



CITY OF CHARLESTON WEST VIRGINIA



Council Member – AT-LARGE

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Environment and Recycling Committee, Chair
Ordinance and Rules Committee

TO: Environment and Recycling Committee
FROM: John Kennedy Bailey, Chair
RE: Committee Meeting

A meeting of the Council Committee on Environment and Recycling will be held on Wednesday, August 4, 2021. The meeting will begin promptly at 5:30 PM.

THE MEETING WILL BE MADE AVAILABLE TO THE PUBLIC VIA ZOOM

***Join via internet:**

<https://us02web.zoom.us/j/87698957062?pwd=ci9nMzhCRFA1bkh0UU1jcFTVIMwQT09>

Passcode: 226551

***Join via Telephone: (312) 626-6799 or (929) 436-2866**

Webinar ID: 876 9895 7062

Agenda

APPROVAL OF PREVIOUS MINUTES

1. 5-19-2021

BILLS

1. Bill No. 7916 - A BILL to amend the Municipal Code by adding a new Article related to energy benchmarking.

DISCUSSION

1. Update on recycling
2. Update on fall tree planting.

JKB/jb

MINUTES

ENVIRONMENT & RECYCLING COMMITTEE MEETING MAY 19, 2021 – 5:30 PM- VIA REMOTE

Committee Members Present: John Kennedy Bailey, Chair – Ben Adams - Caitlin Cook
Will Laird

Others Present: Jonathan Storage, City Mgr. – Brent Webster – Jered Lanham
Emmett Pepper – Gerald Burgy, City of South Charleston
Mackenzie Spencer

John Kennedy Bailey, Chairman called the meeting to order. He entertained a motion to dispense with the reading of and approval of previous meeting minutes. Ben Adams made motion. Caitlin Cook seconded. Minutes approved as written.

The Chairman began with the Renewal of Recycling Agreement between the City of Charleston and Raleigh Co. Solid Waste Authority. He gave the floor over to City Manager, Jonathan Storage. Mr. Storage began by stating that at about September 2020 the City Council entered into a MOU with the Raleigh Co. Solid Waste Authority to help with the City's recycling needs prior to the pandemic shut down. Post the Covid shut down the RCSWA presented the City with a financial report that required all municipalities that used their facility to pay fee to receive their recycling, given the state of the marketplace. He went on to say that all the municipalities have an MOU and pay the same rate per ton but that the City of Charleston does send the largest amount of tonnage, by far. In addition, he stated that the City is always striving to come up with an alternate solution and hopefully in the future have our own facility or other permanent solution that does not require us farming our material out of City and County. The current MOU expires on June 30, 2021. He said that he was contacted by the RCSWA Executive Director to find out if the City of Charleston was going to renew at the same rate the City is currently paying. He also stated that it is not a yearlong contract, but rather a pay as you go arrangement. He added that with no other viable options he plans to recommend the renewal of the current MOU. He asked that the E&R Committee discuss the MOU renewal and if approves make a recommendation to the Finance Committee supporting the adoption of the resolution to renew the MOU.

The Chairman stated that currently no other viable option that his position is to recommend the renewal of the MOU. He asked other E&R members for their positions on the matter. Ben Adams wanted to verify that no other options exist. Jonathan Storage said that the City has and continues to look for any alternatives and to date have found none. He added that the municipalities in the valley that recycle are in the same situation as the City. Caitlin Cook stated that she agrees that the renewal is the right thing to do at this time, as we want to continue to grow our recycling program. Mr. Burgy added that the City of South Charleston also has no options and plans to recommend to their Finance Director that they renew their MOU as well. There being no further comments from the Committee the Chairman called for a motion to make a recommendation to the Finance Committee in favor of renewal of the MOU.

Caitlin Cook made the motion. Ben Adams seconded. Motion to recommend was unanimously approved.

Next Agendas Items: Update of Green Team's Last Meeting and Possible Energy Efficient Audit (City Owned Buildings)

The Chairman gave the floor to Emmett Pepper. Mr. Pepper stated that the Green Team talked about general ideas on sustainability and each member was asked to bring some ideas to the table. He reiterated that their number one priority was recycling, but also the market possibilities for recycling glass, the composting issue and education and communication. He added that there was also discussion on the issue of energy efficiency in public buildings. He stated that he hopes to have some recommendations at next meeting. Mr. Pepper stated that there will be a presentation at the next GT meeting by some material experts on the concept of energy efficiency, He added that they are in the process of applying for a grant from the EPA to have a few pilot cities within the state to look into ways to enhance energy efficiency. He stated they are also drafting a letter of recommendation for the Mayor's signature in support of that grant.

Next Agenda Item: Setting Up a Material Recoveries Facility in (or near) Charleston.

The Chairman began by stating the idea of having our own MRF is a huge project and would have to involve all municipalities as well as the county. To that end, he and several others had a virtual meeting with a Colorado company called Revolution that manufactures recycling and sorting equipment. He stated that he hoped it would be the first of several virtual visits. He said that he would provide the email to them and encouraged the members to go the site. He reiterated that is a starting point and would also like to continue to look for possible locations to expand all of our options. He added that he looks forward to talking and working with Mr. Burgy, South Charleston and the Solid Waste Authority.

The Chairman asked if there were any other questions, concerns, or comments. There being none the Chairman entertained a motion to adjourn. Caitlin Cook made motion. Ben Adams seconded.

Meeting was adjourned.

There being no further comments or concerns, the Chairman entertained a motion to adjourn.
Naomi Bays made the motion.
Caitlin Cook seconded. Meeting was adjourned.

The next E&R Meeting is scheduled for Wednesday, January 6, 2021 at 5:30 PM

Bill No. 7916

Introduced in Council:

July 6, 2021

Introduced by:

Jennifer Pharr and John Kennedy Bailey

Adopted by Council:

Referred to:

**Facilities and Environment
& Recycling Committees**

1 **Bill No. 7916** - A BILL to amend the Municipal Code of the City of Charleston, as
2 amended, by adding thereto a new Article, designated Article IX within Chapter 2,
3 consisting of Sections 2-751, 2-752, 2-753, 2-754, 2-755, 2-756, 2-757, 2-758, 2-759,
4 and 2-760, relating to energy benchmarking; declaring purpose; defining terms;
5 requiring benchmarking of covered municipal properties; detailing benchmarking
6 reporting procedure; declaring certain benchmarking exemptions and time extensions;
7 implementing audit of meters and streetlights; establishing energy savings program;
8 requiring annual reports and analysis; and authorizing rulemaking.

9

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

11

12 That the Municipal Code of the City of Charleston, as amended, be amended by adding
13 thereto a new Article, designated Article IX within Chapter 2, consisting of Sections 2-
14 751, 2-752, 2-753, 2-754, 2-755, 2-756, 2-757, 2-758, 2-759, and 2-760, all to read as
15 follows:

16

17 **Chapter 2. – Administration.**

18 **ARTICLE IX. – ENERGY BENCHMARKING.**

19

20 **Sec. 2-751. – Purpose of Energy Benchmarking Ordinance.**

21

22 The Purpose of this Article and energy benchmarking is to encourage efficient
23 use of municipal energy paid by taxpayers and to reduce municipal pollution. This
24 Article requires Covered Municipal Properties to annually measure and disclose energy
25 usage to the City Manager. Furthermore, this Ordinance will authorize the City Manager
26 to collect energy usage data to enable more effective energy and climate protection
27 planning by the City and others and to provide information to the real estate
28 marketplace to enable its members to make decisions that foster better energy
29 performance.

30

31 **Sec. 2-752. – Definitions.**

32

33 For the purposes of this section, the following definitions shall apply:

34

35 “Benchmark” means to input and submit the total energy and water consumed

36 for a property for the previous calendar year and other descriptive information for such
37 property as required by the benchmarking tool. Total energy and water consumption
38 shall not include separately metered uses that are not integral to building operations, as
39 determined by the City Manager.

40

41 “Benchmarking date” means on or before October 31 of each year.

42

43 “Benchmarking submission” means a subset of:

44 (1) Information input into the benchmarking tool; and

45 (2) Benchmarking information generated by the benchmarking tool, as
46 determined by the City Manager.

47

48 “Benchmarking tool” means the U.S. Environmental Protection Agency’s
49 ENERGY STAR® Portfolio Manager, or any additional or alternative tool adopted by the
50 City Manager, used to track and assess the energy and water use of certain properties
51 relative to similar properties.

52

53 “Building operator” means the department or agency head that operates,
54 maintains, and/or pays energy utility bills.

55

56 “City Manager” means the City Manager of the City of Charleston or, at the City
57 Manager’s sole discretion, a designee for the specific purpose of carrying out the
58 requirements of this Article.

59

60 “Covered Municipal Property” means a property that is owned, leased, or
61 managed by the City such that the City regularly pays all or part of the annual energy
62 and/or water bills.

63

64 “Energy” means electricity, natural gas, steam, or other product sold by a utility to
65 a customer of a property, or renewable on-site electricity generation, for purposes of
66 providing heating, cooling, lighting, water heating, or for powering or fueling other end-
67 uses as recorded in the benchmarking tool.

68

69 “ENERGY STAR score” means the 1-100 numeric rating generated by the
70 ENERGY STAR Portfolio Manager tool as a measurement of a building’s energy
71 efficiency.

72

73 “ENERGY STAR Portfolio Manager” means the tool developed and maintained
74 by the U.S. Environmental Protection Agency to track and assess the relative energy
75 performance of buildings.

76

77 “Gross floor area” means the total property area, measured between the outside
78 surface of the exterior walls of the building(s). This includes all areas inside the
79 building(s) including but not limited to lobbies, tenant areas, common areas, meeting
80 rooms, break rooms, atriums (count the base level only), restrooms, elevator shafts,
81 stairwells, mechanical equipment areas, basements, and storage rooms.

82

83 “Retrocommissioning practices” means processes that seek to improve how
84 building equipment and systems function together. Such practices are designed also to
85 resolve problems that occurred during design, construction, or that have developed
86 throughout the building's life; improving a building's operations and maintenance
87 procedures to enhance overall building performance.

88

89 “Shared benchmarking information” means information generated by the
90 benchmarking tool and descriptive information about the physical property and its
91 operational characteristics, which is shared with the public. The information, as defined
92 by the ENERGY STAR Portfolio Manager glossary, shall include, but need not be
93 limited to:

94 (1) Descriptive information:

95 (A) Property address;

96 (B) Primary use;

97 (C) Gross floor area;

98 (D) Number of floors;

99 (E) Number of years the property has been ENERGY STAR® Certified

100 and the last approval date, if applicable; and

101 (F) Individual or entity responsible for the benchmarking submission.

102 (2) Site and source energy use intensity:

103 (A) Weather normalized site and source energy use intensity;

104 (B) The ENERGY STAR score, where available;

105 (C) Total annual greenhouse gas emissions;

106 (D) Monthly energy use, by fuel type;

107 (E) Monthly peak electricity demand;

108 (F) Indoor water use and water use intensity (consumption per gross
109 square foot);

110 (G) Outdoor water use (where available);

111 (H) Total water use;

112 (I) The ENERGY STAR Water Score, where available;

113 (J) General comments section, if needed, to explain the building's

114 ENERGY STAR scores; and

115 (K) Compliance or noncompliance status.

116

117 “Utility” means an entity that distributes and/or sells natural gas, electric, water,
118 or thermal energy services for buildings.

119

120 “Water audit” means that part of an audit that addresses the water systems.

121

122 **Sec. 2-753. – Applicability.**

123

124 This Article is applicable to all Covered Municipal Properties. All owners of other
125 properties within the City of Charleston are encouraged, but not required, to follow the
126 benchmarking portions of this Article.

127

128 **Sec. 2-754. – Benchmarking Requirement for Covered Municipal Properties.**

129

130 No later than October 31, 2021, and by October 31 every year thereafter, the
131 total energy and water consumed by each Covered Municipal Property, along with all
132 other descriptive information required by the Benchmarking Tool, shall be entered into
133 the Benchmarking Tool for the previous fiscal year.

134

135 **Sec. 2-755. – Benchmarking Reporting Procedure.**

136

137 (a) For every Covered Municipal Property subject to this Article, the building
138 operator shall annually submit to the City Manager an energy and water benchmarking
139 report in an electronic format as established by the City Manager, by the benchmarking
140 date.

141

142 (b) The information included in the annual energy and water benchmarking
143 report shall include, at a minimum, the Shared Benchmarking Information for the
144 previous calendar year.

145

146 (c) The building operator of each Covered Municipal Property shall provide to the
147 City Manager all data necessary for the City Manager to:

148 (1) Enter it into the benchmarking tool and

149 (2) Create an energy and water benchmarking report based on an
150 assessment of the aggregated total energy and water consumed by the whole property
151 for the entire calendar year being reported.

152

153 (d) Before submitting a benchmarking report the building operator shall run all
154 automated data quality checker functions available within the benchmarking tool and
155 shall verify that all data has been accurately entered into the tool. In order for the
156 benchmarking report to be considered in compliance with this Article, the building
157 operator shall correct all missing or incorrect information as identified by the data quality
158 checker prior to submitting the benchmarking report to the City Manager.

159

160 (e) In order to plan for potential solar panel installation, the building operator
161 shall include information regarding whether any of the building operator's Covered
162 Municipal Properties are, or will soon be, in need of replacing or repairing its roof. The
163 building operator shall also describe any evaluation regarding the suitability for solar
164 panels on the building that has been conducted on any Covered Municipal Properties.

165

166 (f) Where the current building operator learns that any information reported as
167 part of the benchmarking submission is inaccurate or incomplete, the building operator
168 shall amend the information reported within the benchmarking tool and shall provide the
169 City Manager with an updated benchmarking submission within 30 days of learning of
170 the inaccuracy.

171

172 **Sec. 2-756. – Benchmarking Exemptions; Time Extensions.**

173

174 (a) Benchmarking is not required for a Covered Municipal Property for the
175 current reporting year if the building operator submits documentation to the City
176 Manager, in such form and with such certifications as required by the City Manager,
177 establishing that the property met one or more of the following conditions for the
178 calendar year to be benchmarked:

179 (1) A demolition permit for the entire building was issued during that year,
180 provided that demolition work commenced and legal occupancy was no longer possible
181 prior to end of that year;

182 (2) The property did not receive energy or water utility services during that
183 year; or

184 (3) Due to special circumstances unique to the property, strict compliance
185 with provisions of this Article would not be in the public interest.

186

187 (b) Any building operator requesting an exemption from benchmarking shall, by
188 June 1 in the year for which the exemption is being requested, submit to the City
189 Manager any documentation reasonably necessary to substantiate the request or
190 otherwise assist the City Manager in the exemption determination. Any exemption
191 granted will be limited to the benchmarking submission for which the request was made
192 and does not extend to past or future submittals. Any requested exemptions, whether
193 approved or denied, shall be included in the annual report described in Section 7-759 of
194 this Article, as well as the reasons for the exemption being approved or denied.

195

196 (c) Any building operator may apply for a time extension to complete and submit
197 a benchmarking report if, despite such building operator's good faith efforts, they are
198 unable to complete the required actions prior to the scheduled due date due to the
199 failure of either a utility provider or a tenant (or both) to provide the building operator
200 with information needed to complete this report. The building operator requesting an
201 extension shall submit to the City Manager any documentation reasonably necessary to
202 substantiate the request or otherwise assist the City Manager in the determination. For
203 each property, the City Manager may grant no more than two such extensions per year
204 of no more than thirty days each.

205

206 **Sec. 2-757. – Audit of Meters and Streetlights.**

207

208 In addition to the other requirements of this Article, the City Manager shall
209 develop and administer a program for auditing the streetlights and energy metering
210 devices for both electricity and natural gas currently installed at all city buildings or
211 otherwise paid by the city, for purposes of determining whether such devices are active
212 or inactive. Such a program shall be designed to audit all energy metering devices by
213 July 1, 2022 and all streetlights by July 1, 2023. In the event the City Manager
214 determines during such an audit that an energy metering device is no longer active, the
215 City Manager shall notify the energy service provider to request removal of such device
216 and adjustment of utility bills to remove any inappropriate charges associated with such
217 meter.

218

219 **Sec. 2-758. – Energy Savings Program.**

220

221 (a) By July 1, 2022, the City Manager shall establish an energy savings program
222 designed to reduce energy usage for electricity, natural gas, fuel oil, and steam in all
223 Covered Municipal Properties by 25% below FY2019 levels by FY2031, as well as
224 otherwise reducing energy costs.

225

226 (b) Any program established pursuant to this section shall include:

227 (1) At least one interim savings goal for a percentage savings to be
228 achieved by the fiscal year 2025-2026;

229 (2) A plan for prioritizing which Covered Municipal Properties should be
230 first audited and identified for efficiency improvements;

231 (3) A plan for implementing retrocommissioning practices, ensuring that
232 buildings are operated in a manner that maximizes the energy saving potential of any
233 efficiency improvements made; and

234 (4) A framework for evaluating when a Covered Municipal Property is
235 suitable for installing solar panels in order to reduce energy costs.

236

237 **Sec. 2-759. – Annual Report and Analysis.**

238

239 (a) Beginning no later than December 1, 2022 and every year thereafter, the City
240 Manager shall make available on a publicly accessible website an annual report
241 covering the previous fiscal year, including:

242 (1) The measured energy use of all Covered Municipal Properties;

243 (2) A summary of energy and water consumption statistics;

244 (3) An assessment of compliance rates, accuracy and issues affecting
245 accuracy, changes across the portfolio over time;

246 (4) Any energy savings measures taken pursuant to the program
247 established in Section I of this Article;

248 (5) An evaluation of solar for all Covered Municipal Properties, including
249 any buildings that have been identified as needing roof repairs in the next five years;
250 and

251 (6) Trends observed.

252

253 (b) If the circumstances of the solar viability of any Covered Municipal Properties
254 has not changed since a previous evaluation, the City Manager does not need to make
255 a new evaluation.

256

257 (c) By August 1, 2026, the City Manager shall review the progress toward the
258 FY2026 interim goal established pursuant to Section 2-758 of this Article. If the FY2026
259 goal has not been met, the City Manager shall make recommendations to the City
260 Council as to whether amendments to this section or other measures are necessary to
261 meet the goal of 25% reduction by FY2031.

262

263 (d) Nothing in this ordinance shall prevent the City Manager from including all
264 such information in a combined annual energy and water efficiency report covering the
265 progress of all of the City's energy efficiency ordinances and programs.

266

267 **Sec. 2-760. – Rulemaking.**

268

269 In addition to all of the authority granted in this Article, the City Manager has
270 plenary power and authority to promulgate any such rules necessary to carry out the
271 provisions of this Article.