



# CITY OF CHARLESTON WEST VIRGINIA



## COUNCIL MEMBER – WARD 20

Chad Robinson  
793 Lower Donnally Rd.  
Charleston, WV 25304  
304- 389-7373  
[chad.robinson@cityofcharleston.org](mailto:chad.robinson@cityofcharleston.org)

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, December 18, 2023 at 5:00 PM. **To be held in person**  
**AV ROOM #308, CITY HALL**

### Agenda

#### APPROVAL OF PREVIOUS MINUTES

1. 10-2-2023

#### RESOLUTIONS

1. Resolution No. 911-23 - Declaring that the City of Charleston, City Administration, its City Council, its various Boards and Commissions, and the citizens and businesses of the City of Charleston will strive to utilize native plant species, minimize pesticide usage, operate bird-safe buildings, and seek opportunities to protect the habitats of species of the greatest conservation need as designated by the West Virginia Division of Natural Resources.

#### BILLS

1. Bill No. 7991 Committee Substitute - A BILL to amend sections of the Municipal Code relating to city agencies and boards adopting wellbeing and conservation goals for the city.

#### ADJOURN

CR/ns

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



# 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.

Resolution No. 911-23

Introduced in Council:

Adopted by Council:

December 18, 2023

Introduced by:

Referred to:

Emmett Pepper

Ordinance & Rules

1 Resolution No. 911-23 - Declaring that the City of Charleston, City Administration, its City  
2 Council, its various Boards and Commissions, and the citizens and businesses of the City of  
3 Charleston will strive to utilize native plant species, minimize pesticide usage, operate bird-safe  
4 buildings, and seek opportunities to protect the habitats of species of the greatest conservation  
5 need as designated by the West Virginia Division of Natural Resources.  
6

7 WHEREAS, access to parkland, open space, nature, and recreational facilities creates a sense of  
8 community through gathering spaces; and benefits the health, happiness, and lives of  
9 Charleston's residents; and  
10

11 WHEREAS, according to the Trust for Public Land, about half of the residents of the City of  
12 Charleston are within a ten-minute walk or half mile of a park, while the national average is  
13 55%; and  
14

15 WHEREAS, according to the Living Planet Index by the World Wildlife Fund (WWF) and Zoological  
16 Society of London (ZSL), animal species populations have dropped 20% since the first Earth Day  
17 in 1970; and  
18

19 WHEREAS, for example, the International Union for Conservation of Nature (IUCN) recently listed  
20 the migratory monarch butterfly as an endangered species, further justifying the need for city's  
21 monarch waystation in Spring Hill Cemetery Park and other future waystations; and  
22

23 WHEREAS, the City's own operations and the operations of the citizens and businesses of the City  
24 can affect wildlife through actions such as utilizing native plant species in landscaping, reducing  
25 pesticide and insecticide usage, and operating buildings in a bird-safe manner; and  
26

27 WHEREAS, according to the United Nations Convention on Biodiversity, in order to protect  
28 biodiversity and ecosystem functioning services, 30% of lands in the world need to be  
29 protected; and  
30

31 WHEREAS, the City of Charleston currently has approximately 550 of its 20,890 acres available as  
32 public parkland, equal to approximately 3%; and  
33

1 WHEREAS, the 50th Anniversary of the U.S. Endangered Species Act, the nation’s most prominent  
2 and historic biodiversity legislation, occurs later this month, on December 28, 2023; and

3  
4 WHEREAS, increasingly, scientists believe that people’s mental and physical health benefit from  
5 access to natural ecosystems – for example, a 2019 study in the journal *Nature* found that 120  
6 minutes each week in nature was associated with good health and wellbeing; and

7  
8 WHEREAS, the City will seek to reach the goals set forth in this resolution, but nothing in this  
9 resolution shall bind the City or require any action from the City.

10  
11 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

12 That the City of Charleston seeks to increase access for its residents to public parks for  
13 recreation, access to nature, and the ecosystem services that nature provides; and

14  
15 Be it further resolved:

16 That the City of Charleston sets as a goal that 5% of the land in the City be reserved for public  
17 parks, with at least 3% of land in the City be preserved as natural landscapes; and

18  
19 Be it further resolved:

20 That the City of Charleston sets a goal that 75% of all residents have a park or recreation space  
21 within a ten-minute walk or half mile of their homes; and

22  
23 Be it further resolved:

24 That the City of Charleston strives to utilize native plant species when landscaping and planting,  
25 minimize pesticide usage, and operate bird-safe buildings in the future as funds are dedicated  
26 for such purposes, and encourages its citizens and businesses to strive for the same goals; and

27  
28 Be it further resolved:

29 That the City of Charleston seeks opportunities to locate additional monarch butterfly  
30 waystations and to otherwise protect the habitats of species of the greatest conservation need  
31 (SGCN), as designated by the West Virginia Division of Natural Resources (WVDNR) that have  
32 been found to live in the City; and

33  
34 Be it further resolved:

35 That the City of Charleston encourages its citizens and businesses to join in these efforts to  
36 protect animal species populations in celebration of the 50th Anniversary of the U.S.  
37 Endangered Species Act; and

38  
39 Be it further resolved:

40 That no additional City parks shall be created without consideration of maintenance costs,  
41 staffing, and the budget of the City’s Parks and Recreation Department.

**Bill No. 7991 Ordinance & Rules Committee Substitute**

**Introduced in Council:**

**Adopted by Council:**

**April 17, 2023**

**Introduced by:**

**Referred to:**

**Emmett Pepper, Frank Annie ,  
Becky Ceperley, Mary Beth Hoover,  
Larry Moore, and Joe Solomon**

**Parks and Recreation and  
Ordinance and Rules**

1 **Bill No. 7991 Ordinance & Rules Committee Substitute** - A BILL to amend and  
2 reenact sections 2-533, 50-172, 65-13, and 82-44, of the Municipal Code of the City of  
3 Charleston, as amended, all relating to city agencies and boards adopting wellbeing and  
4 conservation goals for the city.

5  
6 ~~**WHEREAS**, access to parkland, open space, nature, and recreational facilities creates a  
7 sense of community through gathering spaces; and benefits the health, happiness, and  
8 lives of Charleston’s residents; and~~

9  
10 ~~**WHEREAS**, according to the Trust for Public Land, about half of the residents of the City  
11 of Charleston are within a ten-minute walk (half mile) of a park, while the national  
12 average is 55%; and~~

13  
14 ~~**WHEREAS**, according to the Living Planet Index by the World Wildlife Fund (WWF) and  
15 Zoological Society of London (ZSL), animal species populations have dropped 20%  
16 since the first Earth Day in 1970; and~~

17  
18 ~~**WHEREAS**, for example, the International Union for Conservation of Nature (IUCN)  
19 recently listed the migratory monarch butterfly as an endangered species, further  
20 justifying the need for city’s monarch waystation in Spring Hill Cemetery Park and other  
21 future waystations; and~~

22  
23 ~~**WHEREAS**, the City’s own operations can affect wildlife through actions such as utilizing  
24 native plant species in landscaping, reducing pesticide and insecticide usage, and  
25 operating buildings in a bird-safe manner; and~~

26  
27 ~~**WHEREAS**, according to the United Nations Convention on Biodiversity, in order to  
28 protect biodiversity and ecosystem functioning services, 30% of lands in the world need  
29 to be protected; and~~

30  
31 ~~**WHEREAS**, the City of Charleston currently has approximately 550 of its 20,890 acres  
32 available as public parkland, equal to approximately 3%; and~~

33  
34 ~~**WHEREAS**, the 50th Anniversary of the U.S. Endangered Species Act, the nation’s most~~

35 ~~prominent and historic biodiversity legislation, occurs later this year, on December 28,~~  
36 ~~2023; and~~

37  
38 ~~WHEREAS, increasingly, scientists believe that people’s mental and physical health~~  
39 ~~benefit from access to natural ecosystems — for example, a 2019 study in the journal~~  
40 ~~Nature found that 120 minutes each week in nature was associated with good health~~  
41 ~~and wellbeing; and~~

42  
43 ~~WHEREAS, having clear direction to all applicable agencies, the City of Charleston will~~  
44 ~~benefit its residents by having goals for ensuring access to public spaces, including~~  
45 ~~natural spaces; and~~

46  
47 ~~WHEREAS, on this Earth Day 2023, the City of Charleston commits to increasing access~~  
48 ~~for its residents to public parks for recreation, access to nature, and the ecosystem~~  
49 ~~services that nature provides through the declarations in this bill, the changes to City~~  
50 ~~code made by this bill, and future actions of the City Council; and~~

51  
52 ~~WHEREAS, the City of Charleston hereby sets as a goal that 5% of the land in the City be~~  
53 ~~reserved for public parks, with at least 3% of land in the City be preserved as natural~~  
54 ~~landscapes; and~~

55  
56 ~~WHEREAS, the City of Charleston hereby sets a goal that 75% of all residents have a~~  
57 ~~public park within a ten-minute (half mile) walk of their homes; and~~

58  
59 ~~WHEREAS, the City of Charleston commits to utilizing native plant species when~~  
60 ~~landscaping and planting, minimize pesticide usage, and operate bird-safe buildings, to~~  
61 ~~the extent pecuniarily practicable; and~~

62  
63 ~~WHEREAS, the City of Charleston seeks opportunities to locate additional monarch~~  
64 ~~butterfly waystations and to otherwise protect the habitats of species of the greatest~~  
65 ~~conservation need (SGCN), as designated by the West Virginia Division of Natural~~  
66 ~~Resources (WVDNR) ), and species on the International Union for Conservation of~~  
67 ~~Nature (IUCN) Red List, that have been found to live in the City; and~~

68  
69 ~~WHEREAS, in furtherance of these goals and objectives, the City Council hereby adopts~~  
70 ~~this ordinance.~~

71  
72 **Now, therefore, be it ordained by the Council of the City of Charleston:**

73  
74 That Sections 2-533, 50-172, 65-13, 82-44, and 90-33 of the Municipal Code of the City  
75 of Charleston, as amended, are hereby amended and reenacted, all to read as follows:

76  
77 **CHAPTER 2 - ADMINISTRATION**  
78 **ARTICLE VII. - BOARDS, COMMITTEES AND COMMISSIONS**  
79 **DIVISION 2. - BEAUTIFICATION COMMISSION**  
80 **Sec. 2-533. Duties.**

81 (a) It shall be the duty of the beautification commission to advise and  
82 recommend to the mayor or the city council such programs or projects as would, in the  
83 opinion of the commission, improve the beauty and general welfare of the city, and  
84 conform in a manner consistent with the development and conservation goals contained  
85 in the city's comprehensive plan.

86 (b) The mayor or the council may request the advice or cooperation of the  
87 commission for any project or program connected with the beautification, cleanliness or  
88 general welfare of the city.

89 (c) The commission shall submit an annual report to the mayor, generally  
90 outlining its program and progress during the previous year.

91 (d) It shall be the duty of the commission to recommend maintenance and  
92 rules of Davis Park, Shanklin Park, Elk River Park and Ruffner.

93 (e) The commission shall approve recommendations for expenditures from  
94 the municipal beautification project fund.

95 (f) The commission shall, upon recommendation of the department head,  
96 approve the citywide consulting horticulturalist and make this recommendation to the  
97 finance committee and the city council.

98 (g) The commission shall serve as the tree board for the city.  
99

100  
101 **CHAPTER 50 - ENVIRONMENT**

102 **ARTICLE V. - TREES**

103 **Sec. 50-172. Purpose.**

104  
105 It is the purpose of this article to promote and protect the public health and general  
106 welfare in furtherance of the development and conservation goals contained in the city's  
107 comprehensive plan, by providing for the regulations of the planting, maintenance,  
108 preservation and removal of trees within the city.  
109

110  
111 **CHAPTER 65 - LAND REUSE AGENCY**

112 **ARTICLE II. - POWERS AND DUTIES.**

113  
114 **Sec. 65-12. - Redevelopment division.**

115 The CLRA redevelopment division shall focus on properties in residential and  
116 commercial areas of the city that the CLRA owns or could own with the goal of  
117 rehabilitating the neighborhood and general area, in support of policies adopted by the  
118 City of Charleston, including the development and conservation goals contained in the  
119 comprehensive plan. The redevelopment division may recommend to the board that the  
120 CLRA acquire property, convey or lease property owned by the CLRA, create land  
121 lease agreements for property owned by the CLRA, work with developers to create new  
122 redevelopment on CLRA owned property, or make any other recommendation regarding  
123 the acquisition, disposal, or development of property. The CLRA redevelopment division  
124 shall work with the Charleston Urban Renewal Authority (CURA) to assist in the  
125 planning and development of relevant property owned by CURA.  
126

127 **Sec. 65-13. Conservation division.**

128 The CLRA conservation division shall focus on properties across the city that the CLRA  
129 owns or could own with the goal of rehabilitating the area through land conservation,  
130 rather than development, in support of policies adopted by the City of Charleston,  
131 including the development and conservation goals contained in the comprehensive  
132 plan. The conservation division may recommend to the board that the CLRA acquire  
133 property, maintain, improve and preserve public trust lands, proposals to foster the  
134 donation of public trust lands to the city, to encourage the monetary support for public  
135 trust lands and to maintain in trust lands and moneys which are owned by or contributed  
136 to the city for the purposes of this division.

137  
138 "Public trust lands" for purposes of this chapter shall mean and include: lands,  
139 easements, leases or any other interest in real property, whether possessory or  
140 nonpossessory, having scenic, recreation, historic, woodland, forestry, conservation,  
141 preservation or cultural value which are owned or acquired by the city. Public trust lands  
142 may include conservation and preservation easements as provided in W. Va. Code, Ch.  
143 20, Art. 12.

144

145

146 **CHAPTER 82 - PARKS AND RECREATION**

147 **ARTICLE II. - PARKS AND RECREATION DEPARTMENT**

148 **Sec. 82-44. Construction and acquisition of recreational property.**

149 The city council may establish, construct, acquire and set aside for recreational parks,  
150 playgrounds and other recreational facilities any real or personal property acquired by  
151 the city, in furtherance of existing public policies, including the city's comprehensive  
152 plan and the State of West Virginia's Statewide Comprehensive Outdoor Recreation  
153 Plan (SCORP). Such property shall be under the control of the director when turned  
154 over to the director by the council.

155