



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, April 15, 2019

at 7:00 P.M.

Council Chamber – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER

The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of April on the 15th day, in the year 2019, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Adams and the Pledge of Allegiance was led by Councilmember Jones. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

ADAMS**COOK****HOOVER****KING****MCKINNEY****BAILEY****CAMPBELL****FAEGRE****JENKINS****MINARDI****PHARR****SHEETS****WESLEY-PEAR****BAYS****CEPERLEY****HAAS****JONES****LAIRD****OVERSTREET****REISHMAN****SNODGRASS****MAYOR GOODWIN**

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

Pending the reading of the Journal of the previous meeting, the reading thereof was dispensed with and the same duly approved.

PUBLIC SPEAKERS

NONE

CLAIMS

1. A claim of Myers Transfer and Storage, 1420 Bigley Ave, Charleston, WV; alleges damage to property.
Refer to City Solicitor.

PROCLAMATIONS

None

COMMUNICATIONS

None

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

Councilmember Faegre, 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. 7812 do pass.

Bill No. 7812 - A BILL to amend Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.).

Now, therefore, be it Ordained by the Council of the City of Charleston, West Virginia:

That effective ~~August 1, 2016~~April 30, 2019, Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston is hereby amended for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.), to read as follows:

Sec. 14-33. Adoption of state building code; exercise of authority beyond corporate limits.

(a) There is adopted the state building code as authorized by W. Va. Code § 8-12-13 and promulgated pursuant to W. Va. Code § 29-3-5b, and by the State of West Virginia in Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.), state building code, which are collectively adopted by reference as if fully restated herein, and the provisions of such code sections and regulations shall be controlling within the city.

(b) The following amendments are made and incorporated into the codes adopted by 14-33 (a) herein:

Whenever referenced in the several ICC codes adopted herein, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2015 edition.
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The ANSI/ASHRAE/IESNA Standard 90.1-200 <u>7</u> <u>10</u> edition for commercial buildings.
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International Building Code 2015:	
Section 101.1	Insert "the City of Charleston"
Section 1612.3	Insert "the City of Charleston" dated "April 3, 1985"
Section 3412.2	Insert " August 1, 2016 <u>April 30, 2019</u> "
Delete Section 101.4.5 Fire Prevention, in its entirety.	
Delete Section 113.3 Qualifications, in its entirety and replace with the following: 113.3 Qualifications. The Board of Appeals shall consist of five members, with up to three alternates, who are qualified by experience or training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years' experience, five of which shall be in responsible charge or work. No less than one of the members of such Board of Appeals shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor. Section 4.1.k.l. Omit references to International Fire Code and substitute NFPA Life Safety Code 2009 Edition.	
International Residential Code for One and Two Family Dwellings 2015:	
	Chapter 11 entitled "Energy Efficiency", is exempt from Title 87, Legislative Rule Series.
Section R101.1	Insert "the City of Charleston"
Section	Delete and replace with:

G2415.12 (404.10)	Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.
Table R301.2(1)	Insert into blank spaces as follows: Ground Snow Load - "20 psf" Wind Speed - " 90 115 mph" Seismic Design Category - "C" Weathering - "Severe" Frost Line Depth - "24 inch" Termite - "Moderate to Heavy" Decay - "Slight to Moderate" Winter Design Temperature - "11 degrees" Ice Shield Underlayment - No Flood Hazards - "see FIRM 1985 Floodplain Ordinance" Air Freezing Index - 500 Mean Annual Temp - 54.5 Topographic effects - "No"
Section P2603.6.1	Insert "30 inches" and "12 inches"
Delete Section 303.5.1 Light Activation, in its entirety.	
Delete sections R 311.3.1 Landings at doors in its entirety.	
International Plumbing Code 2015:	
Section 101.1	Insert "the City of Charleston"
Section 106.6.2	Insert "See the Building Department Administrative Manual, Appendix A"
Section	In No.2 Insert "100%"

106.6.3	In No. 3 Insert "100%"
Section 108.4	Insert "misdemeanor", "\$500", "30 days"
Section 108.5	Amend last sentence in paragraph to read as follows: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$500.00"
Section 305.6.1	Insert "30 inches" and "12 inches"
Section 904.1	Insert "12 inches"
International Mechanical Code 2015:	
Section 101.1	Insert "the City of Charleston"
Section 106.5.2	Insert "See the Building Department Administrative Manual, Appendix A"
Section 106.5.3	In No. 2 Insert "100%" In No. 3 Insert "100%"
Section 108.4	Insert "misdemeanor", "\$500", "30 days"
Section 108.5	Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to

	\$500.00"
International Existing Building Code 2015:	
Section 101.1	Insert "the City of Charleston"
Section 1301.2	Insert " August 1, 2016 <u>April 30, 2019</u> "
International Energy Conservation Code 2009:	
Section 101.1	Insert "the City of Charleston"
International Fuel Gas Code 2015:	
Section 101.1	Insert "the City of Charleston"
Section 106.6.2	Insert "See the Building Department Administrative Manual, Appendix A"
Section 106.6.3	In No. 2 Insert "100%" In No. 3 Insert "100%"
Section 108.4	Insert "misdemeanor", "\$500", "30 days"
Section 108.5	Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to

	\$500.00"
Section 404.10	Section 404.10 is deleted in its entirety and replaced with the following: "Underground piping systems shall be installed a minimum depth of 12 inches (305mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner."
International Property Maintenance Code 2015:	
Section 101.1	Insert "the City of Charleston"
Section 103.5	Insert "See the Building Department Administrative Manual, Appendix A"
Section 110.3	Modified as follows: Unless authorized by W. Va. Code §8-12-16, or absent the express consent of the owner, if the owner of a premises fails to comply with a demolition order within the time prescribed, the legal counsel of the jurisdiction shall institute appropriate action in the Circuit Court of the County in which the property is located against the owner of the premises where the structure is or was located seeking an Order causing the structure to be demolished and removed. Thereafter, the local jurisdiction, through an available public agency or by contract or arrangement with private persons, shall demolish and remove the structure and the costs thereof, as well as all fees and costs incurred in the legal action, shall be a lien upon such real estate.
Section 112.4	Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$500.00"
Section 302.4	Insert "10 inches"

Section 303.14	Insert "January 1 st to December 31 st "
Section 602.3	Insert "January 1 st to December 31 st "
Section 602.4	Insert "September 1 st to June 1 st "
2014 National Electrical Code, NFPA 70:	
2009 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings and Facilities:	
Title 87 Legislative Rule, State Fire Commission, Series 4 § 87-4-5 Fire Protection of Floors in Residential Buildings 5.1 New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement, and New One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A ½ inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16mm) wood structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings: <i>Provided</i>, That Floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.	

- (c) Nothing in this section hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any provision hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

Councilmember Faegre added that the bill updates the 2007 Commercial energy codes to the 2010 Standard and the wind design factor was updated from 90 mph to 115 mph to meet the recently adopted state changes in the building code as required by the State of West Virginia.

Councilmember Faegre moved to approve the Resolution. Councilmember Ceperley seconded the motion. A roll call was taken:

YEAS: Adams, Bailey, Bays, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Laird, McKinney, Minardi, Overstreet, Pharr, Reishman, Sheets, Snodgrass, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Burton, Knauff, Persinger, Robinson, Steele

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7812 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. 183-19 do pass.

Resolution No. 183-19 - Authorizing the Mayor or City Manager to sign Change Order No. 1 with Carl Walker Construction, Inc., in the amount of \$45,536.00, to perform the waterproofing and concrete repairs to the West deck near the connection bridge on the Charleston Coliseum & Convention Center. The area is approximately 3,500 SF with 1,065 LF of joint replacement. The additional costs will increase the contract price from \$686,707.90 to \$732,243.90.

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

That the Mayor or City Manager is hereby authorized and directed to sign Change Order No. 1 with Carl Walker Construction, Inc., in the amount of \$45,536.00, to perform the waterproofing and concrete repairs to the West deck near the connection bridge on the Charleston Coliseum & Convention Center. The area is approximately 3,500 SF with 1,065 LF of joint replacement. The additional costs will increase the contract price from \$686,707.90 to \$732,243.90.

Councilmember Jenkins added the resolution is a change order to a parking garage contract with Carl Walker Construction. They are doing similar repairs to several other City garages that will be done to the West deck (near the pedestrian bridge that goes over Lee Street. This was not included in the recent renovations to the Coliseum and Convention Center.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 183-19 adopted.

CITY OF CHARLESTON
Parking Garage Repairs
2018

CHANGE ORDER NO. 1

Date of Approval: April 15, 2019

Contractor: Carl Walker Construction, Inc.
935 Vista Drive
Pittsburgh, PA 15205-1218

The Contract is changed as follows:

Carl Walker has proposed to perform the waterproofing and concrete repairs to the West deck near the connection bridge on the Charleston Coliseum & Convention Center. The area is approximately 3,500 SF with 1,065 LF of joint replacement.

Description:

- Concrete Repairs – partial depth demolition, prep steel, pour high strength concrete.
- Caulking – removal and replaced of all caulking joints throughout.
- Coating – scrape and remove loose coating throughout, pressure wash, install new coating system.
- Plank Repair – demolition, shoring, steel reinforcing, pour concrete, attach supplemental
galvanized angle steel to existing beam.

Totaling	\$45,536.00
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Original Contract Price:	\$686,707.90
Total of this Change Order	\$ 45,536.00
Total of previously approved Change Orders	\$ 0.00
Contract Price with all Approved Change Orders:	\$732,243.90

Approved by:

Accepted by:

City of Charleston

Carl Walker Construction, Inc.

Date

Date

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 184-19 do pass.

Resolution No. 184-19 - Authorizing the City Collector to refund \$5,022.44 to

* for the over payment of B&O Taxes for the period of January 1, 2013 – December 31, 2015. After a review of the Taxpayer's records, by the Auditing Division of the City Collector's Office, the auditors found that the Taxpayer reported revenue generated outside the City to the City of Charleston. The error resulted in an over payment of taxes.

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

That the City Collector is authorized to refund \$5,022.44 to

for the over payment of B&O Taxes for the period of January 1, 2013 – December 31, 2015. After a review of the Taxpayer's records, by the Auditing Division of the City Collector's Office, the auditors found that the Taxpayer reported revenue generated outside the City to the City of Charleston. The error resulted in an over payment of taxes.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 184-19 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. 185-19 do pass.

Resolution No. 185-19 - Authorizing the City Collector to refund \$15,917.32 to

* for the over payment of B&O Taxes for the 1st quarter 2018. After a review of the Taxpayer's records, by the Auditing Division of the City Collector's Office, the auditors found that the Taxpayer reported revenue generated outside the City to the City of Charleston. The error resulted in an over payment of taxes.

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

That the City Collector is authorized to refund \$15,917.32 to

for the over payment of B&O Taxes for the 1st quarter 2018. After a review of the Taxpayer's records, by the Auditing Division of the City Collector's Office, the auditors found that the Taxpayer reported revenue generated outside the City to the City of Charleston. The error resulted in an over payment of taxes.

Councilmember Jenkins added that the company paid the same amount twice.

Councilmember Jenkins moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 185-19 adopted.

REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending March 2019.
Received and Filed.
2. Report of the City of Charleston Payroll Variance Analysis; March 2019.
Received and Filed.
3. City Treasurer's Report to City Council Month Ending March, 2019.
Received and Filed.

NEW BILLS

Introduced by Councilmember Mary Beth Hoover on April 15, 2019:

Bill No. 7814 – A Bill closing, abandoning and discontinuing as a public street a portion of the Jefferson Street located at the end of Jefferson Street at the State Capitol Complex, and transferring ownership to the State of West Virginia Department of Administration.

Refer to Planning, Streets and Traffic Committee

Introduced by Councilmember Joseph Jenkins on April 15, 2019:

Bill No. 7815 – A BILL to amend and reenact Chapter 114, Article VII, Sections 114-565, 114-575, 114-576, 114-578, 114-602, 114-622, and 114-628 of the Code of the City of Charleston, as amended, relating to providing a specific exemption for parking building no. 2; updating terminology and certain requirements regarding parking and traffic; and clarifying the authority of the director of parking and director of traffic.

Refer to Parking Facilities Committee

Introduced by Councilmember Samuel Minardi on April 15, 2019:

Bill No. 7816 – A BILL to amend the Code of the City of Charleston, by adding thereto new sections within Chapter 102, Article V, and to amend and reenact sections of said code, all relating to implementing the West Virginia Small Wireless Facilities Deployment Act; detailing the purpose, application requirements, associated fees, zoning applicability, design requirements, and application process; authorizing the Planning Director and Building Commissioner to implement certain guidelines and rules; providing processing deadlines and right-of-way requirements; and updating related sections of code to conform.

Refer to Ordinance and Rules Committee

MISCELLANEOUS/UNFINISHED BUSINESS

1. Councilmember Faegre thanked the Chief of Staff, Tony Harmon, Charleston Fire Department and the Fire Inspector for resolving a fire hazard in her Ward over the weekend.
2. Councilmember McKinney stated that a few Sundays ago, while she and her group were waiting for the bus at the Transit Authority after church, she witnesses smoking and illegal drug use. Because of the rain, they were not able to walk to a different location. They waited almost two hours for a bus to the West Side. She expressed that there was a lot of hurting people in her community and she wasn't sure what resources were available for her to further aid them. She asked for support from Councilmembers. The Mayor said that she would like to have a further discussion with the Councilmember after the meeting with Chief Sutton and Chief Smith. She is meeting with the KRT in a few days and will also address the issue with them.
3. May Goodwin announced that the Children's Home Society was having a fund raiser at local Go-Marts. The next Team Up To Clean Up is on the Westside/North Charleston on April 20th. So far, they have collected over ten tons of trash.

ADJOURNMENT

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

YEAS: Adams, Bailey, Bays, Campbell, Ceperley, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, Laird, McKinney, Minardi, Overstreet, Pharr, Reishman, Sheets, Snodgrass, Wesley-Plear, Mayor Goodwin

NAYS: NONE

ABSENT: Burton, Knauff, Persinger, Robinson, Steele

At 7:20 p.m., by a motion from Councilmember Ceperley, Council adjourned until Tuesday, April 16, 2019, at 7:00 p.m., in the Council Chamber in City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary, City Clerk

*At the request of the City Manager and City Attorney, taxpayer identity information will be stricken from all records of Council and will not be made available to the public. The Clerk's Office will redact any pertinent information before making it available to the public.