Bill No. 7991

Introduced in Council: April 17, 2023

Introduced by: Emmett Pepper, Frank Annie, Becky Ceperley, Mary Beth Hoover, Larry Moore, and Joe Solomon

Adopted by Council: ____________________________

Referred to: Parks and Recreation and Ordinance and Rules

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

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

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

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

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

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

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

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

WHEREAS, the 50th Anniversary of the U.S. Endangered Species Act, the nation’s most prominent and historic biodiversity legislation, occurs later this year, on December 28,
WHEREAS, increasingly, scientists believe that people’s mental and physical health benefit from access to natural ecosystems – for example, a 2019 study in the journal *Nature* found that 120 minutes each week in nature was associated with good health and wellbeing; and

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

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

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

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

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

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

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

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

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

CHAPTER 2 - ADMINISTRATION
ARTICLE VII. - BOARDS, COMMITTEES AND COMMISSIONS
DIVISION 2. - BEAUTIFICATION COMMISSION
Sec. 2-533. Duties.
    (a) It shall be the duty of the beautification commission to advise and
recommend to the mayor or the city council such programs or projects as would, in the
opinion of the commission, improve the beauty and general welfare of the city, and
conform with the development and conservation goals contained in the city's
comprehensive plan.
(b) The mayor or the council may request the advice or cooperation of the
commission for any project or program connected with the beautification, cleanliness or
general welfare of the city.
(c) The commission shall submit an annual report to the mayor, generally
outlining its program and progress during the previous year.
(d) It shall be the duty of the commission to recommend maintenance and
rules of Davis Park, Shanklin Park, Elk River Park and Ruffner.
(e) The commission shall approve recommendations for expenditures from
the municipal beautification project fund.
(f) The commission shall, upon recommendation of the department head,
approve the citywide consulting horticulturalist and make this recommendation to the
finance committee and the city council.
(g) The commission shall serve as the tree board for the city.

CHAPTER 50 - ENVIRONMENT
ARTICLE V. - TREES
Sec. 50-172. Purpose.
It is the purpose of this article to promote and protect the public health and general
welfare in furtherance of the development and conservation goals contained in the city's
comprehensive plan, by providing for the regulations of the planting, maintenance,
preservation and removal of trees within the city.

CHAPTER 65 - LAND REUSE AGENCY
ARTICLE II. - POWERS AND DUTIES.
Sec. 65-12. - Redevelopment division.
The CLRA redevelopment division shall focus on properties in residential and
commercial areas of the city that the CLRA owns or could own with the goal of
rehabilitating the neighborhood and general area, in support of policies adopted by the
City of Charleston, including development and conservation goals contained in the
comprehensive plan. The redevelopment division may recommend to the board that the
CLRA acquire property, convey or lease property owned by the CLRA, create land
lease agreements for property owned by the CLRA, work with developers to create new
redevelopment on CLRA owned property, or make any other recommendation regarding
the acquisition, disposal, or development of property. The CLRA redevelopment division
shall work with the Charleston Urban Renewal Authority (CURA) to assist in the
planning and development of relevant property owned by CURA.

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

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

CHAPTER 82 - PARKS AND RECREATION
ARTICLE II. - PARKS AND RECREATION DEPARTMENT
Sec. 82-44. Construction and acquisition of recreational property.
The city council may establish, construct, acquire and set aside for recreational parks, playgrounds and other recreational facilities any real or personal property acquired by the city, in furtherance of existing public policies, including the city’s comprehensive plan and the State of West Virginia’s Statewide Comprehensive Outdoor Recreation Plan (SCORP). Such property shall be under the control of the director when turned over to the director by the council.