



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL**

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, July 15, 2024

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 second meeting in the month of July on the 15thth day, in the year 2024, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Pepper, and the Pledge of Allegiance was led by Councilmember Steelhammer. City Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ANNIE		BURTON
CEPERLEY	COOK	FAEGRE
FERRELL	GIANOLA	HAAS
HOOVER	JENKINS	JONES
KERNS	KING	
MOORE	OVERSTREET	PEPPER
PHARR	ROBINSON	RUBIO
SALANGO	SNODGRASS	SOLOMON
STEELHAMMER	TAYLOR	MAYOR GOODWIN

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

All absences were 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.

PUBLIC SPEAKERS

1. Corey Zinn – Spoke about cannabis decriminalization.
2. Rusty Williams - Spoke about cannabis decriminalization.
3. Phil Melick – Spoke about Bill No. 8033 and 8042.
4. Tara Raymo – Read a passage from the Bible.

CLAIMS

1. A claim of Rebecca J. Harper, Charleston, WV;
alleges damage to property.
2. A claim of Loudon Place Owners Association, Charleston, WV;
alleges damage to property.
3. A claim of Time Investment Corp., Charleston, WV;
alleges damage to property.

PROCLAMATIONS

1.

City of Charleston
Executive Office of the Mayor

CERTIFICATE OF RECOGNITION

presented on the 15th day of July 2024, to

EMMA FOTOPULOSOVA

In recognition of your participation in the Vandalia Rotary Club's Charleston Area Youth Exchange Program; and
In celebration of the diverse experiences you have gained during your time in our Capital City—cycling and hiking in Charleston; enjoying our local arts, including Live on the Levee; and learning about local and state government; and
In honor of your role in elevating the importance of the sister city relationship that Charleston shares with Banska Bystrica, Slovakia.

IN WITNESS WHEREOF, I have set my hand
and caused the Seal of the Executive Department
to be affixed this 15th day of July 2024.

Amy Shuler Goodwin, Mayor

2.

City of Charleston
Executive Office of the Mayor

CERTIFICATE OF RECOGNITION

presented on the 15th day of July 2024, to

MATEJ CHOVANEC

In recognition of your participation in the Vandalia Rotary Club's Charleston Area Youth Exchange Program; and
In celebration of the diverse experiences you have gained during your time in our Capital City—cycling and hiking in Charleston; enjoying our local arts, including Live on the Levee; and learning about local and state government; and
In honor of your role in elevating the importance of the sister city relationship that Charleston shares with Banská Bystrica, Slovakia.

IN WITNESS WHEREOF, I have set my hand
and caused the Seal of the Executive Department
to be affixed this 15th day of July 2024.

Amy Shuler Goodwin, Mayor

3.

**EXECUTIVE DEPARTMENT
CITY OF CHARLESTON
PROCLAMATION**

WHEREAS: For nearly 40 years, the National Recreation and Park Association has celebrated Park and Recreation Month in July to promote building strong, vibrant, and resilient communities through the power of parks and recreation; and

WHEREAS: July is dedicated to recognizing and celebrating the more than 160,000 full-time park and recreation professionals, along with the hundreds of thousands of part-time and seasonal workers, and volunteers who maintain our parks; and

WHEREAS: Parks and Recreation Teams across the nation work diligently to promote time spent in nature; encourage physical activity such as hiking, swimming, and a variety of sports; and provide our young people with healthy meals, nutrition services, and education; and

WHEREAS: This year's Park and Recreation Month theme – "Where You Belong" – celebrates the many ways park and recreation professionals foster a sense of belonging in their communities; and

WHEREAS: The City of Charleston's Parks and Recreation Department's 32 full-time staffers, 72 part-time and seasonal workers, and 36 volunteers help to ensure we provide robust programming and recreation opportunities, essential services for all ages and abilities, and safe and accessible spaces to build meaningful connections; and

NOW THEREFORE, I, Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby recognize July 2024, as

Park & Recreation Month

In Charleston, West Virginia and encourage citizens to recognize the benefits that parks and recreation provide in our communities and the work our Park and Recreation professionals do every day to promote health and wellness in our Capital City.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 15th day of July 2024.



A handwritten signature in black ink, appearing to read "Amy Shuler Goodwin", is written over a horizontal line. Below the line, the text "Amy Shuler Goodwin, Mayor" is printed in a serif font.

Amy Shuler Goodwin, Mayor

COMMUNICATIONS

None

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. 8038 do pass.

Bill No. 8038 - A BILL to amend and reenact Section 10-171 of the Municipal Code of the City of Charleston, as amended, relating to expanding the urban deer hunt to allow for urban bear and coyote hunting; authorizing the use of air rifles of .22 caliber or larger to hunt coyotes as part of the urban hunt; and continuing to limit the urban hunt for all eligible game to the time period consistent with the West Virginia Division of Natural Resources urban hunt rules while expanding the hours to allow for hunting of coyotes at night on private property.

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

That Section 10-171 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

ARTICLE IV. – URBAN DEER MANAGEMENT HUNTING

Sec. 10-171. – Urban deer, bear, and coyote management.

(a) *Urban hunting conditions.* An urban deer hunt shall be lawful in the City of Charleston only under the following conditions:

- (1) Hunting shall be by permit only issued under the terms of this chapter.
- (2) The hunt shall be for deer, bear, and coyote only.
- (3) Only bows, crossbows, arrows and bolts that comply with applicable state statutes, rules and regulations may be used: Provided, That a person may hunt coyote with an air rifle of .22 caliber or larger and such person hunting coyote with an air rifle is subject to all other rifle and firearm hunting regulations as required by Chapter 20 of the West Virginia Code and any rules promulgated thereunder.
- (4) Hunting may occur only on property with the written permission of the property owner and on city-owned property which has been designated as available for hunting by the city manager.
- (5) All deer and bear harvested must be legally checked at an official game checking station electronically registered through the West Virginia Electronic Licensing System (ELS) and reported to the city.
- (6) No hunting may take place within 150 feet of a dwelling or other occupied building.
- (7) No hunting shall take place closer than 500 feet from the property boundary of school property which contains a school building. For purposes of this section "school" means a public school or private school during periods when students are in attendance or participating in school activities.

(8) Persons shall at all times when hunting pursuant to a city permit carry valid photo identification, a copy of their city permit, and their West Virginia state hunting license and any applicable state permit.

(9) The transportation of a deer, bear, or coyote carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.

(10) All West Virginia hunting rules and regulations apply to hunting within the city.

(11) Any hunting activity including, but not limited to, field dressing or other handling of a carcass, must occur on the property specified in the city permit.

(12) All hunting shall be conducted from an elevated portable tree stand that is at least ten feet in height and faces the interior of the property. The stands and shooting lanes will be located in such a way as to direct arrows, or bolts, or air rifle projectiles to the interior of the property.

(13) Hunting may take place on tracts of five contiguous acres or more and within a sufficient distance from the boundary that an arrow, or bolt, or air rifle projectile cannot reasonably travel outside the permitted tract. Each tract must be approved by the city manager.

(14) A property owner can designate and limit other persons allowed to hunt his or her land with a permit.

(15) The city will be responsible to dispose for disposing of any wounded deer, or deer bear, or coyote carcass found on non-permitted property.

(16) Hunting shall be allowed during the maximum time period permitted under state law and regulations promulgated by the West Virginia Division of Natural Resources for an urban deer and bear hunt. Although the West Virginia Division of Natural Resources currently allows for year-round open season hunting of coyotes, the urban coyote hunt shall be limited to the same days as the urban deer and bear hunt, but the hunting of coyotes may occur at night on those days on approved private property tracts.

(b) Permits.

(1) In order to obtain a permit, the applicant must meet and have evidence of compliance with all applicable state statutes, regulations and rules applicable to deer or bear hunting with a bow and arrow or a crossbow and arrow or bolt and coyote hunting with an air rifle. The city may impose additional requirements for a hunting permit and may limit the number of permits to be issued.

(2) The city may charge an administrative fee for permits not to exceed \$25.00 per permit.

(3) The city manager is hereby authorized to promulgate reasonable rules and regulations including, but not limited to: (i) setting license fees to regulate hunting; (ii) selecting the tracts to be authorized for hunting as permitted herein; and (iii) promoting safety and facilitating the goals of urban deer, bear, and coyote management.

(4) The city shall post the location of tracts approved for hunting on its website.

(c) Donated meat. Hunters are and shall be encouraged but are not required to donate the deer harvest to programs or organizations that will provide the meat to needy persons.

(d) Violations. In addition to any penalties for violations of state hunting laws or regulations, any person violating this section, or the rules and regulations promulgated pursuant to this section, shall be guilty of a misdemeanor and subject to the general penalties as provided in section 1-8 of this Code.

Councilmember Robinson added that the bill will add bear and coyote to the Urban Hunt.

Councilmember Solomon motion to Layover Bill No. 8038 until “next month.” The motion was seconded by Councilmember Snodgrass. He added that it will allow time for a study to look at the various challenges the City is facing with bears and coyotes and to consult with the DNR.

Councilmember Robinson spoke against the Layover. The DNR has already conducted multiple studies about the animals.

Councilmember Pepper spoke in favor of the motion. He added that he had safety concerns about the addition of night-hunting with air rifles.

A roll call was taken:

YEAS: Gianola, Kerns, Pepper, Rubio, Snodgrass, Solomon, Steelhammer

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

ABSENT: Burka, Minardi

With members present recorded thereon as voting in the majority in the negative, with seven (7) Yeas and eighteen (18) Nays, Mayor Goodwin declared the motion to Lay Over and as not passed.

Councilmember Kerns added that she had not received any complaints from her ward about bears. She wanted to know if they were attacking people or just causing a disturbance. She also wanted to know how many bears there were within City limits. Councilmember Robinson replied that certain areas, such as South Hills and Kanawha City, have had many bear sightings. He added that DNR is called at least three times a year in his Ward.

Councilmember Gianola confirmed with Councilmember Robinson that the only air rifle hunting would be for coyotes. Councilmember Gianola added that there is a designated hunting track behind his house, and despite the rule that no hunting shall take place within 150 feet of a dwelling, he has been told by other hunters that they can hunt there.

Councilmember Taylor added that he has recently seen a coyote and a small bear near his house.

Councilmember Ceperley added that she has had two bears on her back patio.

Councilmember Annie motioned to amend Bill No. 8038 by:

On page two, Section 10-171. Line 44, following “city” by changing the period to a colon

and inserting the following proviso: Provided, that individuals hunting bear within the city limits are prohibited from hunting bear with dogs.

Councilmember Robinson seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared the Annie Amendment to Bill No. 8038 as adopted.

Councilmember Steelhammer expresses concern about the safety of the bill.

Councilmember Robinson added that the 150-foot threshold has not changed from the previous rules.

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

A roll call was taken:

YEAS: Annie, Burton, Ceperley, Cook, Faegre, Ferrell, Gianola, Haas, Hoover, Jenkins, Jones, Kerns, King, Moore, Overstreet, Pharr, Robinson, Rubio, Salango, Taylor, Mayor Goodwin

NAYS: Pepper, Snodgrass, Solomon, Steelhammer

ABSENT: Burka, Minardi

With members present recorded thereon as voting in the majority in the affirmative, with twenty-one Yeas and four (4) Nays, Mayor Goodwin declared Bill No. 8038 as amended as passed.

2. 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. 8039 Committee Substitute do pass.

Bill No. 8039 Committee Substitute - A BILL to amend and reenact Sections 78-371, 78-372, and 78-373 of the Municipal Code of the City of Charleston, as amended, and to amend said Code by adding thereto a new section, designated Section 78-374, all relating updating, clarifying, and reforming the controlled substances offenses in Municipal Code, incorporating the state code definitions and schedules of controlled substances, reducing the penalties for simple possession of certain controlled substances; making simple possession of marijuana and related substances specified in State code a non-jailable offense; clarifying the conditional discharge statutes for simple possession charges; and expanding the possibilities for discharge of controlled substance possession charges.

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

That Subdivision I of Division 5 of Article V of Chapter 78, specifically, Sections 78-371, 78-372, and 78-373 of the Municipal Code of the City of Charleston, as amended, are hereby amended and reenacted and that a new section, designated Section 78-374, is added thereto, all to read as follows:

DIVISION 5. - DRUGS AND RELATED OFFENSES

Subdivision I. - In General

Sec. 78-371. – Definitions and Schedules Incorporated. Conditional discharge for first offense of simple possession of controlled substances; possession of 15 grams or less of marijuana; expungement of records; subsequent offenses.

(b) Notwithstanding any other provision of this section to the contrary, any first offense for possession of marijuana shall be disposed of as described in section (a) above. The definitions set forth in Article I of the West Virginia Controlled Substances Act at West Virginia Code § §60A-1-101, et seq., and the schedules of controlled substances set forth in Article II of the West Virginia Controlled Substances Act at West Virginia Code § 60A-2-201, et seq., including as they may be amended from time to time, are hereby fully incorporated and made a part of this Chapter by reference.

(e) Any person convicted of a second or subsequent offense under this section may be fined up to \$500.00 and/or sentenced to 30 days in jail. For purposes of this section an offense is considered a second or subsequent offense if, prior to his conviction of the offense, the offender has at any time been convicted under this Code or under any state statute or statute of the United States or of any state relating to narcotic drugs, marijuana, depressant, stimulant or hallucinogenic drugs.

Sec. 78-372. - Purporting to sell controlled substances.

(a) No person shall at any time sell any substance which that person purports to be a controlled substance, as defined under schedules I through V of article II of the Uniform Controlled Substances Act (W. Va. Code § 60A-2-201 et seq.) when in actuality the substance sold contains no controlled substances.

(b) Whoever violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor and fined not more than \$100.00 or be imprisoned for a period not to exceed 30 days, or both. Subsequent violations upon conviction shall be punishable by a mandatory \$100.00 fine and, in the discretion of the court, imprisonment not to exceed 30 days.

Sec. 78-373. - Simple possession of marijuana, synthetic cannabinoids, and other controlled substances.

(b) Conditional discharge for first offense of possession.

(1) Whenever any person who has not previously been convicted of any offense under this Code or under any state statute or statute of the United States relating to narcotic drugs, marihuana, or stimulants, depressant or hallucinogenic drugs pleads guilty to or is found guilty of possession of a controlled substance under this section, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place such persons on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purpose of this section or for purpose of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions. The effect of such dismissal and discharge shall be to restore such person in contemplation of law to the status he occupied prior to such arrest and trial. No person as to whom such dismissal and discharge have been effected shall be thereafter held to be guilty of perjury, false swearing or otherwise giving a false statement by reason of his failure to disclose or acknowledge such arrest or trial in response to any inquiry made of him for any purpose. There may be only one discharge and dismissal under this section with respect to any person.

(2) After a period of not less than six months which shall begin to run immediately upon the expiration of a term of probation imposed upon any person under this division, such person may apply to the court for an order to expunge from all official records all recordings of his arrest, trial and conviction pursuant to this section.

(a) Simple Possession of Synthetic Cannabinoids and Marijuana Prohibited. It is unlawful for any person knowingly or intentionally to possess synthetic cannabinoids or marijuana, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by West Virginia law. Any person who violates this subsection is guilty of a misdemeanor, and, upon a conviction: (1) for a first offense, may be fined not more than \$0.00; or (2) for a second or subsequent offense, may be fined not more than \$500.00. Further, notwithstanding any other provision of this code to the contrary, whenever

a person has not been convicted within the previous one year of any offense under this subdivision or under any statute of the United States or of any state relating to controlled substances, narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, such conviction shall be disposed of under section 78-374.

(b) *Simple Possession of MDPV and Mephedrone.* It is unlawful for any person knowingly or intentionally to possess 3,4-methylenedioxypropylvalerone (MDPV) or 4-methylmethcathinone (mephedrone), unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by West Virginia law. Any person who violates this subsection is guilty of a misdemeanor, and, upon a conviction: (1) for a first offense, may be fined not more than \$100.00; or (2) for a second or subsequent offense, may be fined not more than \$500.00, imprisoned not more than 30 days in the regional jail, or both fined and imprisoned. Further, notwithstanding any other provision of this code to the contrary, whenever a person has not previously been convicted of any offense under this subdivision or under any statute of the United States or of any state relating to controlled substances, narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, such initial conviction shall be disposed of under section 78-374.

(c) *Simple Possession of Controlled Substances Prohibited.* It is unlawful for any person knowingly or intentionally to possess any other controlled substance not specified in subsection (a) or (b) of this section, unless the substance was obtained directly from or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this Code or West Virginia law. Any person who violates this subsection is guilty of a misdemeanor and may be fined up to \$500.00 or confined up to 30 days in jail, or both fined and confined.

Sec. 78-374. – Conditional discharge for simple possession of controlled substances; expungement of records.

(a) Except as otherwise provided in this Code, whenever any person who has not been convicted of any offense under this subdivision or under any statute of the United States or of any state relating to controlled substances, narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty under section 78-373, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him or her on probation upon terms and conditions which may include, but is not limited to, participation in a substance abuse treatment program. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him or her. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. The effect of the dismissal and discharge shall be to restore the person in contemplation of law to the status he or she occupied prior to arrest and trial. No person as to whom a dismissal and discharge have been effected shall be thereafter held to be guilty of perjury, false swearing, or otherwise giving a false statement by reason of his or her failure to disclose or acknowledge his or her arrest or trial in response to any inquiry made of him or her for any purpose. There may be only one discharge and dismissal under this section with respect to any person: *Provided*, That this limitation does not apply to anyone charged under

Section 78-373(a) for possession of marijuana or synthetic cannabinoids.

(b) After a period of not less than six months which shall begin to run immediately upon the expiration of a term of probation imposed upon any person pursuant to this section, the person may apply to the court for an order to expunge from all official records all recordation of his or her arrest, trial, and conviction. If the court determines after a hearing that the person during the period of his or her probation and during the period of time prior to his or her application to the court under this section has not been guilty of any serious or repeated violation of the conditions of his or her probation, it shall order the expungement.

(c) Notwithstanding any provision of this Code to the contrary, any person prosecuted pursuant to the provisions of this subdivision whose case is disposed of pursuant to the provisions of this section shall be liable for any court costs assessable against a person convicted of a violation of this subdivision. Payment of such costs may be made a condition of probation.

Councilmember Robinson added that the bill will modernize the City's marijuana laws that were last addressed in 2011. The bill aligns City Code with State Code regarding first offense of simple possession. The Ordinance and Rules Committee has met twice, and has amended the bill several times after much discussion.

Councilmember Faegre wondered if this bill was passed, what other first offenses would then be looked at, and referred to DUIs.

Councilmember Robison added that the bill reduces the fine for simple possess first offense to court costs and no jail time through Municipal Court. State and Federal Law allows for this because the bill does not decriminalize marijuana. The bill also removes jail time for second offenses.

Councilmember Ceperley spoke against the bill due to unintended consequences.

Councilmember Taylor added that as a previous Municipal Judge, he saw hundreds of cases of first offense simple possession of marijuana. He did remember ever giving jail time for a first offense. Most defendants elected to file for a court appointed attorney which resulted in substantial delays for the same result. He added that a non-jailable offense meant that they would not be entitled to free counsel. Councilmember Taylor added that removing jail time would have virtually no impact the outcome of these cases.

Councilmember Snodgrass spoke against the bill. She agreed with comments that there are a lot of unintended consequences.

Councilmember Jones asked if the bill should go to the State instead. Councilmember Robinson replied that the bill did not have anything to do with legalizing marijuana.

Councilmember Snodgrass expressed concern over the legality of having marijuana in possession while driving.

Councilmember Cook confirmed with Councilmember Robinson that the 15-gram threshold was removed in Committee. Councilmember Cook asked how officers would determine if it was a simple possession. City Attorney Kevin Baker replied that the Officers would look at the totality of the circumstance to determine if there is an intent to distribute. Police Chief Dempsey added that officers are already familiar with using their discretion to determine the totality of the situation.

Councilmember Gianola asked the Chief if the bill would help or harm the Police if enacted. The Police Chief replied that he wasn't sure, but he didn't think it would overall hurt their investigations.

Councilmember Ferrell confirmed that the bill did not legalize marijuana.

Councilmember Taylor reiterated that the bill does not decriminalize marijuana. It only changes the penalty provision only.

Councilmember Solomon spoke in favor of the bill. He added that the bill addresses racial disparities and injustices within the City.

Councilmember Pepper added that the bill only speaks to simple possession. It is not related to driving while intoxicated, etc. Councilmember Pepper made a motion to amend the bill, and withdrew the motion before the amendment was submitted to the Clerk's Office as required.

Councilmember Robinson motioned to refer Bill No. 8039 back to the Ordinance and Rules Committee. Councilmember Faegre seconded the motion.

Councilmember Faegre spoke in favor of the motion.

Councilmember Annie spoke in favor of the motion.

With members present recorded thereon as voting in the majority in the affirmative with at least one recognized Nay from Councilmember Jenkins, the Mayor declared Bill No. 8039 referred to the Ordinance and Rules Committee.

3. 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. 8040 Committee Substitute do pass.

Bill No. 8040 Committee Substitute - A BILL to amend and reenact Sections 10-161, 10-162, and 10-163 of the Municipal Code of the City of Charleston, as amended, relating to dogs running at large, and the penalties and impoundment therefore.

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

That Division 3 of Article III of Chapter 10, specifically, Sections 10-161, 10-162, and 10-163 of the Municipal Code of the City of Charleston, as amended, are hereby amended and reenacted to read as follows:

DIVISION 3. – IMPOUNDMENT

Sec. 10-161. – Dogs prohibited to run at large; fines.

(a) It shall be unlawful for any person to own or keep a dog which runs is at any time running at large in the city. Knowledge or acquiescence by the owner or keeper is not an element of the offense. A dog shall be deemed to be running at large if it is, for any period of time, off the premises of its owner's or keeper's property and not firmly attached to a leash or chain under the owner or keeper's direct physical control, Provided That, An animal a dog shall not be deemed to be running at large if:

(1) The dog is firmly attached to a leash or chain under the physical control of its owner; or

(2)(1) The dog is within a closed structure or within a fence enclosure with the permission of the owner of the structure or fence enclosure; or

(3)(2) The dog has is wearing an operating electronic collar and is under the charge or control of its owner or keeper who is operating an electronic pet containment system or electronic training system for the animal., Provided That, Notwithstandingnotwithstanding this subsection, all dogs on the public right-of-way in the central business district zoning district (downtown area) must be kept on a leash or chain under the direct physical control of its owner or keeper; or

(4)(3) The dog is under the supervision of its owner or keeper and is using an off-leash dog park in accordance with the rules and regulations for the off-leash dog park.

(b) Any dog on property without the permission of the property owner shall be deemed to be a dog at large, and the owner or keeper of such animal shall be in violation of this section.

(c) The provisions of this section shall not apply to any persons who havehas a physical disability or visual impairment, areis using a service dogs, and can provide upon demand by any humane officer or

police officer adequate documentation that the service dog is an animal trained by an accredited institution which trains dogs for service work for the physically disabled or visually impaired.

(d) Any person found guilty of dog running at large as defined herein shall be punished by a fine as follows: \$30.00 not more than \$50.00 for the first offense within a 24-month period; \$40.00 for the second offense within a 24-month period; \$60.00 for the third offense within a 24-month period; \$100.00 for the fourth offense within a 24-month period; and \$250.00 for the fifth and not less than \$50.00 nor more than \$500.00 for any second or subsequent offenses within a 24-month period of a conviction for a prior offense. The municipal court judge shall have no authority to suspend or reduce the fine; provided that with regard to a fifth or subsequent offense within a 24-month period, the municipal court judge shall have the authority to reduce the fine to an amount no less than \$100.00 if the defendant agrees to forfeit ownership of the animal~~dog~~. In such cases all interest of the animal shall vest to the humane association for appropriate disposition. All fines arising from convictions for violations of this section shall be in addition to any applicable court costs or impoundment fees.

Sec. 10-162. - Aggressive dogs prohibited to run at large defined; fines.

(a) It shall be unlawful for any person to own or keep an aggressive dog which runs is at any time running at large in the city. Knowledge or acquiescence by the owner or keeper is not an element of the offense. An aggressive dog at large means any dog running at large as defined in Section 10-161 that, without provocation, exhibits aggressive or combative behavior toward a person or another domestic animal, and said person or domestic animal is either physically attacked or bitten, or the person or domestic animal's owner or keeper reasonably believes an attack or bite is imminent.

(b) Any person found guilty of an aggressive dog at large shall be punished by a fine as follows: \$60.00 not more than \$50.00 for the first offense within a 24-month period; \$80.00 for the second offense within a 24-month period; \$120.00 for the third offense within a 24-month period; \$200.00 for the fourth offense within a 24-month period; and \$500.00 for a fifth or not less than \$50.00 nor more than \$1,000.00 for any second or subsequent offense within a 24-month period of a conviction for a prior offense. The municipal court judge shall have no authority to suspend or reduce the fine; provided that with regard to a fifth or subsequent offense within a 24-month period, the municipal court judge shall have the authority to reduce the fine to an amount no less than \$100.00 if the defendant agrees to forfeit ownership of the animal~~dog~~. In such cases all interest of the animal shall vest to the humane association for appropriate disposition. All fines arising from convictions for violations of this section shall be in addition to any applicable court costs or impoundment fees.

Sec. 10-163. - Impounding, redemption and disposition of dog running at large.

(a) A dog found running at large within the corporate limits of the city contrary to the provisions of section~~Section~~ 10-161 or Section 10-162 may be impounded at the humane association by a humane officer or police officer. The humane officer or police officer shall make a record of all dogs so impounded with their description, date of impoundment and rabies vaccination number.

(b) The owner of any dog impounded pursuant to the provisions of this article must appear and claim the said dog within five days from the date the dog is impounded. If or, upon expiration of the dog is not

claimed within five days of impoundment, then five-day time period, the owner shall be deemed to have forfeited all interest in the dog and the dog it shall be deemed abandoned. All interest in such dog shall immediately, by operation of law, vest to the humane association for adoption or other disposition. If the owner appears to claim the dog within the five-day time period, said dog may be released to him or her only upon satisfaction of the following conditions:

(1) Proof that the dog is currently immunized against rabies, or, in the absence of such proof, reimbursement to the humane association for the costs incurred for administering a rabies vaccine or providing a voucher for a rabies vaccine;

(2) Proof that the dog is currently licensed pursuant to Sections 10-141 and 10-142 of Division 2 of this Article, and, if required, registered pursuant to West Virginia Code Section 19-20-2, or, in the absence of such proof, reimbursement to the humane association for any costs incurred for obtaining a valid dog license and license tag, and, if required, certificate of registration and registration tag;

(2)(3) Reimbursement to the humane association for any and all reasonable expenses incurred for necessary medical care provided to the dog; and

(3)(4) Payment of the following fees to the humane association:

a.(A) Impoundment and initial board fee for the first 24-hour period or any part thereof of \$30.00;

b.(B) An additional fee of \$5.00 for each additional 24-hour period up to a maximum of five days.

Councilmember Robinson added that the bill changes some definitions concerning dogs running at large. It also expands the definition of aggressive dog.

Councilmember Steelhammer motioned to amend Bill No. 8040 by:

On page two, Section 10-162, line 67, following “domestic animal” by inserting the words “or feral cat”; and

On page two, Section 10-162, line 68, following “domestic animal” by inserting the words “or feral cat”.

Councilmember Solomon seconded the motion.

Councilmember Steelhammer added that there were some instances last year of loose dogs killing feral cats.

With members present recorded thereon as voting in the majority in the affirmative, Mayor Goodwin declared the Steelhammer Amendment as motion as adopted.

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

A roll call was taken:

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

NAYS:

ABSENT: Burka, Minardi

With members present recorded thereon as voting in unanimously the majority in the affirmative, Mayor Goodwin declared Bill No. 8040 Committee Substitute as Amended as passed.

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. 8035 do pass.

Bill No. 8035 - A Bill to create a NO PARKING ANYTIME zone on the westerly side of Daugherty Street from Mariana Street to Price Street 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 create a NO PARKING ANYTIME zone on the westerly side of Daugherty Street from Mariana Street to Price Street

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 was brought to the attention of the Committee by an Officer who noticed that parking on both sides of the street was a safety hazard for emergency vehicles.

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

A roll call was taken:

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

NAYS:

ABSENT: Burka, Minardi

With members present recorded thereon as voting in unanimously the majority in the affirmative, Mayor Goodwin declared Bill No. 8035 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. 990-24 be adopted.

Resolution No. 990-24 - Authorizing the Mayor or City Manager to purchase an annual renewal of the Charleston Police Department's record management software from Trittech Software Systems for \$80,370.73.

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

That the Mayor or City Manager is hereby authorized to purchase an annual renewal of the Charleston Police Department's record management software from Trittech Software Systems for \$80,370.73.

Councilmember Jenkins added that the resolution is for year eight of a ten-year contract for the Police Department's record software.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 990-24 adopted.

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 991-24 be adopted.

Resolution No. 991-24 - Authorizing the Mayor or City Manager to purchase two model year 2024 Ford F-550 trucks from Stephens Auto Group, for the Charleston Street Department, at a total cost of \$194,886.00 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 two model year 2024 Ford F-550 trucks from Stephens Auto Group, for the Charleston Street Department, at a total of \$194,886.00 pursuant to a competitive bid process.

Councilmember Jenkins added that the resolution is for the normal replacement of vehicles for the Street Department.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 991-24 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 992-24 be adopted.

Resolution No. 992-24 - Authorizing the Mayor or City Manager to purchase one model year 2024 Ford F-250 utility bed crew cab truck from Midstate Automotive, for the Charleston General Services Department at a total cost of \$69,855.00 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 one model year 2024 Ford F-250 utility bed crew cab truck from Midstate Automotive, for the Charleston General Services at a total of \$69,855.00 pursuant to a competitive bid process.

Councilmember Jenkins added that the purchase will replace an old van used by the electricians under the General Service Department.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 992-24 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 993-24 be adopted.

Resolution No. 993-24 - Authorizing the Mayor or City Manager to enter into a contract with McClanahan Construction Company, LLC, in an amount not to exceed of \$1,042,000.00 for the 2024 Concrete Sidewalk & Accessible Ramp repairs where the contract price 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 McClanahan Construction Company, LLC, in an amount not to exceed of \$1,042,000.00 for the 2024 Concrete Sidewalk & Accessible Ramp repairs where the contract price was determined through a competitive bidding process.

Councilmember Jenkins added that the City has worked with the vendor for several years on the project.

Councilmember Jenkins moved to approve the resolution. Councilmember Ceperley seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 993-24 adopted.

5. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 994-24 be adopted.

Resolution No. 994-24 - Authorizing approval of Amendment No. 1 of the FY 2024-2025 General Fund Budget as indicated on the attached list of accounts.

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

That Amendment No. 1 of the FY 2024-2025 General Fund Budget as indicated on the attached list of accounts is approved.

Councilmember Jenkins added that the amendment shifts funds from the closing of the last fiscal year's budget. This includes purchases approved during the last fiscal year, but not completed for various reasons, funds for the ballpark debt service, and unassigned fund balance to the paving funds, etc.

Councilmember Gianola asked what was the cause for the large increase in fire and street equipment. Councilmember Jenkins replied that the money is for purchases that were approved but haven't yet been completed.

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

A roll call was taken:

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

NAYS:

ABSENT: Burka, Minardi

With members present recorded thereon as voting in unanimously the majority in the affirmative, Mayor Goodwin declared the motion as passed.
declared Resolution 994-24 as adopted.

REPORTS OF OFFICERS

1. City Treasurer’s Report to City Council Month Ending June 2024.
2. Municipal Court Report to City Council Month Ending June 2024.

NEW BILLS

None

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Mayor Goodwin stated that USA Cycling will be back in May 2025. The Mayor asked for a moment of silence to remember former Councilmember Robert Sheets.
2. Councilmember Steelhammer stated that Robert Sheets was a leader and an inspiration.
3. Councilmember Jones stated that he received an email from the City regarding Blaine Boulevard. He added that there is a drainage problem on the corner of Woodward Drive and West Washington Street.
4. Councilmember Moore thanked a Police Officer for bringing water to vendors and workers.
5. Councilmember Pharr stated that African American Heritage Night will be August 6, 2024. She added that she did not agree that certain drugs are not gateways.
6. Councilmember Annie thanked the City Attorney's Office for helping write the recent bills he has sponsored. He thanked all the City workers for their hard work.
7. Councilmember Faegre requested a summary of the public speaker rules for Council meetings. She added that the steps on West Washington Street were not historical.
8. Councilmember Ceperley invited everyone to the Women Making a Difference event on July 25, 2024

9. Councilmember Robinson stated that the City Attorney's Office went out of their way writing the bills and multiple committee substitutes.

ADJOURNMENT

City Clerk, Miles C. Cary II, called the closing roll call:

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

NAYS:

ABSENT: Burka, Minardi

At 9:03 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, August 5, 2024, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk