



CITY OF CHARLESTON  
West Virginia  
Council Member – AT LARGE



Jennifer Pharr  
3 Lambert Place Unit #3  
Charleston, WV 25314  
Telephone: 304-615-7574  
jennifer.pharr@cityofcharleston.org

Facilities Committee, Chair  
Urban Renewal Committee

TO: Facilities Committee  
FROM: Jennifer Pharr, Chair  
RE: Committee Meeting

**THIS MEETING WILL TAKE PLACE AND CAN BE ATTENDED IN PERSON AND CAN BE VIEWED LIVE VIA ZOOM (audio only)**

AV Room #308, City Hall  
Charleston, WV

There will be a Committee meeting of the Facilities Committee on August 16, 2021 – 5:00 PM

**\*Join via internet:**

<https://us02web.zoom.us/j/86550479251?pwd=ZHI4Q1RGelMwYk0vcn4zK3MxNnNOQT09>

**Passcode: 579078**

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

**Webinar ID: 865 5047 9251**

*The agenda will be as follows:*

APPROVAL OF PREVIOUS MINUTES

1. 4-1-2021

BILLS

1. Bill No. 7916 Committee Substitute - A BILL to amend the Municipal Code by adding a new Article relating to energy benchmarking; declaring purpose; defining terms; requiring benchmarking of covered municipal properties; detailing benchmarking reporting procedure; declaring certain benchmarking exemptions and time extensions; implementing audit of meters and streetlights; establishing energy savings program; requiring annual reports and analysis; and authorizing rulemaking.

DISCUSSION

1. Municipal Auditorium - Patrick Leahy

ADJOURNMENT

JP/ns

# MINUTES

## FACILITIES COMMITTEE MEETING

5:30 P. M., APRIL 1, 2021

\*IN RESPONSE TO THE COVID-19 PANDEMIC, THE MEETING OF THE ORDINANCE AND RULES COMMITTEE WAS CONDUCTED ELECTRONICALLY. THE MEETING WAS MADE AVAILABLE TO THE PUBLIC AS A LIVE STREAM VIA ZOOM (PER THE AGENDA).

Jennifer Pharr, Chairperson, called the meeting of the Charleston City Council Committee on Facilities to order at 5:30p.m., APRIL 1, 2021 over Zoom.

### **Committee Members Present:**

Jennifer Pharr, Chair  
Naomi Bays  
Brady Campbell  
Sam Minardi  
Chad Robinson  
Shannon Snodgrass

### **Committee Members Absent:**

Courtney Persinger

1. Approval of Previous Minutes – Councilmember Bays moved to approve the minutes of the previous meeting on 2-23-2021. Councilmember Minardi seconded. There was no objection and the minutes were approved.

April 1, 2021

## 2. Update on 601 Morris Street Building –

City Manager, Jonathan Storage, added that the Neighborhood Assistance Officer Program recently moved from Roosevelt to 601 Morris Street, in part to keep an eye on the building. Assistant to the City Manager, Miranda Dillon, has also been keeping in touch with the General Services Department to ensure that issues are being addressed in a timely manner. Storage added that he had a very productive conversation with Jamie Dickenson, and she confirmed that many of her concerns have been addressed. He also added that there is a new custodian in the building, Cindy Moss, who has received glowing reviews. The Administration has also received interest in a company who would potentially rent out the entire 4<sup>th</sup> floor.

Councilmember Campbell asked if the NAO Program would be located there indefinitely. Storage replied that 601 Morris is meant to be their home for the foreseeable future.

Randy Morgan added that several of the buildings' tenants have paid him a visit and were very appreciative of the changes that had been made. He added that he had not seen anything out of the ordinary of the past week and a half.

Councilmember Snodgrass thanked Storage for quickly working to fix these issues, and suggested someone from the Administration continue to check in with the owners (particularly Jamie Dickenson). Storage agreed, adding that is the intention. Additionally, the General Services Department is to conduct a full walkthrough of the entire building every morning.

Councilmember Campbell thanked the Mayor and the Administration for their work on the building.

## 3. Update with the New Management Staff at the Convention Center -

Patrick Leahy, from the Coliseum and Convention Center, stated that they have been working to slowly get the facilities back and opened. They have been hosting Covid vaccination clinics. They recently hosted the motor-cross events, using the socially distanced seating pods. Next is the basketball tournament, which is a large-scale event. They are hoping to announce further large-scale events for Summer.

Councilmember Bays asked how socially dissenting will work with concerts that were rescheduled from last year. Leahy replied that the nationally touring concerts will continue to be rescheduled to a time frame that they believe will allow for 100% capacity. For other events that apply, they are in the process of relocating seats into the existing pod infrastructure.

Councilmember Campbell added that he heard of other countries doing a "vaccine passports." Leahy replied that they had not had any conversations about that, but the Convention Center's protocols do call for mandatory temperature testing, as well as

thermal cameras in the future. Councilmember Campbell asked what the current capacity was. Leahy replied that it was time dependent as it related to ordering tickets. For example, the basketball event will have around 4,900-person capacity, which is at 39% capacity. The upcoming 304 basketball event will be at around 7,000 (48%).

Councilmember Bays motioned to adjourn the meeting. Councilmember Snodgrass seconded. Meeting adjourned.

**Bill No. 7916 Committee Substitute**

**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 Committee Substitute** - A BILL to amend the Municipal Code of the City  
2 of Charleston, as amended, by adding thereto a new Article, designated Article IX within  
3 Chapter 2, consisting of Sections 2-751, 2-752, 2-753, 2-754, 2-755, 2-756, 2-757, 2-  
4 758, 2-759, and 2-760, relating to energy benchmarking; declaring purpose; defining  
5 terms; 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~~ a date to be  
42 determined by the City Manager with the cooperation of the Chair of the Facilities  
43 Committee.

44

45 “Benchmarking submission” means a subset of:

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

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

49

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

54

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

57

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

61

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

65

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

70

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

74

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

78

79 “Gross floor area” means the total property area, measured between the outside  
80 surface of the exterior walls of the building(s). This includes all areas inside the  
81 building(s) including but not limited to lobbies, tenant areas, common areas, meeting

82 rooms, break rooms, atriums (count the base level only), restrooms, elevator shafts,  
83 stairwells, mechanical equipment areas, basements, and storage rooms.

84

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

90

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

96 (1) Descriptive information:

97 (A) Property address;

98 (B) Primary use;

99 (C) Gross floor area;

100 (D) Number of floors;

101 (E) Number of years the property has been ENERGY STAR® Certified  
102 and the last approval date, if applicable; and

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

104 (2) Site and source energy use intensity:

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

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

107 (C) Total annual greenhouse gas emissions;

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

109 (E) Monthly peak electricity demand;

110 (F) Indoor water use and water use intensity (consumption per gross  
111 square foot);

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

113 (H) Total water use;

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

115 (J) General comments section, if needed, to explain the building's  
116 ENERGY STAR scores; and

117 (K) Compliance or noncompliance status.

118

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

121

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

123

124 **Sec. 2-753. – Applicability.**

125

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

128 benchmarking portions of this Article.

129

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

131

132 No later than ~~October 31, 2021~~, a date to be determined by the City Manager  
133 with the cooperation of the Chair of the Facilities Committee and by ~~October 31~~ a date  
134 to be determined by the City Manager with the cooperation of the Chair of the Facilities  
135 Committee every year thereafter, the total energy and water consumed by each  
136 Covered Municipal Property, along with all other descriptive information required by the  
137 Benchmarking Tool, shall be entered into the Benchmarking Tool for the previous fiscal  
138 year.

139

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

141

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

146

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

150

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

153

(1) Enter it into the benchmarking tool and

154

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

157

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

164

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

170

171 (f) Where the current building operator learns that any information reported as  
172 part of the benchmarking submission is inaccurate or incomplete, the building operator  
173 shall amend the information reported within the benchmarking tool and shall provide the

174 City Manager with an updated benchmarking submission within 30 days of learning of  
175 the inaccuracy.

176

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

178

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

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

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

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

191

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

200

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

210

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

212

213 In addition to the other requirements of this Article, the City Manager shall  
214 develop and administer a program for auditing the streetlights and energy metering  
215 devices for both electricity and natural gas currently installed at all city buildings or  
216 otherwise paid by the city, for purposes of determining whether such devices are active  
217 or inactive. Such a program shall be designed to audit all energy metering devices by  
218 July 1, 2022 and all streetlights by July 1, 2023. In the event the City Manager  
219 determines during such an audit that an energy metering device is no longer active, the

220 City Manager shall notify the energy service provider to request removal of such device  
221 and adjustment of utility bills to remove any inappropriate charges associated with such  
222 meter.

223

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

225

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

230

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

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

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

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

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

241

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

243

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

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

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

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

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

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

256 (6) Trends observed.

257

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

261

262 (c) By August 1, 2026, the City Manager shall review the progress toward the  
263 FY2026 interim goal established pursuant to Section 2-758 of this Article. If the FY2026  
264 goal has not been met, the City Manager shall make recommendations to the City  
265 Council as to whether amendments to this section or other measures are necessary to

266 meet the goal of 25% reduction by FY2031.

267

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

271

272 **Sec. 2-760. – Rulemaking.**

273

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