City Center PODA is incorporated herein and made
209 a part of this ordinance.

210 (d) The area within the City Center PODA is in the Central Business District
211 (“CBD”), which is a zoning area that allows for the sale and consumption of liquor, wine,
212 nonintoxicating beer and nonintoxicating craft beer, and is in compliance with the zoning
213 ordinance.

214 **Sec. 6-167. – Days and Hours of Operation**

217 _____ The City Center PODA may operate ~~year round~~ on any ~~Thursday from 4:00 p.m.~~
218 ~~until 10:00 p.m., Monday through~~ Friday from 4:00 p.m. until 10:00 p.m., Saturday from
219 10:00 a.m. until 10:00 p.m., and Sunday from 10:00 a.m. until 10:00 p.m. ~~Drinks may~~
220 ~~not be sold in PODA cups or consumed within the City Center PODA outside of the~~
221 ~~hours of operation.~~

222
223 **Sec. 6-168. – Personnel Needed**

224
225 _____ The estimated number of City personnel needed to ensure public safety and
226 efficient operations in the City Center PODA is four police officers and two public works
227 employees. The City Council anticipates that these City employees will be working their
228 regular shifts and generally assigned in this area of the City.

229
230 **DIVISION 3. – BRIDGE ROAD PODA**

231
232 **Sec. 6-171. – Creation and Boundaries.**

233
234 _____ (a) City Council for the City of Charleston hereby ~~established~~ ~~establishes~~ a
235 Private Outdoor Designated Area known as “Bridge Road PODA”, which shall have the
236 boundary as stated in subsection (b) of this section and which shall meet all of the
237 requirements of this Article and applicable West Virginia Code.

238 _____ (b) The Bridge Road PODA shall begin on Bridge Road at a point 115 feet north
239 of its intersection with Walnut Road and shall continue along Bridge Road in a southerly
240 direction to a point ~~115~~275 feet southwest of its intersection with Forest Road; it shall
241 include the area along Forest Road between Bridge Road and Glen Road and the area
242 along Walnut Road between Pine Road and Bridge Road, along with the buildings and
243 lots adjacent to these public rights-of-way. The Bridge Road PODA shall include the
244 public rights-of-way within the boundary area and the buildings at or within the following
245 addresses: 912-~~1038~~1040 Bridge Road; and 900-908 Walnut Road.;

246 _____ (c) The attached map of the Bridge Road PODA is incorporated herein and made
247 a part of this ordinance.

248 _____ (d) The area within the Bridge Road PODA is in a C-4 Neighborhood Commercial
249 District, which is a zoning area that allows for the sale and consumption of liquor, wine,
250 nonintoxicating beer and nonintoxicating craft beer, and is in compliance with the zoning
251 ordinance.

252
253 **Sec. 6-172. – Days and Hours of Operation**

254
255 _____ The Bridge Road PODA may operate ~~year round~~ on any ~~Thursday from 4:00~~
256 ~~p.m. until 10:00 p.m., Monday through~~ Friday from 4:00 p.m. until 10:00 p.m., Saturday
257 from 10:00 a.m. until 10:00 p.m., and Sunday from 10:00 a.m. until 10:00 p.m. ~~Drinks~~
258 ~~may not be sold in PODA cups or consumed within the Bridge Road PODA outside of~~
259 ~~the hours of operation.~~

260
261 **Sec. 6-173. – Personnel Needed**

263 The estimated number of City personnel needed to ensure public safety and
264 efficient operations in the Bridge Road PODA is two police officers and one public works
265 employee. The City Council anticipates that these City employees will be working their
266 regular shifts and generally assigned in this area of the City.

267
268 **DIVISION 4. – ELK CITY PODA**

269
270 **Sec. 6-176. – Creation and Boundaries.**

271
272 (a) City Council for the City of Charleston hereby ~~established~~ **establishes** a
273 Private Outdoor Designated Area known as “Elk City PODA”, which shall have the
274 boundary as stated in subsection (b) of this section and which shall meet all of the
275 requirements of this Article and applicable West Virginia Code.

276 (b) The Elk City PODA shall begin at a point on Washington Street West that is
277 40 feet northwest of its intersection with Pennsylvania Ave. South and continues in a
278 westerly direction along Washington Street West to a point that is 75 feet southeast of
279 its intersection with Crescent Road; it shall include the first 300 feet of public rights-of-
280 way off Washington Street West on Bigley Ave. and Tennessee Ave., along with the
281 buildings and lots adjacent to these public rights-of-way. The Elk City PODA shall
282 include the public rights-of-way within the boundary area and the buildings at or within
283 the following addresses: 110-320 Washington Street West; 700-715 Bigley Ave.; 608-
284 617 Tennessee Ave.

285 (c) The attached map of the Elk City PODA is incorporated herein and made a
286 part of this ordinance.

287 (d) The area within the Elk City PODA is in either a C-10 General Commercial
288 District or an Urban Corridor District (“UCD”), both of which are zoning areas that allow
289 for the sale and consumption of liquor, wine, nonintoxicating beer and nonintoxicating
290 craft beer, and are in compliance with the zoning ordinance.

291
292 **Sec. 6-177. – Days and Hours of Operation**

293
294 The Elk City PODA may operate ~~year round~~ on any ~~Thursday from 4:00 p.m. until~~
295 ~~10:00 p.m., Monday through~~ Friday from 4:00 p.m. until 10:00 p.m., Saturday from
296 10:00 a.m. until 10:00 p.m., and Sunday from 10:00 a.m. until 10:00 p.m. ~~Drinks may~~
297 ~~not be sold in PODA cups or consumed within the Elk City PODA outside of the hours of~~
298 ~~operation.~~

299
300 **Sec. 6-178. – Personnel Needed**

301
302 The estimated number of City personnel needed to ensure public safety and
303 efficient operations in the Elk City PODA is two police officers and one public works
304 employee. The City Council anticipates that these City employees will be working their
305 regular shifts and generally assigned in this area of the City.

306
307 **DIVISION 5. – CAPITOL MARKET PODA**

309 **Sec. 6-181. – Creation and Boundaries.**

310
311 (a) City Council for the City of Charleston hereby establishes a Private Outdoor
312 Designated Area known as “Capitol Market PODA”, which shall have the boundary as
313 stated in subsection (b) of this section and which shall meet all of the requirements of
314 this Article and applicable West Virginia Code.

315 (b) The Capitol Market PODA shall begin at the northwestern corner of Smith
316 Street and Leon Sullivan Way and continue in a northwesterly direction along Smith
317 Street to the point at which it meets the Interstate Overpass, then continuing in an
318 easterly direction in line with the Interstate Overpass to the edge of the railroad right-of-
319 way, then continuing in a southeasterly direction in line with the railroad right-of-way to
320 Leon Sullivan Way, and then continuing in a southwesterly direction to the northwestern
321 corner of Smith Street and Leon Sullivan Way, along with the buildings and lots
322 adjacent to these public rights-of-way. The Capitol Market PODA shall include the public
323 rights-of-way within the boundary area and the buildings and vendors at or within the
324 following address: 800 Smith Street.

325 (c) The attached map of the Capitol Market PODA is incorporated herein and
326 made a part of this ordinance.

327 (d) The area within the Capitol Market PODA is in a C-10 General Commercial
328 District, which is a zoning area that allows for the sale and consumption of liquor, wine,
329 nonintoxicating beer and nonintoxicating craft beer, and is in compliance with the zoning
330 ordinance.

331
332 **Sec. 6-182. – Days and Hours of Operation**

333
334 The Capitol Market PODA may operate year round Monday through Friday from
335 10:00 a.m. until 7:00 p.m. Drinks may not be sold in PODA cups or consumed within the
336 Capitol Market PODA outside of the hours of operation.

337
338 **Sec. 6-183. – Personnel Needed**

339
340 There are no estimated City personnel needed to ensure public safety and
341 efficient operations in the Capitol Market PODA, as the Capitol Market will provide all
342 personnel needed for such purpose.

Resolution No. 885-23

Introduced in Council:

October 2, 2023

Introduced by:

Chad Robinson and Bruce King

Adopted by Council:

Referred to:

Ordinance & Rules

1 **Resolution No. 885-23** - Amending the Rules of Council by adding thereto a new rule,
2 designated Rule No. 24, relating to privileges to the floor of council chambers during the
3 meetings of city council.
4

5 **Now, therefore, be it Resolved by the Council of the City of Charleston, West**
6 **Virginia:**
7

8 That the Rules of Council be amended by adding thereto a new rule, designated Rule
9 No. 24, to read as follows:
10

11 **Rule No. 24. – Floor Privileges.**
12

13 For thirty minutes before Council is in session, when Council is in session, and
14 for thirty minutes after Council session has ended, only members of council and City
15 staff who are present for an official purpose are permitted to be on the floor of council:
16 Provided, That any member of the public invited forward by the presiding officer is
17 permitted to be on the floor of council. All other people shall remain in the gallery while
18 the city council is in session. The first row of the gallery on the left side when facing the
19 presiding officer shall be reserved for members of the media.

Resolution No. 885-23 Committee Substitute

Introduced in Council:

October 2, 2023

Introduced by:

Chad Robinson and Bruce King

Adopted by Council:

Referred to:

Ordinance & Rules

1 **Resolution No. 885-23 Committee Substitute** - Amending the Rules of Council by
2 adding thereto atwo new rulerules, designated Rule No. 24 and Rule No. 25, relating to
3 privileges to the floor of council chambers during the meetings of city council; and media
4 credentials and general decorum.

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

8
9 That the Rules of Council be amended by adding thereto atwo new rulerules,
10 designated Rule No. 24 and Rule No. 25, to read as follows:

11
12 **Rule No. 24. – Floor Privileges.**

13
14 For ~~thirty~~ten minutes before Council is in session, when Council is in session,
15 and for ~~thirty~~ten minutes after Council session has ended, only members of council and
16 City staff who are present for an official purpose are permitted to be on the floor of
17 council: Provided, That any member of the public invited forward by the presiding officer
18 is permitted to be on the floor of council. All other people shall remain in the gallery
19 while the city council is in session. The first row of the gallery on the left side when
20 facing the presiding officer shall be reserved for credentialed members of the media.

21
22 **Rule No. 25. – Media Credentials and Decorum.**

23
24 These guidelines are intended to allow access to City Council and its members
25 while minimizing distractions and disruptions of Council while in session.

26
27 A media applicant for media privileges must establish to the satisfaction of the
28 presiding officer or any such representative he or she may appoint that the applicant is
29 a full-time, paid correspondent who requires on-site access to members.
30 Correspondents must be employed by a news organization whose principal business is
31 the dissemination of original news and opinion of interest to a broad segment of the
32 public. Freelance and contract employees must apply for credentials through a
33 sponsoring publication, broadcast outlet, or website that meets all media guidelines for
34 coverage of City Council. Applicants must not be engaged in any lobbying or paid
35 advocacy, advertising, publicity or promotion work for any individual, political party,

1 candidate for office, corporation, organization or agency of the government, nor in
2 prosecuting any claim before the City of any City department and may not do so while a
3 member of the credentialed media. An applicant's publication must be a general news
4 organization, editorially independent of any institution, foundation or interest group that
5 lobbies the government. An applicant's publication must have members of their staff
6 currently credentialed by the West Virginia House of Delegates or West Virginia State
7 Senate. Press passes are good for one calendar year, and applicants must be
8 submitted anew each year. All correspondents' cards must be displayed at all times.
9 Citizen journalists or anyone employed by a group that lobbies council have the same
10 access as members of the general public.

11
12 Indecorous conduct, boisterousness or unbecoming language, audible remarks,
13 unnecessary conversation, laughter or gestures will not be permitted by credentialed
14 members of the media while covering City Council in chambers or committee rooms. It
15 is a breach of decorum to move about the chamber while council is in session.

16
17 Anyone who takes advantage of media privileges must obey all applicable
18 council rules during sessions. Anyone violating council rules is subject to removal.
19 Those rules include the following:

- 20 • Credentialed media are not permitted to approach council members while
21 session is taking place or at ease. Credentialed media should wait to approach
22 members after a recess or adjournment is declared.
- 23 • Credentialed media are asked to limit movement in the chamber.
- 24 • No one is permitted to walk between a member who has been recognized to
25 speak and the presiding officer.
- 26 • The presiding officer or the representative they appoint shall reserve the right to
27 refuse the issuance of or to revoke media credentials at their discretion, in
28 accordance with these guidelines for credentialed media and other applicable
29 Rules of Council.

30