



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

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, May 18, 2020

at 7:00 P.M.

\* – City Hall – Charleston, West Virginia

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**OFFICIAL RECORD**

**Amy Shuler Goodwin**  
**Mayor**

**Miles C. Cary II**  
**City Clerk**

***CALL TO ORDER\****

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The Council met at 7:00 P.M., for the second meeting in the month of May on the 18<sup>th</sup> day, in the year 2020, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Campbell and the Pledge of Allegiance was led by Bailey Burton. The Honorable Clerk, Miles C. Cary II, called the roll of members and it was found that there were present at the time:

**ADAMS  
BURTON  
COOK  
HOOVER  
KING  
MCKINNEY  
PERSINGER  
ROBINSON  
STEELE**

**BAILEY  
CAMPBELL  
FAEGRE  
JENKINS  
KNAUFF  
MINARDI  
PHARR  
SHEETS  
WESLEY-PLEAR**

**BAYS  
CEPERLEY  
HAAS  
JONES  
LAIRD  
OVERSTREET  
REISHMAN  
SNODGRASS  
MAYOR GOODWIN**

With twenty-seven 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.

\*In response to the COVID-19 pandemic, the meeting of Council was conducted electronically. The City Clerk and Mayor Goodwin were physically present, while the remaining members of Council attended via conference call. The meeting was made available to the public as a live stream via Zoom and CivicClerk (per the agenda).

***PUBLIC SPEAKERS***

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1. Johanna Miesner – expressed concern for a CURA property that is a potential safety hazard.

***CLAIMS***

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1. A claim of Scott Shores, Charleston, WV; alleges damage to property.  
Refer to City Solicitor.

***COMMUNICATIONS***

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NONE

**PROCLAMATIONS**

1.

**EXECUTIVE DEPARTMENT  
CITY OF CHARLESTON  
PROCLAMATION**

**WHEREAS:** Mental health—our emotional, psychological and social well-being—is important at every stage of life. It impacts our thoughts, behaviors and emotions—heavily influencing our quality of life; and

**WHEREAS:** Biological factors, life experiences and family history contribute to our mental health; and

**WHEREAS:** Individuals differ in their psychological resilience just as they differ in physical resilience. Like physical health, mental health must be taken care of and maintained; and

**WHEREAS:** The COVID-19 pandemic has brought greater awareness to the importance of community—feeling connected, accepted, and supported; and

**WHEREAS:** Now, more than ever, it is important for us to stay connected. While we may be apart, we are not alone and can take action to support our mental health; and

**WHEREAS:** The National Alliance on Mental Illness (NAMI) is one of many resources available to help those struggling with a mental health condition.

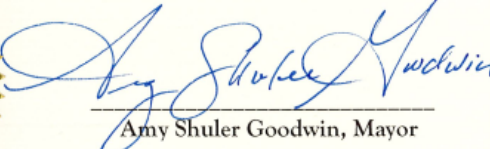
**NOW THEREFORE, I,** Amy Shuler Goodwin, Mayor of the City of Charleston, do hereby proclaim May 2020, as

**MENTAL HEALTH AWARENESS MONTH**

in Charleston, West Virginia and encourage all citizens to support those suffering from mental health conditions and raise awareness of the importance of mental health.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the Executive Department to be affixed this 18<sup>th</sup> day of May 2020.



  
Amy Shuler Goodwin, Mayor

The proclamation was virtually presented to John Canfield.

### **MISCELLANEOUS RESOLUTIONS**

1.

Resolution No. 333-20 - “Authorizing the City Manager to enter into a Settlement Agreement with BBL Carlton, LLC compromising disputes related to the Charleston Coliseum and Convention Center upgrades, as authorized by the Charleston Coliseum and Convention Center Board.”

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

That the City Manager is hereby authorized to execute a Settlement Agreement with BBL Carlton, LLC that was previously approved by the Charleston Coliseum and Convention Center Board, which does not involve the exchange of funds, but will result in the release of any claim the City may have related to water damage that occurred in an audio visual room in exchange for the stripping and repainting of certain exterior areas of the Charleston Coliseum and Convention Center to address bubbling and blistering of the paint, along with other necessary terms including that the new paint work will contain an additional two year warranty.

Councilmember Robinson added that since the Convention Center was renovated, there has been some bubbling and cracking in the paint on the outside of the structure. The resolution authorizes the City Manager to enter into a settlement with BBL Carlton, LLC to fix this at no cost to the City. The City has agreed to forego a potential claim against BBL Carlton, LLC from A/C units that caused water damage to AV equipment. The resolution has been approved by the Coliseum and Convention Center Board.

Councilmember Faegre asked if the City Attorney, Kevin Baker, thought this was a fair settlement. Baker replied that they meet with BBL Carlton, LLC to discuss their options, and this seemed like the best option for the City, as the external repairs will be made at no cost to the City. He added that the damage to the AV equipment was most likely due to user error. By foregoing that potential claim, the City will get the benefit of having the externals repairs. The damage to the AV equipment is not substantial, in his opinion.

Councilmember Persinger stated that, in his opinion as a contractor, the bubbling paint should be fixed outside of any sort of deal; it should be common warranty work. Baker added BBL Carlton, LLC had an agreement that they were not required to fix the paint due to the fact that the previous Administration requested that it be applied in the way that it was. Through negotiations, the current Administration had reached the proposed resolution as previously explained. Baker added that, in his opinion, the damaged AV equipment was due to user error. Councilmember Faegre expressed the same concerns as Councilmember Persinger.

City Manager, Jonathan Storage, added that the expense to the City to rectify the problem is negligible. He added that the HVAC system was not part of the original design; it was added by the previous Administration at no cost. In his opinion, it was a flawed design. The damaged AV equipment was approximately \$70,000. The damage due to the bubbling paint would be significantly more to repair at the City's expense. He added that it is to the City's benefit to fix the paint as soon as possible; BBL Carlton, LLC says they can finish the job by the end of the summer. They will also provide a 2-year warranty for their work.

Councilmember King confirmed that Nitro Mechanical installed the HVAC system. He added that he didn't understand how user error could cause the system to leak. Baker added that the unit was supposed to be set to 70 degrees at all times, but an employee set it to slightly below 60 degrees, causing the unit to freeze and leak as it unfroze.

Councilmember Robinson moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 333-20 adopted.

**REPORTS OF COMMITTEES**

**COMMITTEE ON PUBLIC SAFETY**

Councilmember Steele, Chair of the Council Committee on Public Safety, submitted the following reports:

1. Your committee on Public Safety has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 332-20 do pass.

Resolution No. 332-20 - Ratifying and confirming the Mayor's prior findings that the wrongful manufacturing, distribution, and dispensing of prescription opioid pills, including hydrocodone and oxycodone, created a public nuisance to the people of the City of Charleston.

WHEREAS, the Council of the City of Charleston is the governing body of the City; and  
WHEREAS, the Council of the City of Charleston has the authority to take action to protect the public health, safety, and welfare of the citizens of the City of Charleston; and  
WHEREAS, the diversion of legally produced controlled substances into the illicit market causes or contributes to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in the City of Charleston; and  
WHEREAS, the violation of any laws of West Virginia or of the United States of America controlling the manufacturing and distribution of a controlled substance is inimical, harmful, and adverse to the public welfare of the citizens of the City of Charleston and constitutes a public nuisance; and  
WHEREAS, pursuant to W.V. Code § 8-10-1, the Mayor of Charleston is tasked with the power and duty to "see that the peace and good order of the municipality are preserved, and that persons and property therein are protected" and  
WHEREAS, pursuant to W.V. Code § 8-10-1a, the Mayor also has the authority to employ "an attorney or firm of attorneys . . . to represent the municipality in connection with any legal matter or matters;" and  
WHEREAS, there exists a severe public nuisance, causing opioid abuse, addiction, morbidity, and mortality in the City of Charleston; and  
WHEREAS, on or about May 17, 2017, the Mayor of the City of Charleston, having recognized and declared this a public nuisance, authorized the City Attorney, to retain private counsel to hold accountable those entities that caused this public nuisance and to abate the same by seeking all civil remedies which may be afforded under West Virginia law, and  
WHEREAS, the City Council has been aware of and supportive of all efforts to abate the nuisance of the public health and safety crisis caused by the opioid epidemic, including the currently pending litigation; and

WHEREAS, the Council of the City of Charleston has the authority to provide for the eliminations of hazards to public health and safety; and abate, or cause to be abated, any public nuisance including those acts that significantly interfere with the public health, safety, and welfare of the citizens of the City of Charleston.

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

That the Council of the City of Charleston does hereby formally ratify and confirm the Mayor's prior findings that the wrongful manufacturing, distribution, and dispensing of prescription opioid pills, including hydrocodone and oxycodone, has created a public nuisance to the people of the City of Charleston.

Councilmember Steele added that the resolution makes clear that City Council formally ratifies and affirms the Mayor's previous findings that the wrongful manufacturing, distribution and dispensing of prescription opioid pills created a public nuisance. After the Mayor made those findings, the City Attorney's Office retained private counsel to pursue claims on behalf of the City. The resolution formalizes that the City Council ratifies those efforts.

Councilmember Faegre confirmed that Rusty Webb and Jesse Forbes were the private counsel retained by the City.

Councilmember Steele moved to approve the Resolution. Councilmember Ceperley seconded the motion. With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Resolution No. 332-20 adopted.

2. Your committee on Public Safety has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7871 do pass.

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 un-safe 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 statutes. 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.

Councilmember Steele added that the bill allows the Charleston Fire Department to actively investigate crimes that involve criminal activity that involve arson and other fire related crimes. The CFD has a more robust skill set for investigating these crimes. Corey Miller, with the Charleston Fire Department, added that they are specifically trained to investigate arson related crimes, but are limited as to their procedures. He added that the Charleston Police Department supports the proposed bill. This will give them limited powers of arrest for arson crimes; they will have the same authority as the State Fire Marshall's Office. They are currently conducting training with the CPD featuring search and seizure laws, arrest laws, and firearms qualification. Several municipalities in the state have already been doing this for years.

Councilmember Persinger asked if they would be carrying side arms. Miller replied that three (3) people assigned to the Fire Prevention Bureau will be carrying guns.

Councilmember Wesley-Plear asked if these firefighters will also be given the cultural sensitivity training the CPD officers receive. Miller replied that was a wonderful suggestion. They are currently training, and he would love to add that to their training.

Councilmember Steele moved to approve the bill. Councilmember Ceperley seconded the motion. A roll call was taken:

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7871 passed.

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

NAYS: NONE

ABSENT: NONE

With a majority of members present recorded thereon as voting in the affirmative, the Mayor declared Bill No. 7871 passed.

***REPORTS OF OFFICERS***

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1. Municipal Court Report to City Council Month Ending April 2020.  
Received and Filed.
  
2. City Treasurer's Report to City Council Month Ending April 2020.  
Received and Filed.

***NEW BILLS***

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NONE

**MISCELLANEOUS/UNFINISHED BUSINESS**

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1. Mayor Goodwin stated that the Administration continues to have constant contact with the Health Department, first responders, Senator Manchin, Senator Capito, Secretary Hardy and the Governor's Office. A letter has been sent to the Governor thanking him for his leadership during the COVID-19 pandemic as well as requesting to be part of helping with solutions, particularly when it comes to the CARES Act. The Administration is predicting close to a \$3million deficit as the City enters the next fiscal year. The Administration is working on financial predictions, and tough decisions will need to be made. It is possible that there could be a \$15-20 million budget deficit by this time next year. Mayor Goodwin added that they are working on an application to ease certain outdoor dining restrictions. Councilmembers will also be sent an action plan to re-open City Government offices with a tentative date of May 26, 2020. Councilmember Snodgrass confirmed that the City will still be funding the portions of the new health care plans as previously promised. Councilmember Cook said that the HEROES Act was recently passed by the House of Representatives, and encouraged Councilmembers to reach out to their Congressional delegates to pass the Act. Councilmember Faegre added that, as a Councilmember, she does not expect compensation for representing her Ward. Councilmember Minardi added that funds for the now cancelled or altered events could give some budget relief. Councilmember Jenkins asked what recommendations could be given to groups planning events for later in the year. Mayor Goodwin and Storage replied that those decisions are week to week/month to month, and are very difficult to predict in advance.
2. Councilmember Snodgrass said that she had received an unusual amount of calls concerning uncut grass and other basic services that the City provides. She was informed that the Public Works employees responsible for cutting the grass etc. were on a skeleton crew and had been for several months. She added that those sorts of things were going to be difficult to catch up with. Mayor Goodwin replied that the outdoor crews are all back on the job presently; the smaller crews were to adhere to social distancing and safety concerns. Mayor Goodwin offered to tour the areas of concern with Councilmember Snodgrass, and Councilmember Snodgrass agreed.
3. Councilmember Wesley-Plear asked how the Recreation Centers will open. Mayor Goodwin replied that the Administration had been communicating with other Mayors

across the country. She added that the process will be difficult. Outdoor activities will start first, such as the tennis courts. They have been working to ensure that all guidelines will be followed, such as having the necessary PPE for employees. Given the current financial situation, when they open and what that will look like is still in draft form.

***ADJOURNMENT***

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

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

NAYS: NONE

ABSENT: NONE

At 8:10 p.m., by a motion from Councilmember Ceperley, Council adjourned until Monday, June 1, 2020, at 7:00 p.m., in the Council Chambers in City Hall or electronically as needed.

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Amy Shuler Goodwin, Honorable Mayor

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Miles C. Cary II, City Clerk