CHARLESTON CITY COUNCIL

Regular Meeting

May 4, 2020
at 7:00 PM

UNTIL FURTER NOTICE, COUNCIL MEETINGS WILL BE MADE AVAILABLE TO THE PUBLIC VIA ZOOM AND CIVICCLERK

City Hall, 501 Virginia St. E.
Charleston, WV

AGENDA

***Join via internet: https://us02web.zoom.us/j/97522608571?pwd=NTNlTXpFcERRdUZwNWlnUlJsOWd1Zz09**
Password: 642923
***Join via Telephone: (312) 626-6799 or (929) 436-2866**
Webinar ID: 975 2260 8571
***Join via CivicClerk: https://charlestonwv.civicclerk.com**

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. INTERESTED PUBLIC SPEAKERS MUST REGISTER WITH THE CLERK'S OFFICE VIA PHONE ON May 4, 2020 FROM 3:00-6:00 P.M. FIVE (5) SPEAKERS WILL BE PERMITTED (RULE NO. 22 (B)). 304-348-8179.
2. Claims 5-4-2020

PROCLAMATIONS

1. 5-4-2020

COMMUNICATIONS

1. 5-4-2020

REPORTS OF STANDING COMMITTEES

FINANCE

1. Resolution No. 327-20 – Authorizing the City of Charleston to amend its Citizen Participation Plan for the City's CDBG and HOME Programs.
2. Resolution No. 328-20 - Authorizing the Mayor or City Manager to submit an application to the US Department of Justice, Office of Justice Programs under the Coronavirus Emergency Supplemental Funding Program and administer the awarded funds.
3. Resolution No. 329-20 - Budget Amendment No. 9.
4. Resolution No. 330-20 - Conveyance of Property Situated at 739 Central Avenue.
5. Resolution No. 331-20 - Authorizing the Mayor or City Manager to submit an application to the FEMA Assistance to Firefighter Grant Program – COVID-19 Supplemental.

REPORTS OF OFFICERS

1. 5-4-2020

NEW BILLS

1. 5-4-2020

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE HELD MAY 18, 2020 AT 7:00 P.M.

*THE AGENDA WAS AMENDED 4-29-2020

RECEIVED
APR 20 2020
OFFICE OF CITY CLERK

AFFIDAVIT
City of Charleston

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority, KATHRYN S PARCELL, **Claimant,** who, after being first by me duly sworn, deposes and says:

That this affiant resides at: _109 CIRCLE DR., CROSS LANES, WV 25313,

Telephone Number: __304-543-9068

and that on the __2ND day of __APRIL, 2020, at approximately 11:30 AM in the City of Charleston, West Virginia, he/she sustained

VEHICLE DAMAGE – BROKEN TIE ROD LEFT FRONT

Nature Of Injury And/Or Damage

As A Result Of: __HITTING A DEEP POT HOLE IN FRONT OF ST FRANCIS HOSPITAL ON COURT STREET BETWEEN WASHINGTON AND DONNALLY, ON THE RIGHT HAND SIDE HEADING TOWARDS DONNALLY STREET, GOING DOWN COURT STREET.

As a result of which accident, the **Claimant,** __KATHRYN S PARCELL, does hereby make claim against the City of Charleston, West Virginia, for damages incurred.

Kathryn S Parcell
Signature of Claimant

Taken, subscribed and sworn to before me this 15th day of April, 2020.
My commission expires 11-26-22.

Carolyn S Murray
Notary Public

OFFICIAL SEAL
Notary Public, State Of West Virginia
CAROLYN S MURRAY
600 Winfield Rd
St Albans, WV 25177
My Commission Expires November 26, 2022

AFFIDAVIT
City of Charleston

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, to-wit:

The Mayor, Recorder, and/or Municipal Attorney of the City of Charleston, West Virginia, will take notice that this day appeared before the undersigned authority,

Mike Wynn, **Claimant**,

who, after being first by me duly sworn, deposes and says:

That this affiant resides at: 506 Leora Sullivan Way, Charleston

Telephone Number: 304-387-3845

and that on the 26 day of March, 2019/2020, at approximately 12:53 (am)/pm in the City of Charleston, West Virginia, he/she sustained

Broken building window

Nature Of Injury And/Or Damage

As A Result Of:

Street sweeper throwing broken ceramic container through window glass.

As a result of which accident, the **Claimant**, Mike Wynn, does hereby make claim against the City of Charleston, West Virginia, for damages incurred and to be incurred by him/her in the future.

Mike Wynn

Signature of Claimant

Taken, subscribed and sworn to before me this ~~31~~ 17 day of March, 2020.

My commission expires 2/6/2023.

Notary Public

NOTARY PUBLIC OFFICIAL SEAL
RANDALL KINDER
State of West Virginia
My Commission Expires
February 6, 2023
852 Oakwood, Charleston WV 25314

RECEIVED
APR 20 2020
OFFICE OF CITY CLERK

Resolution No. 327-20

Introduced in Council: May 4, 2020

Adopted by Council:

Introduced by: Joseph Jenkins

Referred to: Finance Committee

Resolution No. 327-20 - Authorizing the City of Charleston to amend its Citizen Participation Plan for the City's CDBG and HOME Programs. Copy of the proposed amendment of the Citizen Participation Plan is available for review at: https://www.charlestonwv.gov/. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through the MOECD Citizen Participation Plan.

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

Authorizing the City of Charleston to adopt the amended Citizen Participation Plan for the City's CDBG and HOME Programs. Copy of the proposed amendment of the Citizen Participation Plan is available for review at: https://www.charlestonwv.gov/. This is contingent upon no adverse citizen comments being received during the 30-day comment period required through the MOECD Citizen Participation Plan." The amendment to the Citizen Participation Plan is the following:

Declaration of an Emergency

When a Declaration of an Emergency has been ordered by the President of the United States, or the Governor of West Virginia, the City of Charleston will follow the following process concerning public hearings and public display of plans.

If the City is unable to hold open public hearings in person, the City will be allowed to instead hold virtual public hearings through conference calls or an online video conference call platforms as long as the public is able to provide public comments during the virtual public hearing.

If the City is not able to publicly place the plans on public display at the locations referenced in the Citizen Participation Plan, the City will put the plans on the City's website (https://www.charlestonwv.gov) and will also email copies of the plans to any person who will request a copy of the plans via email upon request.

If the City Council is unable to conduct an open public forum type meeting, the City then can approve the plans at a City Council meeting through an on-line

virtual City Council meeting, if an in-person Council meetings are not happening because of the Emergency.

All other sections of the Citizen Participation Plan will not be amended at this time and shall remain in full force and effect.

Citizen Participation Plan
Charleston, West Virginia

Introduction –

The city of Charleston is required by law to develop and follow detailed, written policies and procedures – a citizen participation plan – to involve the public, particularly low- and moderate-income people, in developing and implementing its Consolidated Plan and its integral components – annual action plans, annual performance reports and amendments. Additionally, this plan must be published and available to the public.

The Consolidated Plan (Con Plan) is a five-year plan, describing the city's development needs, resources, priorities and proposed activities to be undertaken under certain U.S. Department of Housing and Urban Development (HUD) programs, including Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) and any additional federal grants and/or sources of federal funding.

The city of Charleston and the Charleston/Kanawha County Consortium believe involving the public is a vital part of the Con Plan process. As such, they will provide the public opportunities to participate and will consult with other public and private agencies providing assisted housing, health services, social services, child welfare agencies (regarding lead-based paint), adjacent local governments (for non-housing community development needs) and local housing authorities in planning and implementing the Con Plan.

This plan provides information on:

- Encouraging public participation, with special emphasis on involving low- and moderate-income people, particularly those living in slum and blighted areas and where CDBG funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods;
- Providing the public with reasonable and timely access to local meetings, information and records relating to the City/Consortium's use of funds;
- Providing technical assistance to groups representative of low- and moderate-income people that request help in developing proposals;
- Timely responses to complaints and grievances.

Encouraging Public Participation –

The law (24 CFR 91.105) requires the citizen participation plan to provide for and encourage public involvement, emphasizing participation by low- and moderate-income people – especially those living in low- and moderate-income neighborhoods. This participation is to occur as the Con Plan is being developed, if and when any substantial amendments to the document are proposed and when performance is reported. Additionally, the city will encourage minorities, non-English speaking people and people with disabilities to participate by contacting groups and agencies that

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represent or serve these populations. Current program documents are in English only, however, if other languages are needed, please contact the Mayor's Office of Economic and Community Development.

The city will provide information to the Charleston Housing Authority to ensure that residents of their public housing developments are informed about the entire Con Plan process and their opportunities to participate. The city will request the Housing Authority make this information available to their residents and inviting their participation.

Local Meetings-

Charleston will host, at a minimum, two public meetings each year. The first meeting will explain the city's Con Plan process, announce the funding and availability of technical assistance, solicit the public's opinions on housing and community development needs and report on program performance. A second public meeting will be held later in the program year and when the draft plan is completed to solicit comments on the strategies and proposed use of funds.

These meetings will be held at a time and place convenient to the majority of the target population – low- and moderate-income people, residents of predominantly low- and moderate-income neighborhoods and other likely to benefit from the program. Additionally, the meeting location will be within or in close proximity to a CDBG-eligible area, convenient to public transportation and accessible to people with disabilities.

Public Meeting Notices –

Notice of all public meetings will be published as display ads in local, general circulation newspapers and posted on the city's website, www.charlestonwv.gov at least 14 days prior to the meeting.

Meeting information will be emailed or sent electronically to known stakeholders, including public and private agencies providing housing assistance, health services, social services, child welfare services, economic development services, job training and employment assistances services, neighborhood organizations, the Charleston-Kanawha Housing Authority and other interested parties.

All notices will be posted to the city's website and social media. Each notice will specify the date, time, place and purpose of the meeting, as well as contact data for additional information.

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Information –

Charleston will provide program and policy information to known stakeholders including the general public, public and private agencies providing housing assistance, health services, social services, child welfare services, economic development services, job training and employment assistance services, the Charleston-Kanawha Housing Authority and other interested parties. This information will include:

- The funding (grant funds and program income) the city expects to receive through the Community Development Block Grant, Home Investment Partnership, and any additional Federal Funding Initiatives or programs and the estimated amount that will benefit low- and moderate-income people;
- The range of activities that may be undertaken, as well as, activities previously funded;
- The city's process of developing the Con Plan and its components including applications that may be submitted by potential subrecipients;
- The public's role in the program; and
- Other materials as needed to inform and educate the public about the programs.

This information will be provided by email, at public meetings and on the city's website www.charlestonwv.gov.

The proposed and adopted Citizen Participation Plan, Con Plan, Annual Action Plan, as well as, substantial amendments and the performance report will be accessible to the public at no cost on the city's website www.charlestonwv.gov. Additionally, these documents will be available for review at the Mayor's Office of Economic and Community Development and the Kanawha County Public Library's main branch. A reasonable number of free copies will be available upon request from the Mayor's Office of Economic and Community Development.

A summary of the proposed Con Plan will be published in local, general circulation newspapers. The summary will describe the contents and purpose of the Con Plan and will include a list of locations where copies of the entire plan may be reviewed.

These materials will be available upon request in a form accessible to persons with disabilities.

Comments –

Comments noted at a public meeting and written or emailed comments made during the Con Plan process will be accepted by the Mayor's Office of Economic and Community Development until a specified date, typically for at least 30 days. The comment period associated with a specific activity will be published in a display ad in local, general circulation newspapers. All comments will be considered. A summary of all comments including comments not accepted and the rationale for their rejection will be attached to the final Con Plan and/or performance report, as appropriate.

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No activity may be undertaken prior to the expiration of the public comment period. If adverse comments are received, they must be addressed prior to the implementation of the activity or amendment and included in the Con Plan submitted to the U.S. Department of Housing and Urban Development.

Amendments –

Amendments that fall under the definition of "substantial change" shall be subject to a 30-day public comment period. "Substantial change" shall be defined as:

- Any new activity;
- Any cancellation of budgeted activity;
- A 25 percent increase or decrease in an activity; or
- Any change in an activity's national objective designation.

A summary of any substantial amendment will be published in local, general circulation newspapers, followed by a 30-day public comment period which will be defined in the public notice.

All comments will be considered. In the event that adverse comments are received during the 30-day comment period, the amendment must be presented at the next meeting of Charleston City Council's Finance Committee for action. A summary of all comments pertaining to amendments including comments not accepted and the rationale for their rejection will be included in the annual performance report.

No amendment may be undertaken prior to the expiration of the public comment period.

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Technical Assistance –

The Mayor's Office of Economic and Community Development will assist organizations and individuals' representative of low- and moderate-income people interested in submitting a proposal to obtain funding for an activity. Requests for technical assistance must be made in writing, specifying the name of the organization or individual requesting assistance, the name, address, phone number and/or email address of contact person; the nature of technical assistance requested; immediate problems and the reason for the request.

The Mayor's Office of Economic and Community Development will determine the level and type of assistance provided. If necessary, assistance may be provided by specialists jointly selected by the Mayor's Office of Economic and Community Development and the organization/individual requesting assistance.

Complaints and Grievances –

Substantive, written responses to written complaints and/or grievances will be provided within 15 working days of receipt, where practical.

Relocation –

The city's policy is to administer the Community Development Block, Home Investment Partnership, and all other federally designated grants and programs without displacement. In the event displacement is unavoidable, the city and/or other responsible party(s) will comply with the regulations of the Uniform Relocation Act and Section 104(d).

Access to Records –

Program information and records are available upon request at the Mayor's Office of Economic and Community Development during normal business hours. Such documents include the following:

- All mailing and promotional materials;
- Records of public meetings;
- All key documents, including prior applications, letters of approval, grant agreements, the citizen participation plan, performance reports, evaluation reports, other reports required by the U.S. Department of Housing and Urban Development, the proposed and approved application for the current year;
- Copies of the regulations and issuances governing the program; and
- Documents regarding other important program requirements, such as contracting procedures, environmental policies, fair housing and other equal opportunity requirements, and relocation provisions.

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For more information about the Mayor's Office of Economic and Community Development or to submit comments about the programs:

Mail: Mayor's Office of Economic and Community Development
105 McFarland Street
Charleston, West Virginia 25301

Email: MOECD@CityofCharleston.org

Phone: (304) 348-8035

TDD: (304) 348-1085

FAX: (304) 348-0704

Declaration of an Emergency –

When a Declaration of an Emergency has been ordered by the President of the United States, or the Governor of West Virginia, the City of Charleston will follow the following process concerning public hearings and public display of plans.

- If the City is unable to hold open public hearings in person, the City will be allowed to instead hold virtual public hearings through conference calls or an online video conference call platforms as long as the public is able to provide public comments during the virtual public hearing.
- If the City is not able to publicly place the plans on public display at the locations referenced in the Citizen Participation Plan, the City will put the plans on the City's website (https://www.charlestonwv.gov) and will also email copies of the plans to any person who will request a copy of the plans via email upon request.
- If the City Council is unable to conduct an open public forum type meeting, the City then can approve the plans at a City Council meeting through an on-line virtual City Council meeting, if an in-person Council meetings are not happening because of the Emergency.

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Resolution No. 328-20

Introduced in Council	Passed by Council
May 4, 2020	
Introduced by Joseph Jenkins	Referred from Finance Committee

Resolution No. 328-20 - Authorizing the Mayor or City Manager to submit an application to the US Department of Justice, Office of Justice Programs under the Coronavirus Emergency Supplemental Funding Program for $335,274.00 and administer the awarded funds. These funds will be utilized by the Charleston Police Department to provide overtime, equipment and supplies for the response to the spread of the Coronavirus.

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

That the Mayor or City Manager is hereby authorized to submit an application to the US Department of Justice, Office of Justice Programs under the Coronavirus Emergency Supplemental Funding Program for $335,274.00 and administer the awarded funds. These funds will be utilized by the Charleston Police Department to provide overtime, equipment and supplies for the response to the spread of the Coronavirus.

Resolution No. 329-20

Introduced in Council:	Adopted by Council:
May 4, 2020	
Introduced by:	Referred to:
Joseph Jenkins	Finance

Resolution No. 329-20 – Authorizing approval of Amendment No. 9 in the FY 2019-2020 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. 9 in the FY 2019-2020 General Fund Budget as indicated on the attached list of accounts is approved.

General Fund FY 2019-2020 Budget Amendment No. 9 - May 4, 2020

Account No.	Department	Account Description	Amount
001 368 13 0000	Revenue	Contributions from Others - Kanawha Commission	(100,000)
001 699 00 000 5 598	Contingency	Contingency	(100,000)
001 700 00 000 1 103	Police Department	Salaries & Wages	76,500
001 700 00 000 1 104	Police Department	FICA	1,109
001 700 00 001 1 107	Police Department	Uniformed Pension - MPFRS	2,867
001 706 00 000 1 103	Fire Department	Salaries & Wages	89,600
001 706 00 000 1 104	Fire Department	FICA	1,299
001 706 00 001 1 107	Fire Department	Uniformed Pension - MPFRS	2,742
001 800 00 000 1 103	Refuse & Recycling	Salaries & Wages	22,000
001 800 00 000 1 104	Refuse & Recycling	FICA	1,683
001 800 00 000 1 106	Refuse & Recycling	PERS	2,200

To recognize the contribution from the Kanawha County Commission and to reallocate funds to match from the Contingency account in order to provide a hazard pay premium to Police, Fire, and Refuse department employees for 1 month.

Reportable: To Maintain compliance with the budgetary guidelines of the State of West Virginia

Resolution No. 330-20

Introduced in Council:	Adopted by Council:
May 4, 2020	
Introduced by:	Referred to:
Joseph Jenkins	Finance

Resolution No. 330-20 – Authorizing the Mayor or City Manager to take all appropriate action to convey any and all interest the City has in property situated at 739 Central Avenue, Charleston, WV, to the Charleston Land Reuse Agency ("CLRA"), pursuant to the authority granted in West Virginia Code § 1-5-3.

WHEREAS, the City of Charleston owns property situated at 739 Central Avenue, Charleston, WV;

WHEREAS, the City has no current for plans to develop or sell the property to place it into productive use and otherwise has no need for the property;

WHEREAS, the CLRA is a public body authorized by the laws of the State of West Virginia and established by the Charleston Municipal Code to promote the productive use of property by identifying available properties suitable for public space, conservation, housing, and commercial use and pursuing the acquisition, management, inventory, and disposition of those properties according to certain priorities;

WHEREAS, the CLRA has identified the property situated at 739 Central Avenue as worthy and capable of suitable development;

WHEREAS, the CLRA Board has formally requested that the Charleston City Council convey the City's interest in the property to the CLRA so that the property may be placed into productive use for the benefit of the community;

WHEREAS, the CLRA will seek appropriate public input before initiating any development plans for the property and generally has a need for the property to further the purposes of the CLRA and provide benefits to the public;

WHEREAS, West Virginia Code § 1-5-3 permits public bodies to convey real property to other public bodies for less than fair market value, and without public auction;

WHEREAS, the City Council recognizes that there is a lack of need for the property in comparison to the benefit to the City if the property is conveyed to the CLRA; and

WHEREAS, the City Council recognizes that there is a demonstrable need for the property by the CLRA to be able to perform redevelopment services benefiting the public.

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

The Mayor or City Manager is authorized to take all appropriate action to convey any and all interest the City has in property situated at 739 Central Avenue, Charleston, WV, to the Charleston Land Reuse Agency.

CHARLESTON LAND REUSE AGENCY
501 VIRGINIA STREET, EAST
CHARLESTON, WV 25301
304-348-8032

March 17, 2020

Mayor Amy Shuler Goodwin
City Manager Jonathan T. Storage
501 Virginia Street, East
Charleston, WV 25301
Sent via e-mail only

Re: 739 Central Avenue, Charleston, WV

Dear Mayor Goodwin and Mr. Storage,

At the March 10, 2020, meeting of the Charleston Land Reuse Agency ("CLRA"), the CLRA discussed the former Park Place Bar located at 739 Central Avenue in Charleston (the "Property") under New Business. As you know, the Property is owned by the City of Charleston, but has sat vacant and unused since the City obtained ownership of the Property. The CLRA is interested in attempting to get the Property revitalized and back into productive use. Accordingly, the CLRA adopted a motion requesting that the City donate the Property to the CLRA. The CLRA intends to seek public input regarding what the community would like to see at the Property and then seek proposals from the public via an RFP process. In reviewing the RFP responses, the CLRA will work to match a feasible proposal with the desires of the community previously expressed.

Therefore, I write today to formally request that the City bring a resolution before City Council that would authorize the transfer of the Property from the City to the CLRA. If you have any questions or would like to discuss this further, please do not hesitate to contact me. Thank you for your time.

Sincerely,

Kevin Baker
Board Chair, Charleston Land Reuse Agency

EQUAL HOUSING OPPORTUNITY

Resolution No. 331-20

Introduced in Council:	Adopted by Council:
May 4, 2020	
Introduced by:	Referred to:
Joseph Jenkins	Finance

Resolution No. 331-20 – Authorizing the Mayor or City Manager to submit an application to the FEMA Assistance to Firefighter Grant Program – COVID-19 Supplemental in the amount of $100,000 that includes the required 10% match and administer any funds awarded. The Charleston Fire Department will use these funds to purchase N95 masks, respirators, Tyvek suits, fogger disinfecting system and respiratory equipment testing machine.

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

That the Mayor or City Manager is authorized to submit an application to the FEMA Assistance to Firefighter Grant Program – COVID-19 Supplemental in the amount of $100,000 that includes the required 10% match and administer any funds awarded. The Charleston Fire Department will use these funds to purchase N95 masks, respirators, Tyvek suits, fogger disinfecting system and respiratory equipment testing machine.

CITY OF CHARLESTON
Payroll Variance Analysis
April 2020

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Mayor	409	Regular	22,231	22,231	0	0.00%	233,423	233,423	0	0.00%	289,000	55,577
		IPT	-	-	-		-	-	-		-	-
Budget	**3**	OT	-	-	-		-	-	-		-	-
Actual	**3**	**Total**	**22,231**	**22,231**	**0**	**0.00%**	**233,423**	**233,423**	**0**	**0.00%**	**289,000**	**55,577**
Mayor - CARE Office	409-02	Regular	8,231	8,231	0	0.00%	61,731	32,808	28,923	46.85%	107,000	74,192
		IPT	-	-	-		-	-	-		-	-
Budget	**2**	OT	-	-	-		-	-	-		-	-
Actual	**2**	**Total**	**8,231**	**8,231**	**0**	**0.00%**	**61,731**	**32,808**	**28,923**	**46.85%**	**107,000**	**74,192**
City Council	410	Regular	13,000	12,750	250	1.92%	136,500	113,500	23,000	16.85%	169,000	55,500
		IPT	-	-	-		-	-	-		-	-
Budget	**26**	OT	-	-	-		-	-	-		-	-
Actual	**26**	**Total**	**13,000**	**12,750**	**250**	**1.92%**	**136,500**	**113,500**	**23,000**	**16.85%**	**169,000**	**55,500**
City Manager - Admin.	412-00	Regular	38,576	32,015	6,561	17.01%	405,053	385,318	19,735	4.87%	501,494	116,176
		IPT	-	-	-		-	-	-		-	-
Budget	**7**	OT	-	-	-		-	-	-		-	-
Actual	**5**	**Total**	**38,576**	**32,015**	**6,561**	**17.01%**	**405,053**	**385,318**	**19,735**	**4.87%**	**501,494**	**116,176**
City Treasurer	413	Regular	9,478	9,478	(0)	0.00%	99,517	99,517	(0)	0.00%	123,211	23,694
		IPT	692	-	692	100.00%	7,269	4,655	2,614	35.96%	9,000	4,345
Budget	**3**	OT	-	-	-		-	-	-		-	-
Actual	**3**	**Total**	**10,170**	**9,478**	**692**	**6.81%**	**106,786**	**104,172**	**2,614**	**2.45%**	**132,211**	**28,039**
City Collector	414	Regular	51,803	44,398	7,406	14.30%	543,936	473,041	70,896	13.03%	673,445	200,404
		IPT	-	-	-		-	-	-		-	-
Budget	**15**	OT	-	-	-		-	47	(47)		-	(47)
Actual	**13**	**Total**	**51,803**	**44,398**	**7,406**	**14.30%**	**543,936**	**473,088**	**70,848**	**13.03%**	**673,445**	**200,357**
City Clerk	415	Regular	9,540	9,540	(0)	0.00%	100,165	100,165	(0)	0.00%	124,014	23,849
		IPT	-	-	-		-	-	-		-	-
Budget	**3**	OT	-	-	-		-	-	-		-	-
Actual	**3**	**Total**	**9,540**	**9,540**	**(0)**	**0.00%**	**100,165**	**100,165**	**(0)**	**0.00%**	**124,014**	**23,849**
Municipal Court	416	Regular	22,326	19,422	2,903	13.00%	234,418	219,164	15,254	6.51%	290,232	71,068
		IPT	1,385	1,140	245	17.67%	14,538	12,000	2,538	17.46%	18,000	6,000
Budget	**8**	OT	1,723	75	1,648	95.65%	18,092	8,580	9,513	52.58%	22,400	13,820
Actual	**7**	**Total**	**25,433**	**20,637**	**4,796**	**18.86%**	**267,049**	**239,744**	**27,305**	**10.22%**	**330,632**	**90,888**

Prepared: 4/24/2020
Finance Director

Current Month covers 2 pay periods (3/15/2020 - 4/11/2020)
YTD covers 21 pay periods (6/23/2019 - 4/11/2020)

CITY OF CHARLESTON
Payroll Variance Analysis
April 2020

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
City Attorney	417	Regular	28,191	28,000	191	0.68%	296,007	294,000	2,007	0.68%	366,485	72,485
		IPT	-	-	-		-	-	-		-	-
Budget	5	OT	-	-	-		-	-	-		-	-
Actual	5	Total	28,191	28,000	191	0.68%	296,007	294,000	2,007	0.68%	366,485	72,485
Accounting	418	Regular	22,089	22,563	(474)	-2.14%	231,935	233,474	(1,540)	-0.66%	287,157	53,683
		IPT	-	-	-		-	-	-		-	-
Budget	5	OT	-	-	-		-	-	-		-	-
Actual	5	Total	22,089	22,563	(474)	-2.14%	231,935	233,474	(1,540)	-0.66%	287,157	53,683
Engineering - General	420-00	Regular	35,449	32,690	2,759	7.78%	372,218	357,561	14,657	3.94%	460,841	103,280
		IPT	269	-	269	100.00%	2,827	-	2,827	100.00%	3,500	3,500
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	7	Total	35,719	32,690	3,028	8.48%	375,045	357,561	17,484	4.66%	464,341	106,780
Engineering - Stormwater	420-01	Regular	16,690	16,690	0	0.00%	175,250	175,250	0	0.00%	216,976	41,726
		IPT	-	-	-		-	-	-		-	-
Budget	4	OT	-	-	-		-	-	-		-	-
Actual	4	Total	16,690	16,690	0	0.00%	175,250	175,250	0	0.00%	216,976	41,726
MOECD	421	Regular	30,329	30,329	0	0.00%	318,450	317,762	689	0.22%	394,272	76,510
		IPT	-	-	-		-	-	-		-	-
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	7	Total	30,329	30,329	0	0.00%	318,450	317,762	689	0.22%	394,272	76,510
Human Resources	422	Regular	31,580	28,332	3,248	10.29%	331,588	315,805	15,783	4.76%	410,538	94,733
		IPT	-	-	-		-	-	-		-	-
Budget	7	OT	-	-	-		-	-	-		-	-
Actual	7	Total	31,580	28,332	3,248	10.29%	331,588	315,805	15,783	4.76%	410,538	94,733
Mail Room	431	Regular	2,472	2,472	-	0.00%	25,956	25,964	(8)	-0.03%	32,136	6,172
		IPT	-	-	-		-	-	-		-	-
Budget	1	OT	-	-	-		-	-	-		-	-
Actual	1	Total	2,472	2,472	-	0.00%	25,956	25,964	(8)	-0.03%	32,136	6,172
Building Commission	436	Regular	47,927	46,644	1,283	2.68%	503,233	489,481	13,752	2.73%	623,050	133,569
		IPT	-	-	-		-	-	-		-	-
Budget	13	OT	-	-	-		-	-	-		-	-
Actual	13	Total	47,927	46,644	1,283	2.68%	503,233	489,481	13,752	2.73%	623,050	133,569

Prepared: 4/24/2020
Finance Director

Current Month covers 2 pay periods (3/15/2020 - 4/11/2020)
YTD covers 21 pay periods (6/23/2019 - 4/11/2020)

CITY OF CHARLESTON
Payroll Variance Analysis
April 2020

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Planning	437	Regular	30,353	26,753	3,600	11.86%	318,705	307,124	11,581	3.63%	394,587	87,463
		IPT	-	-	-		-	-	-		-	-
Budget	**7**	OT	-	-	-		-	-	-		-	
Actual	**6**	**Total**	**30,353**	**26,753**	**3,600**	**11.86%**	**318,705**	**307,124**	**11,581**	**3.63%**	**394,587**	**87,463**
Information Systems	439	Regular	42,802	39,292	3,509	8.20%	449,416	435,645	13,771	3.06%	556,420	120,775
		IPT	-	-	-		-	-	-		-	-
Budget	**10**	OT	-	-	-		-	-	-		-	-
Actual	**9**	**Total**	**42,802**	**39,292**	**3,509**	**8.20%**	**449,416**	**435,645**	**13,771**	**3.06%**	**556,420**	**120,775**
General Services	440	Regular	29,273	30,347	(1,074)	-3.67%	307,367	332,993	(25,626)	-8.34%	380,550	47,557
		IPT	3,462	1,800	1,662	48.00%	36,346	5,030	31,316	86.16%	45,000	39,970
Budget	**11**	OT	4,800	801	3,999	83.31%	50,400	37,399	13,001	25.80%	62,400	25,001
Actual	**11**	**Total**	**37,535**	**32,948**	**4,586**	**12.22%**	**394,113**	**375,422**	**18,692**	**4.74%**	**487,950**	**112,528**
Strategy Management	442	Regular	13,455	3,593	9,862	73.30%	141,273	101,624	39,650	28.07%	174,910	73,286
		IPT	-	-	-		-	-	-		-	-
Budget	**3**	OT	-	-	-		-	-	-		-	-
Actual	**1**	**Total**	**13,455**	**3,593**	**9,862**	**73.30%**	**141,273**	**101,624**	**39,650**	**28.07%**	**174,910**	**73,286**
Constituient Services	442-01	Regular	5,722	2,346	3,376	59.00%	37,194	4,575	32,619	87.70%	51,500	46,925
		IPT	-	-	-		-	-	-		-	-
Budget	**2**	OT	-	-	-		-	-	-		-	-
Actual	**1**	**Total**	**5,722**	**2,346**	**3,376**	**59.00%**	**37,194**	**4,575**	**32,619**	**87.70%**	**51,500**	**46,925**
Morris Square Property	500	Regular	1,832	1,860	(29)	-1.56%	19,234	23,708	(4,474)	-23.26%	23,814	106
		IPT	-	-	-		-	-	-		-	-
Budget	**1**	OT	738	-	738	100.00%	7,754	1,503	6,251	80.62%	9,600	8,097
Actual	**1**	**Total**	**2,570**	**1,860**	**710**	**27.62%**	**26,988**	**25,211**	**1,777**	**6.58%**	**33,414**	**8,203**
Public Works	566	Regular	8,000	8,000	-	0.00%	84,000	84,000	-	0.00%	104,000	20,000
		IPT	-	-	-		-	-	-		-	-
Budget	**1**	OT	-	-	-		-	-	-		-	-
Actual	**1**	**Total**	**8,000**	**8,000**	**-**	**0.00%**	**84,000**	**84,000**	**-**	**0.00%**	**104,000**	**20,000**
Public Grounds - Adm.	567-00	Regular	66,175	61,196	4,980	7.52%	694,839	650,363	44,476	6.40%	860,277	209,914
		IPT	-	-	-		-	-	-		-	-
Budget	**27**	OT	1,846	-	1,846	100.00%	19,385	4,429	14,956	77.15%	24,000	19,571
Actual	**25**	**Total**	**68,021**	**61,196**	**6,826**	**10.03%**	**714,224**	**654,792**	**59,432**	**8.32%**	**884,277**	**229,485**

Prepared: 4/24/2020
Finance Director

Current Month covers 2 pay periods (3/15/2020 - 4/11/2020)
YTD covers 21 pay periods (6/23/2019 - 4/11/2020)

CITY OF CHARLESTON
Payroll Variance Analysis
April 2020

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Public Grounds - C/T	567-01	Regular	4,728	4,728	-	0.00%	49,644	49,830	(186)	-0.38%	61,464	11,634
		IPT	-	-	-		-	-	-			-
Budget	**2**	OT	308	-	308	100.00%	3,231	92	3,139	-100.00%	4,000	3,908
Actual	**2**	**Total**	**5,036**	**4,728**	**308**	**6.11%**	**52,875**	**49,922**	**2,953**	**5.58%**	**65,464**	**15,542**
Police - Uniform	700-00	Regular	622,010	558,291	63,720	10.24%	6,531,110	6,085,591	445,519	6.82%	8,086,136	2,000,545
		OT	114,039	90,499	23,541	20.64%	1,413,280	1,540,330	(127,050)	-8.99%	1,763,138	222,808
Budget	**173**	Reimb.	(1,923)	-	(1,923)	-100.00%	(20,192)	(18,072)	(2,120)	-10.50%	(25,000)	(6,928)
Actual	**158**	**Total**	**734,127**	**648,789**	**85,338**	**11.62%**	**7,924,197**	**7,607,849**	**316,348**	**3.99%**	**9,824,274**	**2,216,425**
Police - Civilian	700-01	Regular	64,178	64,795	(617)	-0.96%	673,874	659,937	13,937	2.07%	834,320	174,383
		IPT	3,846	-	3,846	100.00%	40,385	14,970	25,415	62.93%	50,000	35,030
Budget	**24**	OT	6,892	3,082	3,810	55.28%	72,369	55,026	17,343	23.96%	89,600	34,574
Actual	**24**	**Total**	**74,917**	**67,877**	**7,040**	**9.40%**	**3,321,552**	**729,933**	**56,695**	**1.71%**	**973,920**	**243,987**
Fire - Uniform	706-00	Regular	606,260	582,149	24,111	3.98%	8,477,405	8,332,006	145,399	1.72%	10,244,058	1,912,052
		OT	78,060	87,291	(9,231)	-11.83%	819,634	672,807	146,827	17.91%	1,014,784	341,977
Budget	**169**	Reimb.	(923)	(302)	(621)	-67.28%	(9,692)	(11,854)	2,161	22.30%	(12,000)	(147)
Actual	**154**	**Total**	**683,397**	**669,139**	**14,259**	**2.09%**	**9,287,347**	**8,992,960**	**294,387**	**3.17%**	**11,246,842**	**2,253,882**
Fire - Civilian	706-01	Regular	6,566	6,566	0	0.00%	68,941	68,941	0	0.00%	85,356	16,415
		IPT	-	-	-		-	-	-		-	-
Budget	**2**	OT	-	-	-		-	-	-		-	-
Actual	**2**	**Total**	**6,566**	**6,566**	**0**	**0.00%**	**68,941**	**68,941**	**0**	**0.00%**	**85,356**	**16,415**
Traffic	712	Regular	32,881	34,805	(1,924)	-5.85%	345,255	356,200	(10,944)	-3.17%	427,459	71,259
		IPT	-	-	-		-	-	-		-	-
Budget	**11**	OT	862	39	823	95.51%	9,046	6,693	2,353	26.01%	11,200	4,507
Actual	**11**	**Total**	**33,743**	**34,844**	**(1,101)**	**-3.26%**	**354,302**	**362,892**	**(8,591)**	**-2.42%**	**438,659**	**75,767**
Emergency Services	716	Regular	11,023	7,188	3,836	34.80%	115,743	45,188	70,556	60.96%	143,301	98,114
		IPT	-	-	-		-	-	-		-	-
Budget	**2**	OT	-	-	-		-	-	-		-	-
Actual	**1**	**Total**	**11,023**	**7,188**	**3,836**	**34.80%**	**115,743**	**45,188**	**70,556**	**60.96%**	**143,301**	**98,114**
Street	750	Regular	178,908	152,290	26,619	14.88%	1,878,539	1,720,502	158,036	8.41%	2,325,810	605,308
		IPT	-	-	-		-	-	-		-	-
Budget	**73**	OT	12,923	851	12,072	93.42%	207,692	125,417	82,275	39.61%	240,000	114,583
Actual	**62**	**Total**	**191,832**	**153,140**	**38,691**	**20.17%**	**2,086,231**	**1,845,919**	**240,312**	**11.52%**	**2,565,810**	**719,891**

Prepared: 4/24/2020
Finance Director

Current Month covers 2 pay periods (3/15/2020 - 4/11/2020)
YTD covers 21 pay periods (6/23/2019 - 4/11/2020)

CITY OF CHARLESTON
Payroll Variance Analysis
April 2020

Department		Type	Current Month				Year To Date				Annual	
Name	Code	Wages	Budget	Actual	Variance	%	Budget	Actual	Variance	%	Budget	Available
Equipment Maintenance	754	Regular	61,330	56,777	4,553	7.42%	643,967	605,329	38,638	6.00%	797,293	191,964
		IPT	-	-	-		-	-	-		-	-
Budget	**21**	OT	4,000	1,043	2,957	73.93%	42,000	20,226	21,774	51.84%	52,000	31,774
Actual	**18**	**Total**	**65,330**	**57,820**	**7,510**	**11.50%**	**685,967**	**625,555**	**60,412**	**8.81%**	**849,293**	**223,738**
Refuse & Recycling	800	Regular	151,693	135,689	16,004	10.55%	1,592,772	1,489,993	102,779	6.45%	1,972,004	482,011
		IPT	-	-	-		-	513	(513)		-	(513)
Budget	**67**	OT	17,231	5,346	11,885	68.97%	180,923	90,762	90,161	49.83%	224,000	133,238
Actual	**64**	**Total**	**168,923**	**141,035**	**27,888**	**16.51%**	**1,773,696**	**1,581,269**	**192,426**	**10.85%**	**2,196,004**	**614,735**
Parks & Recreation	900	Regular	89,524	76,951	12,572	14.04%	939,999	838,856	101,143	10.76%	1,163,808	324,952
		IPT	11,200	125	11,075	98.89%	196,000	199,282	(3,282)	-1.67%	280,000	80,718
Budget	**31**	OT	3,938	-	3,938	100.00%	41,354	32,846	8,508	20.57%	51,200	18,354
Actual	**27**	**Total**	**104,662**	**77,076**	**27,586**	**26.36%**	**1,177,353**	**1,070,983**	**106,370**	**9.03%**	**1,495,008**	**424,025**
Public Arts	906	Regular	3,846	3,846	(0)	0.00%	40,385	40,385	(0)	0.00%	50,000	9,615
		IPT	-	-	-		-	-	-		-	-
Budget	**1**	OT	-	-	-		-	-	-		-	-
Actual	**1**	**Total**	**3,846**	**3,846**	**(0)**	**0.00%**	**40,385**	**40,385**	**(0)**	**0.00%**	**50,000**	**9,615**
Municipal Auditorium	910	Regular	7,438	7,438	(0)	0.00%	78,100	79,027	(927)	-1.19%	96,695	17,668
		IPT	-	-	-		-	-	-		-	-
Budget	**3**	OT	308	-	308	100.00%	3,231	1,750	1,481	45.83%	4,000	2,250
Actual	**3**	**Total**	**7,746**	**7,438**	**308**	**3.97%**	**81,331**	**80,777**	**554**	**0.68%**	**100,695**	**19,918**
Spring Hill Cemetery	952	Regular	24,897	19,178	5,719	22.97%	261,423	217,686	43,736	16.73%	323,666	105,980
		IPT	5,813	-	5,813	100.00%	38,750	31,873	6,877	17.75%	62,000	30,127
Budget	**8**	OT	738	-	738	100.00%	7,754	2,554	5,200	67.06%	9,600	7,046
Actual	**6**	**Total**	**31,448**	**19,178**	**12,270**	**39.02%**	**307,926**	**252,113**	**55,813**	**18.13%**	**395,266**	**143,153**
General Fund		Regular	2,452,807	2,249,862	202,944	8.27%	27,818,567	26,395,735	1,422,832	5.11%	34,226,279	7,830,544
		IPT	26,666	3,065	23,601	88.51%	336,115	268,323	67,792	20.17%	467,500	199,177
		OT	248,407	189,026	59,381	23.90%	2,896,145	2,600,461	295,684	10.21%	3,581,922	981,461
Budget	**765**	Reimb.	(2,846)	(302)	(2,544)	-89.39%	(29,885)	(29,926)	41	0.14%	(37,000)	(7,075)
Actual	**699**	**Total**	**2,725,034**	**2,441,651**	**283,383**	**10.40%**	**31,020,942**	**29,234,593**	**1,786,349**	**5.76%**	**38,238,701**	**9,004,108**

Prepared: 4/24/2020
Finance Director

Current Month covers 2 pay periods (3/15/2020 - 4/11/2020)
YTD covers 21 pay periods (6/23/2019 - 4/11/2020)

CITY OF CHARLESTON
Payroll Variance Analysis
April 2020

Department Name	Code	Type	Current Month Budget	Actual	Variance	%	Year To Date Budget	Actual	Variance	%	Annual Budget	Available
Coliseum & Conv. Center	402	Regular	91,633	68,919	22,714	24.79%	962,144	862,228	99,916	10.38%	1,191,226	328,998
		IPT	26,538	833	25,706	96.86%	278,654	154,756	123,898	44.46%	345,000	190,244
Budget	**29**	OT	4,000	-	4,000	100.00%	42,000	27,847	14,153	33.70%	52,000	24,153
Actual	**24**	**Total**	**122,171**	**69,751**	**52,420**	**42.91%**	**1,282,798**	**1,044,832**	**237,966**	**18.55%**	**1,588,226**	**543,394**
Parking System	406	Regular	45,736	45,284	452	0.99%	480,224	473,088	7,136	1.49%	594,563	121,475
		IPT	3,923	1,410	2,513	64.07%	41,192	29,883	11,310	27.46%	51,000	21,117
Budget	**18**	OT	1,231	-	1,231	100.00%	12,923	4,010	8,913	68.97%	16,000	11,990
Actual	**18**	**Total**	**50,889**	**46,693**	**4,196**	**8.25%**	**534,339**	**506,981**	**27,358**	**5.12%**	**661,563**	**154,582**
Total		Regular	2,590,175	2,364,065	226,111	8.73%	29,260,935	27,731,051	1,529,883	5.23%	36,012,068	8,281,017
		IPT	57,128	5,307	51,821	90.71%	655,962	452,962	203,000	30.95%	863,500	410,538
		OT	253,638	189,026	64,612	25.47%	2,951,068	2,632,318	318,749	10.80%	3,649,922	1,017,604
Budget	**812**	Reimb.	(2,846)	(302)	(2,544)	89.39%	(29,885)	(29,926)	41	-0.14%	(37,000)	(7,075)
Actual	**741**	**Total**	**2,898,095**	**2,558,096**	**339,999**	**11.73%**	**32,838,079**	**30,786,406**	**2,051,674**	**6.25%**	**40,488,490**	**9,702,084**

Vacancy Report:

City Manager	2
City Collector	2
Municipal Court	1
Planning	1
Information Systems	1
Strategy Management	2
Constituent Services	1
Public Works (all)	19
Police - Uniform	15
Fire - Uniform	15
Homeland Security	1
Parks & Rec	4
Spring Hill Cemetery	2
Total General Fund	**66**
CCCC	5
Total All	**71**

As of April 30, 2020

Prepared: 4/24/2020
Finance Director

Current Month covers 2 pay periods (3/15/2020 - 4/11/2020)
YTD covers 21 pay periods (6/23/2019 - 4/11/2020)

Bill No. 7871

Introduced in Council:	**Adopted by Council:**
May 4, 2020	
Introduced by:	**Referred to:**
Chuck Overstreet	**Public Safety**

Bill No. 7871 - A Bill to amend and reenact Sections 54-3, 54-42, 54-43, 54-141, 54-142, 54-143, 54-144, 54-145, and 54-146 of the Municipal Code of the City of Charleston, as amended; and to amend said code by adding thereto a new section, designated Section 54-147, all relating to fire prevention and continuing the operation and authority of the fire prevention bureau; clarifying that certain authority rests solely with certified municipal fire marshals; establishing investigation of certain fire related offenses to be a duty of the fire department; clarifying that the fire chief is the municipal fire marshal and that the fire chief may designate that authority to certified municipal fire marshals within the fire prevention bureau; codifying the current version of the fire prevention code specifically within the municipal code as the Charleston Fire Prevention Code; stating its purpose and intent; removing provisions related to an outdated version of the fire prevention code; incorporating by reference the WV Fire Prevention and Control Act of the West Virginia Code, the State Fire Codes, relevant rules and regulations, and the relevant national standards and codes associated with fire prevention with any revisions made by the WV State Fire Marshal; describing the application of the Charleston Fire Prevention Code, exemptions, and the inspection authority; stating the authorized orders under the Charleston Fire Prevention Code and the appeals process; detailing the structure of the Fire Prevention Bureau, the duties and responsibilities of the Fire Prevention Bureau, and the permits issued by the Fire Prevention Bureau; requiring the Fire Prevention Bureau to investigate fires and granting limited powers of arrests to certified municipal fire marshals that meet certain training requirements of the West Virginia Fire Marshal, as authorized by state code; declaring any fire marshals that successfully complete the training to be certified municipal fire marshals while assigned to the Fire Prevention Bureau and authorizing them to arrests for certain fire related offenses, file certain criminal complaints, and take certain investigatory measures; clarifying the authority to summons a person who violates the Charleston Fire Prevention Code to municipal court; authorizing the Chief of the Fire Department to revoke or rescind the authority of a certified municipal fire marshal's enforcement powers when the enforcement powers have been abused or improperly enforced; increasing the potential fine for violation of the Charleston Fire Prevention Code; eliminating the mandatory one day confinement for violation of the Charleston Fire Prevention Code; and authorizing the Fire Prevention Bureau to create any necessary policies, with the approval of the Chief of the Fire Department, that do not conflict with the Charleston Fire Prevention Code.

Now, therefore, be it ordained by the Council of the City of Charleston:
That Sections 54-3, 54-42, 54-43, 54-141, 54-142, 54-143, 54-144, 54-145, and 54-146 of the Municipal Code of the City of Charleston, as amended; are amended and reenacted; and that said code is amended by adding thereto a new section, designated Section 54-147, all to read as follows:

Chapter 54 - FIRE PREVENTION AND PROTECTION.

ARTICLE I. - IN GENERAL.

Sec. 54-3. - Duty of spectators, and authority of firefighters and police, at scene of fire.

(a) Every person present at the scene of a fire shall be subject and obedient to the orders of any police officer or member of the fire department there present as to any matter relating to extinguishment of the fire, the removal and protection of persons or property or the maintenance of order; and it shall be unlawful for any person present at the scene of any fire to disobey any such lawful order of any police officer or member of the fire department there present.

(b) ~~Firefighters~~ Certified municipal fire marshals and police officers present at the scene of any fire shall have power to arrest any person for disobedience of the lawful order of a police officer or ~~firefighter given pursuant to this section~~ fire marshal and to hold the offender in custody until the fire has been extinguished, at which time ~~he~~ the offender shall be taken before an appropriate judicial officer to be dealt with according to law.

Sec. 54-42. - Duties of department.

It shall be the duty of the fire department, headed by the fire chief, to:

(1) Combat fires and explosions within the city;

(2) Inspect and abate fire and explosion hazards;

(3) Take measures within its capabilities to prevent the occurrence of fires and explosions;

(4) Investigate suspected incidents of arson and explosives offenses, malicious burning, obstructing a fire marshal, or failing to obey lawful orders, and take appropriate actions to assist in the prosecution of such offenses;

~~(4)~~ (5) Maintain records of fires, explosions and related matters;

~~(5)~~ (6) Provide emergency medical services; and

~~(6)~~ (7) Discharge such other duties as may be imposed upon it by this Code and other ordinances and by state law.

Sec. 54-43. – Chief of the fire department; fire chief; powers.

(a) The chief of the fire department, who may be known and referred to as the fire chief, shall be the commanding officer of the fire department and shall be responsible to the mayor and city council for the administration, training, discipline, morale and effective deployment and utilization of all personnel of the department and

for the maintenance and effective deployment and utilization of the property, equipment and apparatus of the fire department.

(b) The fire chief shall have all such powers as may be necessary and lawful to meet the responsibilities imposed upon him by this section, including but not limited to the following:

(1) ~~He~~ The fire chief shall have absolute command, control, management, assignment to duties and supervision of every officer, member and employee of the fire department during a fire and at all practices and drills, and during all hours when such personnel are on duty.

(2) ~~He~~ The fire chief shall have absolute control, authority and command of the police officers present at the scene of any fire during the time and continuance of any fire, conflagration and all orders issued by him to such police officers, and to other persons present, shall be explicitly obeyed and performed by them.

(3) ~~He~~ The fire chief shall have supervision of the engine houses, vehicles, and all apparatus and equipment belonging to the fire department. ~~He~~ The fire chief shall be responsible for the serviceable condition of all equipment belonging to the fire department, and ~~he~~ the fire chief shall be responsible that every piece of fire apparatus is equipped at all times with the necessary wrenches and all other equipment belonging to that piece of apparatus and necessary in the successful fighting of fire.

(4) ~~He~~ The fire chief shall have supervision over all repairs to apparatus and the charge of all supplies and shall issue them upon his or her own discretion or upon the authority of the city council to the units of the fire department.

(5) ~~He~~ The fire chief shall be responsible for the keeping of necessary records for the fire department, which shall be subject to the inspection of the mayor and members of the city council at any time. ~~He~~ The fire chief shall record and report annually to the city council a statement of all fires occurring since the previous report, the units and personnel responding to alarms, the loss and insurance as far as ascertained, the causes of any such fires, together with such suggestions as he may deem advisable to bring the number of fires to a minimum. ~~He~~ The fire chief shall also keep at his or her office such books or other records as the city council may prescribe.

(6) The fire chief shall be the municipal fire marshal and may vest the authority of the municipal fire marshal to the members of the Fire Prevention Bureau who meet the training requirements, consistent with the provisions of West Virginia Code § 8-15-1 and Section 54-145 of this Code.

(7) The fire chief shall ~~Exercise~~ exercise and perform such other functions, powers and duties as may be deemed appropriate to carry out the purpose of this article.

ARTICLE III. - FIRE PREVENTION CODE.

Sec. 54-141. - Purpose; adopted; ~~where filed and available to public;~~ applicability; short title.

For the purpose of ~~establishing~~ continuing a ~~bureau of~~ fire prevention bureau within the fire department, and prescribing regulations governing conditions hazardous to life and property from fire or explosion, ~~there is adopted by the city council that~~

~~certain code published by the city entitled "Fire Prevention Code, City of Charleston, West Virginia" (being Ordinance No. 1009, July 1, 1968, as amended), not less than one copy of which is and shall remain on file in the office of the city clerk and shall there be available to the public for inspection and use during all regular business hours; and such code is incorporated in and made a part of this section as fully as though it were set out at length; and the provisions shall be controlling within the city and for one mile beyond the city limits is all matters relating to the subject matter of such code. The code adopted shall be known and may be cited as the "fire prevention code."~~ for the safeguarding to a reasonable degree, life and property from the hazards of fire and explosion, the fire prevention code is hereby adopted. It is the intent of this article to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree, life and property from hazards of Fire and explosion. This article also establishes direction concerning the investigation of dangerous and hazardous conditions resulting from fire and explosion. The adoption of the amendments to this article in 2020 hereby replace the previously adopted 1968 version, as amended, of the Fire Prevention Code that was incorporated in this Code. This article shall hereafter be referred to as the “Charleston Fire Prevention Code” and the provisions shall be controlling.

Sec. 54-142. – ~~Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited~~ Adoption and incorporation of relevant Codes.

~~The limits referred to in section 12.5b of the fire prevention code, in which storage of explosives and blasting agents is prohibited, are established as the corporate limits of the city, except locations which conform strictly to the requirements set out in section 12.6 of the fire prevention code.~~ This Charleston Fire Prevention Code does not include a reprinting of all the requirements imposed by statute, but rather incorporates by reference, as if they were printed here, the entirety of the WV Fire Prevention and Control Act (Chapter 29, Article 3 of the West Virginia Code, as amended, and all legislative rules adopted thereunder), which includes the various National Standards and Codes published by the National Fire Protection Association (NFPA) that have been adopted by the WV State Fire Marshal with any revisions or amendments made by the WV State Fire Marshal. In addition, there are hereby adopted for the purpose of prescribing regulations for fire prevention and safety, the relevant provisions of West Virginia Code and the Rules and Regulations pertaining to the State Fire Codes, as adopted by the WV State Fire Marshal.

Sec. 54-143. – ~~Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks is to be prohibited.~~ Application, Exemptions, Inspections.

~~(a) The limits referred to in section 16.22a of the fire prevention code, in which storage of flammable liquids in outside aboveground tanks is prohibited, are established as the corporate limits of the city, except locations which conform strictly to the requirements set out in subsections (b) through (g) of section 16.22 of the fire~~

~~prevention code.~~

~~(b) The limits referred to in section 16.51 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are established as the corporate limits of the city, except locations which conform strictly to the requirements set out in sections 16.52 through 16.58 of the fire prevention code.~~

(a) The application of this article shall apply equally to new and existing conditions, except where the said existing conditions, not in strict compliance with the terms of this article, shall be permitted to continue where conditions do not constitute a distinct hazard to life and property in the opinion of the Chief of the Fire Department.

(b) This Charleston Fire Prevention Code has no application to personal care homes caring for three or less patients or buildings used wholly as dwelling houses for no more than two families.

(c) Nothing contained in this article shall be construed as applying to the transportation of any item shipped under the jurisdiction of and in compliance with regulations prescribed by the Interstate Commerce Commission nor as applying to the military forces of the United States.

(d) The Chief of the Fire Department, members of the Fire Prevention Bureau, or any other designee of the Fire Chief at all reasonable hours, may enter any building or premises within the jurisdiction for the purpose of making an inspection, or investigation which under the provisions of this law, he or they may deem necessary.

(e) The Chief of the Fire Department, members of the Fire Prevention Bureau, or any other designee of the Fire Chief shall inspect any building, structure and /or business within their jurisdiction, this is to include any structure accessible to public occupancy. This is not to include the interior of private dwelling structure with less than 3 units.

Sec. 54-144. – ~~Establishment of limits in which bulk storage of liquefied petroleum gas is to be restricted.~~ Authorized Orders under the Charleston Fire Prevention Code; Appeals.

~~The limits referred to in section 21.6a of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are established as the corporate limits of the city, except locations which conform strictly to the requirements set out in article 21 of the fire prevention code.~~

(a) In addition to the other powers contained in this Chapter, the Charleston Fire Department is authorized to issue the following orders:

(1) **Order of Removal or Compliance.** Whenever the Chief of the Fire Department, members of the Fire Prevention Bureau, or any other designee of the Fire Chief shall determine any building in violation of the Charleston Fire Prevention Code, he or she shall have the authority to cause said violation to be corrected in an amount of time he or she may deem prudent, not to exceed 21 days unless it involves a violation which requires a plan of correction as identified upon the completion of inspection. This grace period for correction is not to contradict any portion of the Charleston Fire Prevention Code.

(2) **Order to Evacuate.** The Chief of the Fire Department, members of the Fire Prevention Bureau, or any other designee of the Fire Chief shall have the authority to

cause to evacuate any building within his or her jurisdiction he or she may deem unsafe to occupy and to remain evacuated until such time he or she declares the building safe to occupy.

(3) **Order of Revocation of Permit.** The Chief of the Fire Department, members of the Fire Prevention Bureau, or any other designee of the Fire Chief shall have the authority to revoke or cause to revoke any permit, license or approval issued if any violation of the Charleston Fire Prevention Code is found on any inspection, or in any case of misrepresentation of any material fact on any application or plans on which said permit, license or approval was issued.

(b) Any order of the Chief of the Fire Department, members of the Fire Prevention Bureau, or any other designee of the Fire Chief pursuant to this section may be appealed to the City of Charleston's Board of Appeals in accordance with Section 14-91 of the Municipal Code of Charleston.

Sec. 54-145. – ~~Conflicts of law; construction.~~ Fire Prevention Bureau Members, Responsibilities, and Authority.

~~If any provision of the fire prevention code conflicts with any provision of the city's Charter or with any provision of state law or any rule or regulation lawfully promulgated and in effect pursuant to authority of state law, the provision of the Charter, state law or rule or regulation promulgated and in effect pursuant to authority of state law shall prevail; and if any provision of the fire prevention code conflicts with any other provision of this Code or other ordinance of the city or with any rule or regulation lawfully promulgated and in effect pursuant to authority of this Code or other ordinance of the city, the more stringent provision shall prevail.~~

(a) The Fire Prevention Bureau of the City of Charleston shall operate under the supervision of the Chief of the Fire Department. Subject to West Virginia State Code and Regulations, the Chief of the Fire Department shall designate officers (members) of the Fire Department as fire marshals in the Fire Prevention Bureau, who shall hold this position at the discretion of the Chief of the Fire Department. The Chief of the Fire Department shall, subject to West Virginia Civil Service Law and Regulations, appoint a Captain of the Fire Prevention Bureau to be the officer in charge of the Bureau. Subject to the West Virginia Civil Service Law and Regulations, the Chief of the Fire Department may detail such members of the Fire Department as Fire Inspectors, Fire Investigators, or both. The Chief of the Fire Department may detail such other members of the Fire Department from time to time and as deemed necessary for assignments that may be limited to pre-fire planning, building surveys and other details pertaining to such assignments.

(b) The Fire Prevention Bureau is responsible for Fire and Life Safety Inspections, building construction and fire protection systems plan review, public fire safety education and investigation of any fires within the City of Charleston. Fire marshals assigned to the Fire Prevention Bureau shall be responsible for administration and enforcement of the Charleston Fire Prevention Code. It shall be the responsibility of the Fire Prevention Bureau to review all plans for new construction, and all other plans for remodeling and renovations pertaining to any buildings/structures within the jurisdiction of the city as identified by the WV State Fire Code and the City of

Charleston. The review procedure of any plans or drawing submitted does not relieve the owner, architect, contractor or engineer of responsibility under the applicable code and statues. It shall be the responsibility of the Fire Prevention Bureau to issue appropriate permits following inspections, Open Fires and Outdoor Burning permits (in accordance with the Charleston Fire Prevention Code and any WVDEP or WVDNR requirements, as applicable), Blasting Permits, Fireworks Permits, and Outdoor Special Events permits. Furthermore, all permits issued are subject to the following:

(1) All permits shall at all times be kept on the premises designated therein, and at all times be subject to inspection by any officer of the fire or police departments.

(2) The Fire Prevention Bureau may revoke any permit or approval issued if any violation of the Charleston Fire Prevention Code is found upon inspection or in case there are any false statements or misrepresentations as to a material fact in the application or plans for which the permit approval maws based.

(3) The issuance of any permit does not relieve the owner, installer or operator of any responsibility for damages and or injuries resulting from misrepresentation. The Charleston Fire Prevention Code shall not be construed to affect the responsibility of any owner, operator, or installer from damages incurred to persons or property caused by any defect therein, nor shall the City be held responsible for any such liability by any reason of the inspection or re-inspection authorized herein or the permit issued as herein provided or by reason of or approval or disapproval of any related request.

(c) The Fire Prevention Bureau shall investigate any fire which involves the loss of life or injury to person or by which property has been destroyed or damaged in accordance with applicable codes. The investigator shall make the origin and cause of the fire and facts of the fire known to the Fire Chief. The investigator shall immediately take charge of any physical evidence, notify and process the said evidence with the proper authorities designated by law to pursue the investigation of such matters, and shall cooperate with authorities in the prosecution of the case. The investigation, prevention, and extinguishing of fires and dangerous conditions related to fire within the City of Charleston will be further promoted by granting limited powers of arrests to fire marshals that meet all training required by the West Virginia Fire Marshal, including the Law Enforcement Core Training Standards of the West Virginia State Fire Commission and the West Virginia State Fire Marshal. The training required may be provided by the Charleston Police Department, where possible. Fire marshals who successfully complete the training are deemed to be certified municipal fire marshals and while assigned to the Fire Prevention Bureau are authorized to exercise powers and duties similar to those exercised by the State Fire Marshal pursuant to West Virginia Code § 29-3-12, and they are specifically authorized to:

(1) Arrest any individual disobeying lawful orders at the scene of a fire;

(2) Arrest any individual who violates prohibitions against arson and explosives offenses, malicious burning, obstructing a fire marshal, or failing to obey lawful orders;

(3) Arrest without a warrant, if the unlawful conduct occurs in their presence; and

(4) File criminal complaints with the municipal court or other appropriate judicial officer in order to obtain a warrant for the arrest and initiate a criminal matter.

(d) The arrest authority of certified municipal fire marshals contained in subsection (c) of this section applies to the relevant state statutes contained in the West Virginia Code. Certified municipal fire marshals may execute any summons or

warrant issued by the municipal judge or a Kanawha County Magistrate for these offenses. Any return by a certified municipal fire marshal showing the manner of executing the warrant or summons has the same force and effect as if made by member of the Charleston Police Department. The Fire Prevention Bureau may obtain the assistance of the Charleston Police Department and the City Solicitor at any time deemed necessary to assist with investigation and prosecution, as necessary.

(e) In addition to this arrest authority, the Chief of the Fire Department, members of the Fire Prevention Bureau, or any other designee of the Fire Chief shall have the authority to issue a summons to appear before the municipal court for violations of the Charleston Fire Prevention Code.

(f) The Chief of the Fire Department, who is ultimately responsible for the enforcement of the Charleston Fire Prevention Code, may revoke or rescind, at any time any certified municipal fire marshal's enforcement powers when, in the opinion of the fire chief, these powers have been abused or improperly enforced.

Sec. 54-146. – Violations and penalties; recourse of city to correct violations.

(a) Whoever violates any provision of the Charleston Fire Prevention Code or neglects or fails to comply with such a provision, or who shall violate, neglect or fail to comply with any order or regulation made under such code, or who shall build or construct any structure or part of a structure in violation of any detailed statement of specifications, plans or blueprints submitted and approved under such code, or in violation of any certificate or permit issued under such code, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ~~$1.00 nor more than~~ $100.00 and not more than $500.00, or may be imprisoned for not ~~less than one nor~~ more than 30 days, or both.

(b) The imposition of any such penalty shall not excuse the violation, neglect or noncompliance, nor permit nor allow its continuance; and any person violating, neglecting or failing to comply with the provisions of the Charleston Fire Prevention Code shall be required to correct or remedy such violations, neglects, defaults or defects within a reasonable time; and each day that any such violation, neglect or noncompliance shall continue shall constitute a separate offense. The application or use of these penal provisions shall not be held to prevent the removal of the prohibited conditions; and the city shall have the right, in addition to such penal provisions, to proceed in any court having jurisdiction for the correction of such conditions by any lawful procedure provided for by the statutes of the state.

Sec. 54-147. – Policies.

The Fire Prevention Bureau, with the approval of the Chief of the Fire Department, is hereby authorized to create policies that govern the operating procedures of the Fire Prevention Bureau and any policy necessary to ensure that every fire in the City of Charleston is promptly reported to the Fire Prevention Bureau for appropriate action, provided that no such policy may be in conflict with the Charleston Fire Prevention Code.