

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:00 P. M., OCTOBER 2, 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 5:00 p.m., October 2, 2023.

Committee Members Present:

Chad Robinson, Chair

Patrick Salango, Vice Chair

Frank Annie

Becky Ceperley

Joseph Jenkins

Sam Minardi

Emmett Pepper (arrived at 5:18, after vote to approve minutes)

Absent:

Councilmembers also Present:

Jennifer Pharr

Caitlin Cook

Chelsea Steelhammer

Mary Beth Hoover

Jeanine Faegre

Joe Solomon

Beth Kerns

Bruce King

Pat Jones

1. Approval of Previous Minutes –

Councilmember Minardi motioned to approve the previous minutes from 9-21-2023. Councilmember Ceperley seconded the motion. From the audience, Councilmember Kerns requested that her statement concerning the recyclability of the plastic cups be corrected. With those being present having voted unanimously in the affirmative, the Chair declared the minutes as approved as amended.

2. 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 –

City Attorney, Kevin Baker, added that the bill and committee substitute removes Section 6-91, because the ABCA thought it was confusing to include as PODAs are not public spaces. There is a new reference in 6-152 concerning the open container law. The applicant must have a valid Class A Private Club license. Section 6-157 gives some general policy authority given to the City Manager's Office related to the language of the signs, container approval, the identification of participating and non-participating businesses, etc. Councilmember Pepper requested that Section 6-158 notice be given to City Council and the relevant interested parties when a PODA is suspended. There is a new penalty section that has a penalty for an individual who violates a provision of the PODA, and penalties for owners/operators/employees who violate it. The boundaries for the various PODAs have been slightly adjusted. The hours of operation have been changed to seven days a week (Monday through Friday 4pm-10pm and Saturday/Sunday 10am-10pm). The committee substitute also has a few technical corrections: the Bridge Road PODA was increased to include a business. Baker added that businesses don't have to operate within the full allowed hours of operation. A fourth, Capitol Market, PODA has been added.

Councilmember Ceperley asked if the bill would allow for the drinking and serving of alcohol during ArtWalk. Baker replied that it would, but the vendor would have to be licensed. Councilmember Ceperley asked about the containers. Baker added that the requirements in the bill state that the cup (not greater than 16oz) be approved by the City Manager and the ABCA, therefore, the City Manger would have the discretion to look into recyclable options for the cups as long as it is not glass.

Councilmember Annie asked for clarification about how the businesses would get the cups. Baker replied that he believed the goal is to have a cup that is consistent for some or all PODAs. The City will likely purchase the first round of cups to get started, then the business owners would be responsible for replenish their stock of cups after that. Councilmember Annie confirmed with Baker that it would not be a violation if a business owner hired private security.

Councilmember Jenkins clarified the sidewalk boundaries of the City Center PODA.

From the audience, Councilmember Kerns that there was an email from a business owner that wanted to be included in the PODA. She also found out from research that a lot of PODAs are making more substantial cups (commemorative/reusable) to reduce their carbon footprint.

Councilmember Minardi asked once a designated cup is established, could there be multiple options for it (disposable and reusable options, for example). Baker replied that there was nothing that would prohibit more than one design or style. Councilmember Robinson added that there had been discussions about having different cups for different types of alcohol.

Councilmember Solomon confirmed with Councilmember Robinson that a business that does not sell alcohol can identify that they do not allow PODA drinks in their establishment.

Councilmember Ceperley moved to approve Bill No. 8013 Committee Substitute as Amended, giving the City Attorney the discretion to make any necessary technical corrections. With those being present having voted unanimously in the affirmative, the Chair declared Bill No. 8013 Committee Substitute as Amended as approved.

3. 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 –

Baker added that the Committee Substitute version will add two new rules to the Rule of Council. It would limit the City Council Chambers floor to Councilmembers, staff present for an official purpose and any member of the public invited by the Presiding Officer for ten minutes before and after a Council meeting and while the meeting is in session. The first row on the left side when facing the Presiding Officer is reserved for credentialed members of the media. The resolution also sets forth various rules about decorum for the media and requires members of the media to apply for media privileges.

Councilmember Annie asked what would happen if he wanted to bring a credentialed member of the media onto the floor. Baker replied that only the Presiding Officer could do that.

Councilmember Jenkins stated that the last line of the next to last paragraph “It is a breach of decorum to move about the Chamber while Council is in session” is not specifically limited to credentialed members, although that seems to be the intent. Baker agreed. Councilmember Jenkins added that there is similar contradictory language in the third bullet point on the last paragraph. He pointed out that this language could prohibit Councilmembers from moving to speak with each other during meetings. Baker added that the language could be easily clarified. Councilmember Ceperley added that they should not be lobbying each other during discussion. Councilmember Minardi added that it does happen at times.

Councilmember Jenkins asked if there was an appeal process for someone who was denied a press credential. Baker replied that a rule could be suspended by a 2/3 vote, but there is no appeals procedure stated in the resolution.

Councilmember Pepper confirmed that the “lobbying” language would pertain to someone who was doing PR work on the side, not their full-time job. He asked if this was similar language to what the State had, and Councilmember Robinson replied that it was very similar language to that used by the House of Delegates.

From the audience, Councilmember Steelhammer asked what if a news organization

was new/small and did not have paid/full-time staff. Baker replied that the resolution would require them to be full-time, paid correspondents. They could also apply for sponsorship from another publication that would qualify. He felt like a start-up would meet the qualifications as listed in the resolution. They would also be required to be credentialed by the Senate/House of Delegates. Councilmember Minardi asked if that approval was intended. Councilmember Robison replied that if they are credentialed there, then there would be no reason they couldn't be for City Council as well. Councilmember Jenkins asked would someone automatically lose their credentials with the City if they lost their credentials with the State. Councilmember Robison replied that the "applicant's publication must have members of their staff currently credentialed by the House of Delegates." Councilmember Robinson added that would be up to interpretation of the Presiding Officer or their representative.

From the audience, Councilmember Kerns clarified with Councilmember Robinson that credentialed media would be allowed to sit in the front "left" side of the public seating. As the resolution reads, there will be no "media table" on the floor.

From the audience, Councilmember Jones confirmed that the signup sheet for Public Speakers would be moved from the Council floor to an area yet to be determined but accessible to the public.

From the audience, Councilmember Solomon asked who would reinforce these rules. Baker replied that the enforcement of the Rules falls to the Presiding Officer with support from the City Clerk and Sergeant at Arms. Councilmember Jenkins added that a Councilmember could likely also claim a Point of Privilege.

Mayor Goodwin added that they have talked with members of the media. They have made adjustments, such as a mult box, to make their time more efficient. They have also adjusted Council desks to make them more visually accessible to the media and public.

Councilmember Ceperley moved to approve Resolution No. 885-23 Committee Substitute. Councilmember Salango seconded the motion.

Councilmember Jenkins motion to amend the resolution by deleting Rule 25 and everything relating to credentialing media. Councilmember Annie seconded the motion. Councilmember Jenkins added that the credentialing goes too far. Rule 24 solves the need to move the media to the gallery and creates a section for them.

Councilmember Minardi added that he didn't have a problem with Rule 25, but he did think there were a lot of unanswered questions about it.

Councilmember Pepper agreed with Councilmember Minardi, adding the credentialing could be revisited later.

Councilmember Ceperley added that she thought it was important to do some form of

credentialing, adding that it addresses accountability.

Councilmember Minardi asked if it would strengthen the resolution to adopt the amendment and then define credentialed media.

Councilmember Jenkins added that he did not think they should be the arbiters of what "media" is as that is rapidly changing. This could cause more work and problems than what the resolution sets out to solve.

With those being present having voted in the majority in the affirmative, with one recognized Nay from Ceperley, the Chair declared the amendment to Resolution No. 885-23 Committee Substitute as approved.

With those being present having voted unanimously in the affirmative, the Chair declared the amendment to Resolution No. 885-23 Committee Substitute as Amended as approved.

Councilmember Minardi motioned to adjourn the meeting. Meeting adjourned.