

# 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 Pepper 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 not 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.