



JOURNAL of the PROCEEDINGS of the CITY COUNCIL

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, October 2, 2023

at 7:00 P.M.

Council Chambers – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER*

The Council met at 7:00 P.M., for the first meeting in the month of October on the 2nd day, in the year 2023, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Burka, and the Pledge of Allegiance was led by Councilmember Ferrell. City Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ANNIE
CEPERLEY
FERRELL
HOOVER
KERNS
MOORE
PHARR
SALANGO
STEELHAMMER**

**BURKA
COOK
GIANOLA
JENKINS
KING
OVERSTREET
ROBINSON
SNODGRASS
TAYLOR**

**BURTON
FAEGRE
HAAS
JONES
MINARDI
PEPPER

SOLOMON
MAYOR GOODWIN**

With twenty-three members being present, the Mayor declared a quorum present.

Rubio's absence was excused by the City Clerk per Resolution No. 582-21.

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

Council observed a moment of silence for the passing of Judge Tabit.

PUBLIC SPEAKERS

1. Ryan Harlow - Spoke against Resolution No. 885-23.

CLAIMS

1. A claim of Donna Asbury and Charles Wolfe, Charleston, WV
Alleges damage to vehicle.
2. A claim of Nathan M. Hardman, Charleston WV
Alleges damage to vehicle.
3. A claim of Kasey Sporck, Charleston WV
Alleges damage to vehicle.

PROCLAMATIONS

None

COMMUNICATIONS

1. Size and Election of Council Committee

To fulfill the requirement to create The Select Committee on the Size and Election of Council, which shall be composed of six (6) Councilmembers, at least four (4) of which shall be members representing specific Wards; and three (3) members of the public who reside within the City limits; for a total of nine (9) committee members, I recommend the following individuals:

Councilman Chuck Overstreet – Ward 3
Councilwoman Mary Beth Hoover – Ward 9
Councilman Sam Minardi – Ward 14
Councilman Chad Robinson – Ward 17
Councilwoman Jennifer Pharr – Council At-Large
Councilman Emmett Pepper – Council At-Large
Karen Williams – Member of Public
Jonathan Frazier – Member of the Public
Mark Davis – Member of the Public

I respectfully request City Council's approval of this recommendation.

Councilmember Ceperley motion to approve the appointments. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared the appointments as approved.

2. Green Team

I recommend the following individual be appointed to the Charleston Green Team:

Andrew Earley

I respectfully request City Council's approval of this recommendation.

Councilmember Ceperley motion to approve the appointments. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared the appointments as approved.

3. Charleston Building Commission

I recommend Chris Morris and Steve Rubin be reappointed to the Charleston Building Commission. Mr. Rubin's term will expire 7-20-2024 and Mr. Morris's term will expire 7-20-2030.

In addition, I recommend Pam Gardner be appointed to the Charleston Building Commission with a term to expire 7-20-2025.

I respectfully request City Council's approval of this recommendation.

Councilmember Ceperley motion to approve the appointments. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared the appointments as approved.

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

Councilmember Robinson, Chair of the Council Committee on Ordinance and Rules, submitted the following reports:

1. Your committee on Ordinance and Rules has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8013 Committee Substitute do pass.

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

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

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

CHAPTER 6. – ALCOHOLIC BEVERAGES.

~~ARTICLE III. – INTOXICATING LIQUOR.~~

~~DIVISION 1. – GENERALLY.~~

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

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

- ~~(1) Drink alcoholic liquor in a public place except as otherwise provided by law.~~
- ~~(2) Drink alcoholic liquor in a motor vehicle upon any street, open space or in a public garage.~~
- ~~(3) Tender a drink of alcoholic liquor to another person in a public place or in any place mentioned in subsection (2) of this section or in a public place, except as otherwise provided by law.~~
- ~~(4) Possess alcoholic liquor in an amount in excess of one gallon, in containers not bearing stamps or seals of the state liquor control commission, without having first obtained written authority from that commission.~~
- ~~(5) Possess any alcoholic liquor which he or she knows or should know was manufactured or acquired in violation of the provisions of W. Va. Code Chapter 60 (W. Va. Code § 60-1-1 et seq.).~~

ARTICLE IV. – PRIVATE OUTDOOR DESIGNATED AREAS.

DIVISION 1. – GENERALLY.

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

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

Sec. 6-152. – Private Outdoor Designated Area.

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

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

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

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

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

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

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

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

Sec. 6-154. – Containers.

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

Sec. 6-155. – Signage and Prohibitions.

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

person is leaving the Private Outdoor Designated Area.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6-159. – Penalties.

(a) An individual who violates any provision of this article relating to Private Outdoor Designated Areas is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$5 and not more than \$100.

(b) Any person who owns or operates a business within a Private Outdoor Designated Area or is employed by such a business and who violates any provision of this article is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$5 and not more than \$1,000. Any owner, operator, or employee who violates a provision

of this article and is convicted of a third such offense, upon conviction, may be confined for up to 30 days. These penalties for owners, operators, and employees of Private Outdoor Designated Areas are in addition to any penalty from the WVABCA.

DIVISION 2. – CITY CENTER PODA

Sec. 6-166. – Creation and Boundaries.

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

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

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

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

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

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

Sec. 6-168. – Personnel Needed

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

DIVISION 3. – BRIDGE ROAD PODA

Sec. 6-171. – Creation and Boundaries.

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

(b) The Bridge Road PODA shall begin on Bridge Road at a point 115 feet north of its intersection with Walnut Road and shall continue along Bridge Road in a southerly direction to a point ~~115~~275 feet southwest of its intersection with Forest Road; it shall include the area along Forest Road between Bridge Road and Glen Road and

the area along Walnut Road between Pine Road and Bridge Road, along with the buildings and lots adjacent to these public rights-of-way. The Bridge Road PODA shall include the public rights-of-way within the boundary area and the buildings at or within the following addresses: 912-~~10381040~~ Bridge Road; and 900-908 Walnut Road.;

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

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

Sec. 6-172. – Days and Hours of Operation

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

Sec. 6-173. – Personnel Needed

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

DIVISION 4. – ELK CITY PODA

Sec. 6-176. – Creation and Boundaries.

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

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

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

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

Sec. 6-177. – Days and Hours of Operation

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

Sec. 6-178. – Personnel Needed

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

DIVISION 5. – CAPITOL MARKET PODA**Sec. 6-181. – Creation and Boundaries.**

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

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

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

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

Sec. 6-182. – Days and Hours of Operation

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

Sec. 6-183. – Personnel Needed

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

Councilmember Robinson added that the bill creates a new section of the City Code defined as Private Outdoor Designated Area (PODA). This is the area that has been legally established for the consumption of various alcoholic beverages in City approved containers. The bill will create four PODAs within the City.

Councilmember Burka asked what would the advantage be for having PODAs within the City. Councilmember Roinson replied that would attract customers to businesses that choose to participate within the PODA. Councilmember Burka asked who decided what businesses would participate. Councilmember Roinson replied that businesses within the maps can choose whether or not to be included.

Councilmember Snodgrass asked who would be paying for the cups. Councilmember Robinson added that City Manager would determine that. It is likely that the City will purchase the first round of cups, and the businesses would do so after that. Councilmember Snodgrass stated that she had a problem with spending public funding on a select few businesses.

Councilmember Snodgrass asked if four Police Officers would be designated to the PODAs during the operating hours. Councilmember Robinson replied that each PODA requires its own specific allocation of personnel. The Downtown PODA requires the most, with four. He added

that this could be part of the normal flow of hours in the areas that they currently serve. City Manager, Ben Mishoe, added that State law requires the bill to include the recommended personnel. The Downtown PODA would not require four officers to be within that PODA at all times. Councilmember Snodgrass spoke against the bill.

Councilmember Moore motioned to amend Bill No. 8013 Committee Substitute to include two businesses.

By, after the word “boulevard” inserting “including the 800 block of Kanawha Boulevard” and on page 5 Section 6-166 line 202 by striking out the number “800” and inserting instead the number “816” and updating the map accordingly.

With members present recorded thereon as voting in the majority in the affirmative, with at least one (1) recognized Nay from Burka, the Mayor declared the Moore amendment to Bill No. 8013 Committee Substitute as passed.

Councilmember Robinson added that the State law passed with bi-partisan support. He added if the PODA brings customers into the City, it would create additional revenue for businesses and the City. The bill has been met with overwhelming support by City businesses.

Councilmember Robinson moved to approve the bill. Councilmember Ceperley seconded the motion.

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

NAYS: Burka, Kerns, Snodgrass

ABSENT: Rubio

With members present recorded thereon as voting in the majority in the affirmative, with twenty-three Yeas (23) and three (3) Nays, the Mayor declared Bill No. 8013 Committee Substitute as Amended as passed.

2. Your committee on Ordinance and Rules has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 885-23 Committee Substitute be adopted.

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

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

That the Rules of Council be amended by adding thereto two new rules, designated Rule No. 24 and Rule No. 25, to read as follows:

Rule No. 24. – Floor Privileges.

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

Rule No. 25. – Media Credentials and Decorum.

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

A media applicant for media privileges must establish to the satisfaction of the presiding officer or any such representative he or she may appoint that the applicant is a full-time, paid correspondent who requires on-site access to members. Correspondents must be employed by a news organization whose principal business is the dissemination of original news and opinion of interest to a broad segment of the public. Freelance and contract employees must apply for credentials through a sponsoring publication, broadcast outlet, or website that meets all media guidelines for coverage of City Council. Applicants must not be engaged in any lobbying or paid advocacy, advertising, publicity or promotion work for any individual, political party, candidate for office, corporation, organization or agency of the government, nor in prosecuting any claim before the City of any City department and may not do so while a member of the credentialed media. An applicant's publication must be a general news organization, editorially independent

of any institution, foundation or interest group that lobbies the government. An applicant's publication must have members of their staff currently credentialed by the West Virginia House of Delegates or West Virginia State Senate. Press passes are good for one calendar year, and applicants must be submitted anew each year. All correspondents' cards must be displayed at all times. Citizen journalists or anyone employed by a group that lobbies council have the same access as members of the general public.

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

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

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

Councilmember Ferrell added that there needed to be something to assure Public Speakers aren't missed. Councilmember Robinson replied that public speakers would be able to sign up in another area that will be determined.

Councilmember Jones added that since any member of the public could be invited to the floor, it defeated the purpose.

Councilmember King added that the resolution states that only the Presiding Officer can invite a member of the public to the floor.

Councilmember Gianola asked if "City staff" was defined. Councilmember Robinson replied that it would be defined as staff, such as Department Heads, that would be needed to answer potential questions. Councilmember Gianola asked how the "invitation" to the floor would work. Councilmember Robinson replied that would be for instances that would include Proclamations or other recognitions.

Councilmember Pharr added that she disagreed with the Committee removing the section of the resolution that contained credentialing the media. The former criteria matched what the State House requires. Council should have the same protections.

Councilmember Solomon motioned to amend the resolution to change the time from ten minutes to one minute (Rule 24 lines 13 and 14). Councilmember Steelhammer seconded the motion. Councilmember Solomon added that it was valuable to allow the public the access Councilmembers before and after a meeting.

Councilmember Robinson spoke against the amendment as it defeats of the purpose to provide a buffer. Councilmembers can choose to walk beyond the barrier to speak to the public during that time.

Councilmember Faegre spoke against the amendment, adding that one minute was too short.

Councilmember Taylor spoke against the amendment, adding that the resolution as it stands does not prevent the public or media from seeing or hearing Council meetings fully.

Councilmember Pepper spoke against the amendment, adding that one minute does not address the chaos that has happened.

Councilmember Pharr spoke against the amendment, adding that one minute was too short to prevent unsafe situations.

A roll call was taken:

YEAS: Annie, Burka, Gianola, Snodgrass, Solomon, Steelhammer

NAYS: Burton, Ceperley, Cook, Faegre, Ferrell, Haas, Hoover, Jenkins, Jones, Kerns, King, Minardi, Moore, Overstreet, Pepper, Pharr, Robinson, Salango, Taylor, Mayor Goodwin

ABSENT: Rubio

With members present recorded thereon as voting in the majority in the negative, with six (6) Yeas and twenty (20) Nays, the Mayor declared the Solomon Amendment to Resolution No. 885-23 Committee Substitute as not adopted.

Councilmember Steelhammer motioned to amend the resolution to allow members of the media on the floor with decorum rules. Councilmember Solomon seconded the motion.

On page 1 Rule 24, line 14 following “members of Council” by inserting a comma and striking out the word “and.” On page 1 Rule 24, line 15 following the word “staff” by inserting a comma and the words “and members of the media”. On page 1 Rule 24, lines

18-19 by striking out the words “the first row of the gallery on the left side when facing the Presiding Officer shall be reserved for members of the media” and inserting the words “any member of the media may sit at the conference table to the left of the Presiding Officer and may enter or exit the floor of Council through the center aisle as needed, but may not otherwise roam the floor of Council. Indecorous conduct, boisterousness or unbecoming language audible remarks and unnecessary conversation, laughter or gestures will not be permitted by members of the media while covering City Council in Chambers or Committee rooms.

Councilmember Robinson spoke against the amendment, adding that it defeats the purpose of the resolution to move the media back to the floor.

Councilmember Pharr spoke against the amendment, as it does not address the safety issues.

Councilmember Gianola asked how would media be defined under the Steelhammer amendment. Councilmember Steelhammer replied that it would include anyone who considers themselves to be media that report on City Council.

Councilmember Solomon thanked the Mayor for letting this be a point of discussion. The designated media table is important, direct access for the media to Council. The amendment acknowledges the changing landscape of media.

Councilmember Cook asked how Councilmember Solomon got his previously mentioned media pass at the U.N. Councilmember Solomon replied that he applied for it through a news agency. Councilmember Cook added that the initial Committee Substitute contained a section that defined media and gave credentials. Councilmember Cook added that the amendment doesn't address the issue of safety that has been repeatedly mentioned. There must be a balance of access and safety. Councilmember Cook spoke against the amendment.

Councilmember Jones added that during his tenure, the media has always been respectful at the table.

Councilmember Steelhammer added that she could not condone the restriction of media as it seems like the issue is with one person. It would prevent future participation of any hopeful journalist.

A roll call was taken:

YEAS: Annie, Burka, Gianola, Kerns, Snodgrass, Solomon, Steelhammer

NAYS: Burton, Ceperley, Cook, Faegre, Ferrell, Haas, Hoover, Jenkins, Jones, King, Minardi, Moore, Overstreet, Pepper, Pharr, Robinson, Salango, Taylor, Mayor Goodwin

ABSENT: Rubio

With members present recorded thereon as voting in the majority in the negative, with seven (7) Yeas and nineteen (19) Nays, the Mayor declared the Steelhammer Amendment to Resolution No. 885-23 Committee Substitute as not adopted.

Councilmember King added that the resolution does not restrict the media's access.

Councilmember Snodgrass added that they are trying to restrict media coverage and communication to their constituents. She added that she has never felt afraid in Chambers.

*With unanimous consent, Council moved the item to the bottom of the agenda. The remaining discussion will be included with the first half for ease of reading.

Councilmember Pharr motioned to amend the resolution by adding the previous language that defined media and required media to be credentialed. Councilmember Faegre seconded the motion.

On page 1 by striking out the title and inserting a new title to read as "Resolution No. 885-23 Committee Substitute Amending the Rules of Council by adding thereto two new rules designated Rule No. 24 and Rule No. 25 relating to privileges to the Council floor of Council Chambers during the meetings of City Council and media credentials and general decorum.

On page 1 by striking out the enacting clause and inserting a new enacting clause to read "That the Rules of Council be amended by adding thereto two new rules designated Rule No. 24 and Rule No. 25 to read as follows:

On page 1 Rule No. 24, line 19 following "reserved for" by inserting "credentialed."

On page 1 line 20 by inserting a new rule designated Rule No. 25 to read as "Rule No. 25 Media Credentials and Decorum. These guidelines are intended to allow access to City Council and its members while minimizing distraction through disruptions of Council while in session. A media applicant for media privileges must establish to the satisfaction of the Presiding Officer or any such representative he or she may appoint. That the applicant is a full-time, paid correspondent who requires on-site access to members. Correspondents must be employed by a news organization whose principal business is the assimilation of original news and opinion of interest to a broad subset of the public. Contract employees must apply for credentials through a sponsoring publication broadcast outlet or website that meets all media guidelines for coverage of City Council. Applicants must not be engaged in any lobbying or paid advocacy, advertising or promotion work for any individual, political party, candidate for office, corporation, organization or agency of the government, nor in prosecuting any claim before the City or any City Department and may not do so while a member of the credentialed media. An

applicant's publication must be a general news organization, editorially independent of any institution, foundation or interest group that lobbies the government. Press passes are good for one calendar year and applicants must renew each year. All correspondent cards must be displayed at all times. Citizen journalists or anyone employed by a group that lobbies Council have the same access as members of the general public.

Councilmember Pharr added that a person's safety should never be in question in Council Chambers. The credentialing is effective for the Legislature, so it should be for Council as well.

Councilmember Steelhammer added that she didn't understand how requiring credentials to sit in a particular section of the audience would make it safer as anyone could sit anywhere within the public seating.

Councilmember Pepper asked if the Pharr amendment should fail, would any member of the media be able to sit at the table designated for media. City Attorney, Kevin Baker, replied no. Councilmember Pepper confirmed with Baker that if the amendment should pass, members of the media will still not be able to sit at the media table.

Councilmember Gianola asked if a student reporter would be able to be credentialed under the amendment. Baker replied that they likely would as long as they could get sponsored by a publication. Councilmember Gianola confirmed with Baker that the ACLU would not be considered a sponsoring organization.

Councilmember Cook added that the amendment ensures that there is a set of standards for the media.

Councilmember Faegre spoke in favor of the amendment.

Councilmember Jenkins added that without the amendment, the resolution addresses the issue of safety and floor privileges. The only reason to credential the media would be if they were going to be given special access to the floor. Councilmember Jenkins spoke against the amendment.

A roll call was taken:

YEAS: Burton, Ceperley, Cook, Faegre, Ferrell, Haas, Hoover, Jones, King, Minardi, Moore, Overstreet, Pharr, Robinson, Salango, Mayor Goodwin

NAYS: Annie, Burka, Gianola, Jenkins, Kerns, Pepper, Snodgrass, Solomon, Steelhammer, Taylor

ABSENT: Rubio

With members present recorded thereon as voting in the majority in the affirmative, with sixteen (16) Yeas and ten (10) Nays, the Mayor declared the Pharr Amendment to Resolution No. 885-23

Committee Substitute as adopted.

Councilmember Solomon added that the resolution means that the press table will be eliminated, which reduces access to the media. Councilmember motioned to refer the resolution to the Public Safety Committee. Councilmember Gianola seconded the motion.

Councilmember Faegre spoke against the motion to refer.

A roll call was taken:

YEAS: Gianola, Solomon

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

ABSENT: Rubio

With members present recorded thereon as voting in the majority in the negative, with two (2) Yeas and twenty-four (24) Nays, the Mayor declared the motion to refer Resolution No. 885-23 Committee Substitute to the Public Safety Committee as not passed.

Councilmember Overstreet added that it was not a hardship for the media to have to move to the public seating.

Councilmember Gianola added that the appropriate response would be for Council to pass a resolution to direct the Sergeant at Arms, which is present at every meeting, to have a process to prevent this from happening without having to amend the Rules of Council.

Councilmember Jenkins spoke in favor of the resolution to address safety concerns, although he did not believe that it was necessary to credential the media.

Councilmember Robinson added that some comments that he has seen from other Councilmembers claiming that the resolution would ban media from Council Chamber, limit the freedom of the press, etc. are factually untrue. He added that no one should have to worry about safety in Council Chambers. No members of the media have expressed concerns over the proposed changes.

Councilmember Robinson moved to approve the resolution. Councilmember Ceperley seconded the motion.

A roll call was taken:

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

With members present recorded thereon as voting in the majority in the affirmative, with nineteen (19) Yeas and seven (7) Nays, the Mayor declared Resolution No. 885-23 Committee Substitute as Amended as adopted.

COMMITTEE ON PLANNING, STREETS AND TRAFFIC

Councilmember Hoover, Chair of the Council Committee on Planning, Streets and Traffic, submitted the following reports:

1. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8005 do pass.

Bill No. 8005 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a R-6 district to a C-8 district, the parcel of land identified as 2417 Hampshire Drive, North Charleston District, Tax Map 16, Parcel 47 in the City of Charleston, Kanawha County, State of West Virginia.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA THAT:

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from a R-10 district to a C-10 district the whole of the following described lot or parcel of land:

Parcel No. 324 as shown on West Charleston Tax Map No. 27. Subject parcel commonly known as “LTS 32-33 BK 7 BIGLEY-WALKER ADN 43X120” 812 Indiana Avenue, Charleston, West Virginia. Said tax map is of record on the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the bill rezones to a C-8 district. It is a minor expansion, and is a reasonable use of the land. There was no opposition from the neighbors.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion.

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

NAYS:

ABSENT: Rubio

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8005 as passed.

2. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8006 do pass.

Bill No. 8006 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by zoning the previously unzoned parcel to a R-4 district, that parcel of land identified as 2155 Presidential Dr, which is located at Loudon District 19, Tax Map 04, Parcel 181.7 in the City of Charleston, Kanawha County, State of West Virginia.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA THAT:

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by zoning to a R-14 district the whole of the following described lot or parcel of land:

Loudon District 19, Tax Map 04, Parcel 181.7 in the City of Charleston, Kanawha County, State of West Virginia.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the bill would add an R-4 zone to an un-zoned area. Council recently annexed two small areas, and the bill gives that zoning that was already in the neighborhood.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion.

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

NAYS:

ABSENT: Rubio

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8006 as passed.

3. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8009 do pass.

Bill No. 8009 - A BILL to amend the Zoning Ordinance of the City of Charleston, as amended, by updating section 3-070 relating to temporary construction fencing.

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

That Section 03-070 of the Zoning Ordinance for the City of Charleston, as amended, is hereby amended to read as follows:

Sec. 3-070 Temporary Uses

A. Intent

Temporary Uses shall be permitted by the granting of a Temporary Zoning Permit issued by the Planning Director in accordance with the requirements of this section.

B. General Provisions

1. The duration of the temporary period is stated hereinafter, provided, however, renewal of the permit may be requested. The Planning Director is not obligated to renew such permits if doing so leads to a defacto permanent use.
2. Temporary Uses shall be subject to all the regulations of the applicable district in which they are located.

C. Permitted Temporary Uses

1. Temporary office, model home or model apartment, and related signs, both incidental and necessary for the sale, rental, or lease of real property in the district. Maximum duration: 18 months.
2. In any zoning district, temporary construction fencing may be authorized to enclose an active construction site if necessary to protect materials and equipment, to prevent unauthorized entry to the site, or to mitigate a threat to public safety. The fence shall be removed when construction activity has been completed or discontinued or the hazard has been resolved. Maximum duration: 90 days or as otherwise required by the Planning Director.
23. Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum duration: 18 months.

34. Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum duration: 18 months.

45. Parking lot designated for a special event in a district. Maximum duration: 3 days.

56. Parking of recreational vehicles in the front yard for visitation. Maximum duration: 7 consecutive days, with a maximum total of 14 days per year. A permit shall not be required for this temporary use.

67. Mobile home as a temporary office during the period of construction and development. Maximum duration: 18 months.

78. Moving and storage containers parked in the front yard. Maximum duration: 30 days. A permit shall not be required for this temporary use.

89. Other similar uses deemed temporary by the Board of Zoning Appeals and attached with such time period, conditions and safeguards as the Board may deem necessary.

D. Standards

1. Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.

2. No public address systems or other noise producing devices shall be permitted in a residential district.

3. Any flood lights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.

4. Signs shall not flash or blink or resemble traffic and emergency warning signals, and shall be limited in size to twenty (20) square feet each in number to three signs.

5. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

Councilmember Hoover added that the bill would limit temporary construction fencing to ninety (90) days.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the

motion.

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

NAYS:

ABSENT: Rubio

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8009 as passed.

4. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8011 do pass.

Bill No. 8011 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by zoning the previously unzoned parcels to a R-2 district, those parcels of land located at Loudon District 19, Tax Map 08, Parcels 90.15 through 90.20 in the City of Charleston, Kanawha County, State of West Virginia.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA THAT:

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by zoning to a R-14 district the whole of the following described lots or parcels of land:

Loudon District 19, Tax Map 08, Parcels 90.15 through 90.20 in the City of Charleston, Kanawha County, State of West Virginia.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that, similar to Bill No. 8006, the bill would place an R-2 zone on a previously un-zoned area due to the recent annexation.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion.

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

NAYS:

ABSENT: Rubio

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8011 as passed.

5. Your committee on Planning, Streets and Traffic has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 8012 do pass.

Bill No. 8012 - A Bill to repeal Ordinance 7393 passed by Council 7/6/2009 creating a 15 Minute Parking Tow Away Zone on the westerly side of Buchanan Street from a point 98 feet south of Crescent Road to a point 120 feet south of Crescent Road and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Be it Ordained by the Council of the City of Charleston, West Virginia:

Section 1. A Bill to repeal Ordinance 7393 passed by Council 7/6/2009 creating a 15 Minute Parking Tow Away Zone on the westerly side of Buchanan Street from a point 98 feet south of Crescent Road to a point 120 feet south of Crescent Road

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Councilmember Hoover added that the bill would remove a 15-minute parking zone that is no longer needed.

Councilmember Faegre corrected the spelling of the street.

Councilmember Hoover moved to approve the bill. Councilmember Ceperley seconded the motion.

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

NAYS:

ABSENT: Rubio

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 8012 as passed.

COMMITTEE ON FINANCE

Councilmember Jenkins, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 886-23 be adopted.

Resolution No. 886-23 - Authorizing the Mayor or City Manager to purchase playground equipment and installation for Parks and Recreation from Miracle Recreation Equipment Company in the amount of \$83,911.00 pursuant to a competitively sourced multi-state contract. The purchase is part of the revitalization of Riverview Park located on Wertz Avenue.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to purchase playground equipment and installation for Parks and Recreation from Miracle Recreation Equipment Company in the amount of \$83,911.00 pursuant to a competitively sourced multi-state contract.

Councilmember Jenkins added that the purchase is for playground equipment as well as installation. This purchase is just one part of the project that is located where the old school was on Wertz Avenue.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously* in the affirmative, the Mayor declared Resolution No. 886-23 adopted.

*Councilmembers Ceperley and King were out of the room.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 887-23 be adopted.

Resolution No. 887-23 - Authorizing the Mayor or City Manager to purchase a 32x32 feet Magnattach dance floor from MityLite, Inc. for the Charleston Coliseum and Convention Center for the amount of \$62,987.86. This is a direct purchase authorization due to the manufacturer being a sole-source provider of the patented technology associated with the assembly and safety of the product.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to purchase a 32x32 feet Magnattach dance floor from MityLite, Inc. for the Charleston Coliseum and Convention Center for the amount of \$62,987.86.

Councilmember Jenkins added that there is only currently one dance floor for the Convention Center. An additional dance floor will facilitate more bookings.

Councilmember Kerns asked what fund the purchases came from. Mishoe replied that the purchase would come from the Capital Improvement Fund.

Councilmember Robinson added that the Convention Center has not used any of the Subsidy Funds for the current fiscal year.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously* in the affirmative, the Mayor declared Resolution No. 887-23 adopted.

*Councilmembers Ceperley and King were out of the room.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 888-23 be adopted.

Resolution No. 888-23 - Authorizing the Mayor or City Manager to purchase exterior lighting equipment from Graybar Electric, Inc. for the Charleston Coliseum and Convention Center in the amount of \$56,057.00, where the price was determined through a competitive bid process and this being a partial award of the sole bid received.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to purchase exterior lighting equipment from Graybar Electric, Inc. for the Charleston Coliseum and Convention Center in the amount of \$56,057.00.

Councilmember Jenkins added that the resolution is to repair and replace the exterior LED lights that surround the Convention Center.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously* in the affirmative, the Mayor declared Resolution No. 888-23 adopted.

*Councilmember Ceperley was out of the room.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 889-23 be adopted.

Resolution No. 889-23 - Authorizing the Mayor or City Manager to enter into a contract with InterVision Systems, LLC, in the amount of \$ 86,692.24, to upgrade the City's Email Security Gateway. The total contract amount represents a one-time charge of \$7,086.74 for the software upgrade and data integration and \$79,605.50 for yearly software maintenance fees. This purchase was determined through a competitive bidding process.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to enter into a contract with InterVision Systems, LLC, in the amount of \$ 86,692.24, to upgrade the City's Email Security Gateway. The total contract amount represents a one-time charge of \$7,086.74 for the software upgrade and data integration and \$79,605.50 for yearly software maintenance fees. This purchase was determined through a competitive bidding process.

Councilmember Jenkins added that the proposed contract would be an improvement in that it is more secure and less susceptible to failure.

Councilmember Kerns spoke in favor of the resolution.

Councilmember Snodgrass asked if the purchase would improve the City's cyber insurance. Mishoe replied that he wasn't sure, but he would look into it.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously* in the affirmative, the Mayor declared Resolution No. 889-23 adopted.

*Councilmembers Ceperley and Robinson were out of the room.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 890-23 be adopted.

Resolution No. 890-23 - Authorizing the Mayor or City Manager to purchase fencing for Riverview Park located on 160 Wertz Avenue for Parks and Recreation from JH Tomblin in the amount \$54,000 pursuant to a competitively bid process. The purchase is part of the revitalization of Riverview Park located on Wertz Avenue.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to purchase fencing for Riverview Park located on 160 Wertz Avenue for Parks and Recreation from JH Tomblin in the amount \$54,000.

Councilmember Jenkins added that the purchase is for fencing for the Riverview Park revitalization on Wertz. Avenue.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously* in the affirmative, the Mayor declared Resolution No. 890-23 adopted.

*Councilmembers Ceperley, Pepper and Robinson were out of the room.

6. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 891-23 be adopted.

Resolution No. 891-23 - Authorizing the Mayor or City Manager to purchase lights, light bars and accessories for vehicles for the Charleston Police Department from Rocky Fork Enterprizes, LLC in the amount of \$122,326.20 pursuant to a competitive bid process.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to purchase lights, light bars and accessories for vehicles for the Charleston Police Department from Rocky Fork Enterprizes, LLC in the amount of \$122,326.20.

Councilmember Jenkins added that this and the following resolution completes the purchase of the twenty-seven police cruisers.

Councilmember Faegre confirmed that the awarded vendor was a West Virginia business.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously* in the affirmative, the Mayor declared Resolution No. 891-23 adopted.

*Councilmember Ceperley was out of the room.

7. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 892-23 be adopted.

Resolution No. 892-23 - Authorizing the Mayor or City Manager to enter into a contract with Rocky Fork Enterprizes, LLC in the amount of \$64,800.00 to install emergency lighting, radios, and other equipment in twenty-seven (27) new fleet Interceptors for the Charleston Police Department pursuant to a competitively sourced State of West Virginia contract.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to enter into a contract with Rocky Fork Enterprizes, LLC in the amount of \$64,800.00 to install emergency lighting, radios, and other equipment in twenty-seven (27) new fleet Interceptors for the Charleston Police Department.

Councilmember Jenkins added that the resolution is for the purchase and installation of radios and lighting equipment for the previously purchased police cruisers.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously* in the affirmative, the Mayor declared Resolution No. 892-23 adopted.

*Councilmember Ceperley was out of the room.

REPORTS OF OFFICERS

None

NEW BILLS

Bill No. 8014

Introduced October 2, 2023

By: Pat Jones

A Bill amending the Zoning Ordinance relating to authorizing the use of digital display signs.

Refer to Municipal Planning Commission and Planning, Streets and Traffic Committee

Resolution No. 893-23

Introduced October 2, 2023

By: Emmett Pepper

Authorizing the Mayor or City Manager to enter into any necessary documents to effectuate the transfer of the 9 parcels to the Charleston Land Reuse Agency in exchange for receipt of 8 parcels from the same.

Refer to Finance Committee

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Mayor Goodwin stated that the City Manager has received the final study for the Safety Center. The Administration will be reviewing assessments on every City firehouse. The recent West Side Here to Serve was very successful.

2. Councilmember Steelhammer submitted her statement to the Clerk's Office to be reproduced in the Journal:

There has not been enough discussion of the Center for Budget and Policy's report detailing the gregariously excessive overtime by the Charleston Police Department.

2.9 Million Dollars in one fiscal year in overtime is amazingly overinflated.

Who is signing off on some of these enormous overtime statements?

49 officers were paid for at least 600 hours of overtime in the 2023 Fiscal year.

That's at least 11.5 hours per week. Every week. 52 weeks in a year.

17 officers claimed at least 1000 hours of overtime. That is about 19.23 hours a week, every week, in overtime.

These are in addition to their regular full time hours.

I'm not saying there aren't weeks where our dedicated officers might work even more than 19 hours a week in overtime– but that is not every single week for a year. And if it is– is that safe? If an officer is working over 16 hours, they are supposed to have a written explanation of why they worked so long. How can this be justified every time?

There is also a big difference between who is claiming such large amounts of overtime: Officers of Sergeant or higher claim more than double (on average 733.4 hours) compared to 345.2 for officers of Corporal or patrolman.

Regardless, we as a council are not budgeting for this amount of overtime.

In fiscal year 2021, CPD overtime was \$319,557 over budget. In fiscal year 2022, CPD overtime pay was \$494,679 over budget. In fiscal year 2023, CPD overtime pay was \$734,152 over budget.

How are we going to make up the close to \$1 million in deficit (if the trajectory of miscalculating CPD overtime budget continues) next year?

3. Councilmember Pepper encouraged Councilmembers to have open lines of communication.
4. Councilmember Jones stated that Saturday would be the Fox Trot Run/Walk.
5. Councilmember Faegre thanked those who donated to the West Side Middle School.
6. Councilmember Annie stated that CAMC is now training more residents and fellows that they ever have.

ADJOURNMENT

City 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, Moore, Overstreet, Pepper, Pharr, Robinson, Salango, Snodgrass, Solomon, Steelhammer, Taylor, Mayor Goodwin

NAYS:

ABSENT: Minardi*, Rubio

*Minardi left as excused after all votes.

At 9:44 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, October 16, 2023, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk