



CITY OF CHARLESTON WEST VIRGINIA



COUNCIL MEMBER – WARD 20

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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, May 19, 2025 at 5:30 PM. **To be held in person**
AV ROOM #308, CITY HALL

Agenda

PARKING IN THE SHANKLIN GARAGE WILL BE AVAILABLE TO THE PUBLIC – FOLLOW POSTED SIGNS

APPROVAL OF PREVIOUS MINUTES

1. 11-18-2024

BILLS

1. Bill No. 8053 Committee Substitute - A BILL to adjust PARKING PROHIBITED times on several streets, in order to accommodate street sweeping at a later time of day; and amending the Traffic Control Map and Traffic Control File.
2. Bill No. 8055 - A BILL to amend the Municipal Code relating to updating regulations regarding Private Outdoor Designated Areas.

DISCUSSION

1. Discussion on dilapidated housing.

CR/ns

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

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:45 P. M., NOVEMBER 18, 2024

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 5:45 p.m., November 18, 2024.

Committee Members Present:

Chad Robinson, Chair
Patrick Salango, Vice Chair
Frank Annie
Becky Ceperley
Joseph Jenkins
Sam Minardi
Emmett Pepper

Absent:

Other Councilmembers Present:

Joe Solomon
Caitlin Cook
Mary Beth Hoover
Jeanine Faegre
Chelsea Steelhammer
Shawn Taylor

1. Approval of Previous Minutes –

Councilmember Annie motioned to approve the previous minutes from 8-15-2024. Councilmember Jenkins seconded the motion. With those being present having voted unanimously in the affirmative, the Chair declared the minutes as approved as amended.

2. Discussion of Pedestrian and Vehicle Safety

Councilmember Robinson stated that the Committee has a draft version of a bill that concerns pedestrian and vehicle safety that is similar to the recently passed Wheeling ordinance.

City Attorney Kevin Baker explained the bill relies on the City's power to regulate and eliminate hazards to public health and safety by placing restrictions on how pedestrians and vehicles interact at various intersections. Subsection A sets out some findings, noting that factors (speed limit, etc.) can make an intersection more dangerous than others. The City can publish a list of these areas of concern. The document states that interaction or the exchange of items between pedestrians and occupants of vehicles hinders the flow of traffic and increases the risk of accidents. Subsection B would, among other things, prohibit a public right of way from being used in a manner that would prohibit the safe and efficient movement of people, and it would make it unlawful for any person to stand, etc. in a median of a public right of way not less than 10 feet when not in the process of crossing the road. It would prohibit any interaction between a pedestrian and a vehicle to include the transfer of any product or material. Subsection C states that it will be enforced by the Charleston Police Department, and the City may provide signs as notice. Penalties for pedestrians are: oral warning recorded for 1st offense, written warning recorded for 2nd offense, and citation and possible fine of up to \$100 or community service for subsequent offenses. Penalties for drivers are: oral warning recorded for 1st offense, written warning recorded for 2nd offense, and citation and possible fine of up to \$100 or community service for subsequent offenses. Baker stressed that the intent is not to impair anyone's constitutional rights.

Councilmember Minardi confirmed with Baker that, in his opinion, it would prevent "honk and wave" scenarios, such as for political campaigns.

Councilmember Ceperley confirmed with Baker that this would prevent groups fundraising, such as cheerleaders' car wash. Baker confirmed that it would be permissible on private property, such as parking lots.

Councilmember Annie asked if signs displaying the proposed law would be installed in the areas designated to be areas of concern. Baker replied that the bill allows the City to publish a list of areas of concern, but the bill's language will likely need to be changed for clarity. Councilmember Annie added that it seemed like they could either prohibit all or nothing.

Councilmember Jenkins asked how the bill addresses sidewalks, and expressed concern about sidewalks being included. Baker replied that he interpreted the phrase "any public right of way" to include sidewalks. He would also not interpret a pedestrian simply waving to a passing car as a disruption to public safety. Councilmember Robinson added that walking and waving would not fit the prohibitions as described because they do not "remain" in the area. Baker agreed.

Councilmember Pepper added that Council had previously considered a similar bill which did not go to the floor due to First Amendment issues. He asked if there had been any new updates to the First Amendment law regarding this. Baker replied that he did not know.

Councilmember Ceperley asked if Wheeling had been sued since enacting their ordinance. Baker added that he believed Wheeling based their ordinance off of another county, who did receive threats of litigation, but nothing transpired.

Councilmember Pepper confirmed that roads that contained “any” as opposed to “all” of the characteristics would be included. He confirmed that a lot of the roads in the City would be covered.

Councilmember Pepper added that both “interaction” and “physical interaction” are mentioned, and wondered what the difference was. Baker replied that he #3 to be an actual exchange of items. #4 talks about reaching out to exchange items. Councilmember Pepper asked if vehicle occupants could currently legally interact with other vehicle occupants. Baker replied that it seemed to be legal for one car to pass something to another car. Councilmember Pepper confirmed with Baker that there are no misdemeanor penalties in the document. Baker added that he usually advises against putting warning requirements in City Code as it is difficult for it to be consistent.

Councilmember Minardi asked if section (e) would protect a person’s right to protest, etc. Baker replied that he interpreted it as clarifying that there is no intention to violate any constitutional rights. The goal is to protect public safety.

Councilmember Pepper asked if the operation of the bill would be changed if the language about constitutionality was omitted. Baker replied that he did not think so.

From the audience, Councilmember Cook asked what part of the bill protected constitutional rights other than that statement. Baker added that the language attempts to provide guidance to officers and any court that would enforce and interpret it.

From the audience, Councilmember Steelhammer confirmed some points with Councilmembers Robinson and Minardi that a person lingering on the sidewalk to talk to another person would not be a violation, but it would if that person lingered and interacted with a vehicle. Councilmember Steelhammer pointed out that a person getting or giving directions to a vehicle (or vice versa) would be a violation.

From the audience, Councilmember Faegre encouraged members to drive on the West Side to experience the dangerous situations of people standing with signs.

From the audience, Councilmember Kerns added that there are many bicycle and motorized wheelchair operators going down the road the wrong way without reflectors, causing dangerous situations.

Councilmember Robinson added that the bill mentions a traffic volume of 4,000 or more vehicles per through lanes. He asked if that would address in egress/ingress of areas such as Pennsylvania Avenue, etc. Baker replied that he did not know offhand which roads would qualify. He suggested they coordinate with the Traffic Engineering Director as to which roads would meet all the qualifications. Councilmember Robinson spoke to the 25 mph qualification, adding that they had discussed 40 mph in the past. Baker added that only a few roads would qualify under a 40 mph rule. Councilmember Robinson added that he would argue that the term “remain” refers to a greater period of time than tying shoes, etc., and suggested that there be a definition for that referred period of time. Councilmember Jenkins added that he didn’t think the length of time was the issue, rather the interaction between a pedestrian and a vehicle that spoke to the issue of public safety. Councilmember Robinson mentioned that verbal warnings are not usually put into Code. Baker agreed, and added that it is not really an offense if a person hasn’t been convicted. It is still someone’s first offense regardless of how many warnings they received. Councilmember Robinson confirmed with Baker that the penalty sections could be cleaned up to give officers and the CARE Team ability to help.

From the audience, Councilmember Taylor added that any citizen would have the right to refuse the collecting of their information by an office for a warning. Councilmember Taylor suggested that any signage be addressed to the vehicles.

Councilmember Pepper asked as to the intent of the bill. Councilmember Robinson replied that the intent is public safety, as it is a problem that is seen throughout the City.

Councilmember Robinson confirmed with Baker that the bill would need sponsors and could be redrafted to be introduced at a future Council meeting. Councilmember Robinson requested that it be referred to the Ordinance and Rules Committee.

Councilmember Jenkins motioned to adjourn the meeting. Meeting adjourned.

Bill No. 8053, as a committee substitute

Introduced in Council:

April 7, 2025

Introduced by:

Emmett Pepper

Adopted by Council:

Referred to:

**Planning, Streets and Traffic
Committee and Ordinance and
Rule Committee**

1
2 **Bill No. 8053** - A BILL to adjust PARKING PROHIBITED times on several streets, in
3 order to accommodate street sweeping at a later time of day; and amending the Traffic
4 Control Map and Traffic Control File, established by the City of Charleston, West
5 Virginia, two thousand and three, Traffic Laws, Section 263, Division 2, Article 4,
6 Chapter 114, to conform therewith.

7
8 **WHEREAS**, the East End neighborhood of Charleston has some of the highest
9 percentages of on-street parking in the city; and

10
11 **WHEREAS**, since 1981, the city has had weekly sweeping in the East End and has
12 restricted parking in order to accommodate that sweeping; and

13
14 **WHEREAS**, without restricted parking, many streets in the East End could not be
15 adequately swept, due to cars interrupting the flow of street sweepers; and

16
17 **WHEREAS**, the south sides of certain streets have sweeping on Tuesday mornings
18 between 9am and 12pm; and

19
20 **WHEREAS**, the north sides of certain streets have sweeping on ~~Tuesday~~ Thursday
21 mornings between 12pm and 2pm; and

22
23 **WHEREAS**, the current street sweeping practices are not in alignment with the traffic
24 control file; and

25
26 **WHEREAS**, in an effort to determine the best policy, the City has conducted outreach and
27 received input from affected residents on the best tradeoff between adequate sweeping
28 and minimal interruptions; and

29
30 **WHEREAS**, having sweeping during the same time of day, from 12pm to 2pm, on either
31 side of affected streets was the best outcome; and

32
33 **WHEREAS**, any similarly-situated blocks in the city where parked cars obstruct sweeping
34 efficacy may work with the City to determine if similar parking restrictions are merited;

35 and

36

37 **WHEREAS**, in furtherance of the goals and objectives above, the City Council hereby
38 adopts these changes to the Traffic Control File.

39

40

41 **Now, therefore, be it ordained by the Council of the City of Charleston, effective**
42 **June 1, 2025 April 1, 2026:**

43

44 Section 1. On the northerly side of the following streets, parking is prohibited from
45 twelve o'clock p.m. until two o'clock p.m., each Tuesday, during the months of April
46 through October; parking is permitted at all other times:

- 47 • Virginia Street East, from Brooks Street to Greenbrier Street; and
- 48 • Quarrier Street, from Brooks Street to Greenbrier Street; and
- 49 • Lee Street, from Brooks Street to Greenbrier Street; and
- 50 • McClung Street, from Elizabeth Street to Sidney Avenue; and
- 51 • Jackson Street, from Beauregard Street to Elizabeth Street; and
- 52 • Lewis Street, from Brooks Street to the alley between Thompson Street and
53 Nancy Street; and
- 54 • Washington Street East, from Veazy Street and Michigan Street.

55

56 Section 2. On the ~~northerly~~ southerly side of the following streets, parking is prohibited
57 from twelve o'clock p.m. until two o'clock p.m., each Thursday, during the months of
58 April through October; parking is permitted at all other times:

- 59 • Virginia Street East, from Brooks Street to Greenbrier Street; and
- 60 • Quarrier Street, from Brooks Street to Greenbrier Street; and
- 61 • Lee Street, from Brooks Street to Greenbrier Street; and
- 62 • McClung Street, from Elizabeth Street to Sidney Avenue; and
- 63 • Jackson Street, from Beauregard Street to Elizabeth Street; and
- 64 • Lewis Street, from Brooks Street to the alley between Thompson Street and
65 Nancy Street; and
- 66 • Washington Street East, from Veazy Street and Michigan Street.

67

68 Section 3. On the westerly side of Margaret Street, parking is prohibited from twelve
69 o'clock p.m. until two o'clock p.m., each Thursday, during the months of April through
70 October; parking is permitted at all other times.

71

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

76

77 Section 5. All prior Ordinances, inconsistent with this Ordinance are hereby
78 repealed to the extent of said inconsistency.

Bill No. 8055

Introduced in Council:

May 5, 2025

Introduced by:

Chad Robinson

Adopted by Council:

Referred to:

Ordinance & Rules

1 **Bill No. 8055** - A BILL to amend and reenact Sections 6-151, 6-152, 6-153, 6-154, 6-
2 156, 6-157, 6-158, 6-167, 6-172, 6-177, and 6-187 or the Municipal Code of the City of
3 Charleston, as amended, relating to updating regulations regarding Private Outdoor
4 Designated Areas; incorporating state code changes authorizing qualified non-profit
5 permit holders; adjusting permit and license requirements; authorizing the City Manager
6 to adjust operation hours for Private Outdoor Designated Areas, and authorizing
7 expanded hours of operation on state and federal holidays for Private Outdoor
8 Designated Areas.

9
10 **Now, therefore, be it ordained by the Council of the City of Charleston:**

11
12 That Sections 6-151, 6-152, 6-153, 6-154, 6-156, 6-157, 6-158, 6-167, 6-172, 6-177,
13 and 6-187 or the Municipal Code of the City of Charleston, as amended, are hereby
14 amended and reenacted, all to read as follows:

15
16 **CHAPTER 6. – ALCOHOLIC BEVERAGES.**
17 **ARTICLE IV. – PRIVATE OUTDOOR DESIGNATED AREAS.**
18 **DIVISION 1. – GENERALLY.**

19
20 **Sec. 6-151. – Authorization for Private Outdoor Designated Areas.**

21
22 Pursuant to West Virginia Code §8-12-26, the City of Charleston hereby adopts
23 this ordinance establishing private outdoor designated areas, as described in West
24 Virginia Code § 60-7-8g and § 60-7-8h.

25
26 **Sec. 6-152. – Private Outdoor Designated Area.**

27
28 A Private Outdoor Designated Area includes the public property that has become
29 a legally demarcated area established by a municipal ordinance as set forth in West
30 Virginia Code §8-12-26 for the consumption of liquor, wine, nonintoxicating beer, and
31 nonintoxicating craft beer. Notwithstanding the provisions of Section 78-211 of this
32 Code, a person may possess and consume an approved open container of liquor, wine,
33 nonintoxicating beer, or nonintoxicating craft beer sold from an approved ~~Class S4~~
34 special permit holder, as further detailed in this Article, outdoors within a Private
35 Outdoor Designated Area. A business operating within a Private Outdoor Designated

36 Area may choose whether or not to permit people to enter its business with an approved
37 open container of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer sold
38 from an approved ~~Class S4~~ special permit holder. A Private Outdoor Designated Area
39 may be authorized to simultaneously host multiple qualified licenses and permit holders
40 as defined in West Virginia Code, at the discretion and with the approval of the City
41 Manager.

42
43 **Sec. 6-153. – Participation in a Private Outdoor Designated Area.**

44
45 (a) Any ~~Class A, Class B, or Class S2~~ license qualified permit holder under West
46 Virginia Code § 60-7-8g that operates in a Private Outdoor Designated Area may apply
47 to the City Manager for the approval to participate in the sale of alcoholic beverages
48 within a Private Outdoor Designated Area. The City Manager shall review the
49 application to ensure it is complete and meets the following requirements:

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

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

56 (3) The applicant ~~has a valid Class A, Class B, or Class S2 license~~ is a
57 qualified permit holder meeting the requirements under West Virginia Code § 60-7-8g.

58
59 (b) Any qualified non-profit permit holder under West Virginia Code § 60-7-8h
60 that elects to operate its events solely within a Private Outdoor Designated Area may
61 apply to the City Manager for the approval to participate in the sale of alcoholic
62 beverages within a Private Outdoor Designated Area. The City Manager shall review
63 the application to ensure it is complete and meets the requirements of West Virginia
64 Code § 60-7-8h.

65
66 (b) (c) Once approved by the City Manager, as indicated by a letter of approval to
67 the applicant, the license holder may apply to the West Virginia Alcohol Beverage
68 Control Administration (“WVABCA”) for a Class S4 or Class S4N special permit, as
69 detailed in West Virginia Code § 60-7-8g and § 60-7-8h, to participate in a Private
70 Outdoor Designated Area, as further detailed in this Article, in the West Virginia Code,
71 and in any applicable rules of the WVABCA. Upon approval by the WVABCA, the Class
72 S4 or Class S4N special permit holder shall notify the City Manager’s office. Any
73 business qualified permit holder that receives the approval of the City Manager and a
74 ~~Class S4 special permit~~ from the WVABCA may participate in a Private Outdoor
75 Designated Area.

76
77 (e) (d) Participation in a Private Outdoor Designated Area does not provide a
78 business with any authority to operate outdoor dining on the public right of way. Any
79 business interested in participating in outdoor dining shall follow the requirements of
80 Chapter 102, Article VII of this Code. A business with an approved outdoor dining area
81 that is within a Private Outdoor Designated Area may operate its outdoor dining area

82 simultaneously with its participation in a Private Outdoor Designated Area.

83
84 **Sec. 6-154. – Containers.**

85
86 All beverages served from ~~valid Class S4 special~~ approve qualified permit
87 holders for consumption in a Private Outdoor Designated Area shall be served in a non-
88 glass container not greater than 16 fluid ounces, which has been approved by the City
89 Manager and the WVABCA.

90
91 **Sec. 6-156. – Public Health, Safety, and Sanitation.**

92
93 (a) All Private Outdoor Designated Areas shall be operated in a manner
94 consistent with all state and municipal laws. The Charleston Police Department shall be
95 responsible for ensuring compliance and may issue citations within the Private Outdoor
96 Designated Areas as necessary. The Charleston Police Department shall provide a
97 copy of any citation issued within a Private Outdoor Designated Area to the WVABCA.

98
99 (b) In addition to any public restrooms in a Private Outdoor Designated Area,
100 participating Class S4 and S4N special permit holders shall make available adequate
101 restroom facilities, whether permanent or portable, to serve their members and guests
102 during all hours of operation of the Private Outdoor Designated Area.

103
104 (c) All businesses operating within a Private Outdoor Designated Area shall
105 comply with all requirements of the Kanawha-Charleston Health Department.

106
107 (d) All participating businesses within a Private Outdoor Designated Area shall
108 make waste receptacles available during the operating hours of the Private Outdoor
109 Designated Area in a number sufficient to contain the waste generated within the area
110 and which are emptied regularly by each participating business as needed to ensure
111 availability. These waste receptacles are in addition to the City of Charleston public
112 waste receptacles in the area.

113
114 **Sec. 6-157. – Revocation of City Manager Approval; and General Policy Authority.**

115
116 (a) The City Manager may revoke the letter of approval of any Class S4 or S4N
117 special permit holder for violation of any law, rule or regulation, or when doing so is in
118 the interest of public safety, by sending a revocation letter to both the permit holder and
119 the WVABCA.

120
121 (b) The City Manager is authorized to create policies and procedures as
122 necessary for the efficient operation of the Private Outdoor Designated Areas, including
123 but not limited to, signage language approval, container approval, identification of
124 participating businesses and non-participating businesses, review of security plans
125 proposed to the WVABCA, the interaction and interplay between a fair or festival and
126 the Private Outdoor Designated Areas, ~~and~~ the duties and responsibilities of all
127 participating businesses with respect to clean up and other sanitation matters, and

128 temporary reduction, expansion, or modification of the hours of a Private Outdoor
129 Designated Area to accommodate special circumstances or events.

130
131 **Sec. 6-158. – Suspension of Private Outdoor Designated Area.**

132
133 The City Manager has the authority to suspend the operation of a Private
134 Outdoor Designated Area immediately for any reason, including when in the interest of
135 public safety, by providing notice to all Class S4 and Class S4N special permit holders
136 within the Private Outdoor Designated Area, City Council, any business association
137 participating in the marketing or advertising of the Private Outdoor Designated Area,
138 and the WVABCA.

139
140 **DIVISION 2. – CITY CENTER PODA**

141
142 **Sec. 6-167. – Days and Hours of Operation**

143
144 The City Center PODA may operate year round on any Monday through Friday
145 from 4:00 p.m. until 10:00 p.m., and on Saturday, Sunday, and state and federal
146 holidays from 10:00 a.m. until 10:00 p.m., and Sunday from 10:00 a.m. until 10:00 p.m.
147 Drinks may not be sold in PODA cups ~~or consumed within the City Center PODA~~
148 outside of the hours of operation.

149
150 **DIVISION 3. – BRIDGE ROAD PODA**

151
152 **Sec. 6-172. – Days and Hours of Operation**

153
154 The Bridge Road PODA may operate year round on any Monday through Friday
155 from 4:00 p.m. until 10:00 p.m., and on Saturday, Sunday, and state and federal
156 holidays from 10:00 a.m. until 10:00 p.m., and Sunday from 10:00 a.m. until 10:00 p.m.
157 Drinks may not be sold in PODA cups ~~or consumed within the Bridge Road PODA~~
158 outside of the hours of operation.

159
160 **DIVISION 4. – ELK CITY PODA**

161
162 **Sec. 6-177. – Days and Hours of Operation**

163
164 The Elk City PODA may operate year round on any Monday through Friday from
165 4:00 p.m. until 10:00 p.m., and on Saturday, Sunday, and state and federal holidays
166 from 10:00 a.m. until 10:00 p.m., and Sunday from 10:00 a.m. until 10:00 p.m. Drinks
167 may not be sold in PODA cups ~~or consumed within the Elk City PODA~~ outside of the
168 hours of operation.

169
170 **DIVISION 6. – EAST END PODA**

171
172 **Sec. 6-187. – Days and Hours of Operation**

173

174 The East End PODA may operate year round on any Monday through Friday
175 from 4:00 p.m. until 10:00 p.m., and on Saturday, Sunday, and state and federal
176 holidays from 10:00 a.m. until 10:00 p.m., ~~and Sunday from 10:00 a.m. until 10:00 p.m.~~
177 Drinks may not be sold in PODA cups or ~~consumed within the East End PODA~~ outside
178 of the hours of operation.
179