



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

CITY OF CHARLESTON, WEST VIRGINIA

Regular Meeting – Monday, July 18, 2022

at 7:00 P.M.

Council Chambers – City Hall – Charleston, West Virginia

OFFICIAL RECORD

Amy Shuler Goodwin
Mayor

Miles C. Cary II
City Clerk

CALL TO ORDER*

The Council met at 7:00 P.M., for the second meeting in the month of July on the 18th day, in the year 2022, and was called to order by the Honorable Mayor, Amy Shuler Goodwin. The invocation was delivered by Councilmember Adams, and the Pledge of Allegiance was led by Councilmember Hass. 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**

**BAYS
CAMPBELL
FAEGRE
JENKINS**

BROWN

**HAAS
JONES
MCKINNEY
OVERSTREET**

**REISHMAN
SNODGRASS**

**PERSINGER
ROBINSON
STEELE**

**PHARR
SHEETS
MAYOR GOODWIN**

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

Ceperley and Knauff's absences were excused by the City Clerk per Resolution No. 582-21.

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

PUBLIC SPEAKERS

1. Tiffany Davis – Spoke about Capital High’s participation during the Regatta.
2. Andrea Moore – Spoke about West Side Middle’s participation during the Regatta.
3. Joniesha Johnson – Thanked first responders for their help during her recent family tragedy. She called for a safer environment in that are, and for better lighting.

CLAIMS

1. A claim of Carl J. Moore, Charleston, WV;
alleges damage to vehicle.
2. A claim of Amber Slater, Charleston, WV;
alleges damage to property.

PROCLAMATIONS

None

COMMUNICATIONS

1.

**TO: MILES CARY
CITY CLERK**

**FROM: AMY SHULER GOODWIN
MAYOR** 

RE: CHARLESTON COLISEUM & CONVENTION CENTER BOARD

DATE: JULY 18, 2022

I recommend the following individual be reappointed to the Charleston Coliseum & Convention Center Board:

Andrew Jordan – term expiration date 6-22-26

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Hoover motioned to approve the appointment. Councilmember Jenkins seconded. With those being present having voted unanimously in the affirmative, the Chair declared the appointment approved.

2.

**TO: MILES CARY
CITY CLERK**

FROM: AMY SHULER GOODWIN 
MAYOR

RE: MUNICIPAL BEAUTIFICATION COMMISSION

DATE: JULY 18, 2022

I recommend the following individuals be reappointed to the Municipal Beautification Commission:

Lois Crichton – term expiration date 9-19-25
Marjorie Cook – term expiration date 9-19-25
Susan Shumate – term expiration date 9-19-25

I recommend the following individual be appointed to the Municipal Beautification Commission:

John Casto – fills a vacant seat previously held by Otis Laury with an expiration date of 9-19-23

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Hoover motioned to approve the appointment. Councilmember Jenkins seconded. With those being present having voted unanimously in the affirmative, the Chair declared the appointment approved.

3.

**TO: MILES CARY
CITY CLERK**

**FROM: AMY SHULER GOODWIN
MAYOR**



RE: GREEN TEAM

DATE: JULY 18, 2022

I recommend the following individual be appointed to the Charleston Green Team:

Quenton King (Ward 9) - fills a vacant seat

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Hoover motioned to approve the appointment. Councilmember Jenkins seconded. With those being present having voted unanimously in the affirmative, the Chair declared the appointment approved.

4.

**TO: MILES CARY
CITY CLERK**

**FROM: AMY SHULER GOODWIN
MAYOR**

RE: CHARLESTON URBAN RENEWAL AUTHORITY

DATE: JULY 18, 2022



I recommend the following individual be reappointed to the Charleston Urban Renewal Authority:

Anthony Paranzino – term expiration date 6-22-27

I recommend the following individuals be appointed to the Charleston Urban Renewal Authority:

Mia Fox – replaces Andrew Jordan with an expiration date of 3-3-26

Jeff Sikorovsky – replaces Tom Hamm with an expiration date of 3-3-27.

I respectfully request City Council's approval of this recommendation.

ASG/mls

Councilmember Hoover motioned to approve the appointment. Councilmember Jenkins seconded. With those being present having voted unanimously in the affirmative, the Chair declared the appointment approved.

REPORTS OF COMMITTEES

COMMITTEE ON ORDINANCE AND RULES

Councilmember Robinson, Chair of the Council Committee on Ordinance and Rules, submitted the following reports:

1. Your committee on Ordinance and Rules has had under consideration the following bill, and reports the same to Council with the recommendation that Bill No. 7966 as do pass.

Bill No. 7966 - A BILL to amend and reenact Section 14-33 of the Code of the City of Charleston, as amended, by updating references to the state building code in order to conform to the state requirements, effective August 1, 2022.

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

That Section 14-33 of the Code of the City of Charleston, as amended, is hereby amended and reenacted to read as follows:

CHAPTER 14 – BUILDINGS AND BUILDING REGULATIONS.

ARTICLE II. – BUILDING CODE.

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

(a) There is adopted the state building code as authorized by W. Va. Code § 8-12-13 and promulgated pursuant to W. Va. Code § 15A-11-5, and by the State of West Virginia in Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.), state building code, which are collectively adopted by reference as if fully restated herein, and the provisions of such code sections and regulations shall be controlling within the city.

(b) The following amendments are made and incorporated into the codes adopted by subsection (a) of this section, as stated in the Legislative Rule:

Whenever referenced in the several ICC codes adopted herein, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2018 <u>2021</u> edition.
--

Whenever a certificate of occupancy is required of a commercial structure greater in size than 7,600 square feet, the project documents shall be designed by an Architect licensed by the WV Board of Architects, or a Professional Engineer licensed by the WV State Board of Registration for Professional Engineers.

The ANSI/ASHRAE/IESNA Standard 90.1-2010 <u>2013</u> edition for commercial buildings.
--

Using building energy benchmarking in all commercial structures means measuring a building's energy use and then comparing it to the energy use of similar buildings, its own historical energy usage, or a reference performance level, and is an allowable option for improved energy efficiency and performance.

International Building Code 2015~~2018~~:

Section 101.1	Insert "the City of Charleston"
Section 1612.3	Insert "the City of Charleston" dated "April 3, 1985"
Section 3412.2	Insert "April 30, 2019"
Delete Section 101.4.5 Fire Prevention, in its entirety.	
Delete Section 113.3 Qualifications, in its entirety and replace with the following: 113.3 Qualifications. The Board of Appeals shall consist of five members, with up to three alternates, who are qualified by experience or training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years' experience, five of which shall be in responsible charge or <u>of</u> work. No less than one of the members of such Board of Appeals shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor.	
Section 4.1.k.l. Omit references to International Fire Code and substitute NFPA Life Safety Code 2018 <u>2021</u> Edition.	

International Residential Code for One- and Two-Family Dwellings 2015~~2018~~:

Chapter 11 entitled "Energy Efficiency" is exempt from Title 87, Legislative Rule Series.	
Section R101.1	Insert "the City of Charleston"
Section G2415.12(404.10) <u>(404.12)</u>	Delete and replace with: Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.
<u>Section M1402.1 General</u>	<u>Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or UL/CSA 60335-2-40.</u>
<u>Section M1403.1 Heat pumps</u>	<u>Electric heat pumps shall be listed and labeled in accordance with UL 1995 or UL/CSA 60335-2-40.</u>
<u>Section M1412.1 Approval of equipment</u>	<u>Absorption systems shall be installed in accordance with the manufacturer's instructions. Absorption equipment shall comply with UL 1995 or UL/CSA 60335-2-40.</u>
<u>Section M1413.1 General</u>	<u>Evaporative cooling equipment and appliances shall comply with UL 1995 or UL/CSA 60335-2-40 and shall be installed in accordance with</u>

	<u>4401.3 Referenced standard list:</u>	
<u>Section 4401.3 Referenced standard list</u>	<u>ASHRAE</u>	<u>ASHRAE</u>
		<u>1791 Tullie Circle, NE</u>
		<u>Atlanta, GA 30329</u>
	<u>Standard</u>	
	<u>references</u>	<u>Title</u>
	<u>34-2019</u>	<u>Designation and Safety</u>
		<u>Classification of</u>
		<u>Refrigerants</u>
	<u>CSA</u>	<u>CSA Group</u>
		<u>8501 East Pleasant</u>
		<u>Valley Road</u>
		<u>Cleveland, OH 44131-</u>
		<u>5516</u>
	<u>Standard</u>	
	<u>referenced</u>	<u>Title</u>
	<u>CAN/CSA/C22.2 No.</u>	<u>Safety of Household and</u>
	<u>60335-2-40-2019</u>	<u>Similar Electric</u>
		<u>Appliances, Part 2-40:</u>
		<u>Particular Requirements for</u>
		<u>Electrical Heat Pumps, Air-</u>
		<u>Conditioners and</u>
		<u>Dehumidifiers-3rd edition</u>
	<u>UL</u>	<u>UL LLC</u>
		<u>333 Pfingsten Road</u>
		<u>Northbrook, IL 60062-2096</u>
	<u>Standard</u>	
	<u>referenced</u>	<u>Title</u>
	<u>1995-2015:</u>	<u>Heating and Cooling</u>
		<u>Equipment</u>
	<u>UL/CSA 60335-2-40-19:</u>	<u>Household And Similar</u>
		<u>Electrical Appliances, Part</u>
		<u>2-40: Particular</u>
		<u>Requirements for Electrical</u>
		<u>Heat Pumps, Air-</u>
		<u>Conditioners and</u>
		<u>Dehumidifiers – 3rd Edition</u>

	<u>UL/CSA 60335-2-89—21</u> <u>Household And Similar</u> <u>Electrical Appliances –</u> <u>Safety - Part 2-89: Particular</u> <u>Requirements for</u> <u>Commercial Refrigerating</u> <u>Appliances with an</u> <u>Incorporated or Remote</u> <u>Refrigerant Unit or</u> <u>Compressor</u>
Table R301.2(1)	Insert into blank spaces Table as follows: <u>CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA</u> <u>2018 INTERNATIONAL RESIDENTIAL CODE</u> <u>TABLE R301.2</u> <u>Ground Snow Load</u> <u>20psf</u> <u>Wind Design;</u> <u>Speed (mph)</u> <u>115mph</u> <u>Topographic effects</u> <u>No</u> <u>Special wind region</u> <u>No</u> <u>Windborne debris zone</u> <u>No</u> <u>Seismic Design Category</u> <u>A</u> <u>Subject to damage from;</u> <u>Weathering</u> <u>Severe</u> <u>Frost Line depth</u> <u>24 inches</u> <u>Termite</u> <u>Moderate to Heavy</u> <u>Ice Barrier Underlayment</u> <u>No</u> <u>Flood Hazards</u> <u>See Firm Maps dated</u> <u>February 6, 2008</u> <u>Air Freezing Index</u> <u>500</u> <u>Mean Annual Temperature</u> <u>54.5</u> <u>MANUAL J DESIGN CRITERIA</u> <u>Elevation</u> <u>981</u> <u>Latitude</u> <u>38</u> <u>Winter Heating</u> <u>15 deg.</u> <u>Summer Cooling</u> <u>89 deg.</u> <u>Altitude Correction Factor</u> <u>.97</u> <u>Indoor Design Temperature</u> <u>70 deg.</u> <u>Design Temperature Cooling</u> <u>75 deg.</u> <u>Heating Temperature Difference</u> <u>55</u> <u>Cooling Temperature Difference</u> <u>14 deg.</u> <u>Wind Velocity Heating</u> <u>15mph</u> <u>Wind Velocity Cooling</u> <u>7 ½ mph</u> <u>Coincident Wet Bulb</u> <u>73</u>

	<u>Daily Range</u> M <u>Winter Humidity</u> 30% TO 40% <u>Summer Humidity</u> 50 Ground Snow Load - "20 psf" Wind Speed - "115 mph" Seismic Design Category - "C" Weathering - "Severe" Frost Line Depth - "24 inch" Termite - "Moderate to Heavy" Decay - "Slight to Moderate" Winter Design Temperature - "11 degrees" Ice Shield Underlayment - No Flood Hazards - "see FIRM 1985 Floodplain Ordinance" Air Freezing Index - 500 Mean Annual Temp - 54.5 Topographic effects - "No"
<u>Section R311.7.5 Stair Treads and Risers</u>	<u>311.7.5.1 Riser Heights -- The maximum riser height shall be eight and one-quarter (8 ¼) inches.</u> <u>311.7.5.2 Tread Depth -- The minimum tread depth shall be nine (9) inches.</u>
<u>Section R403.1.7.1</u>	<u>Building Clearances from Ascending Slopes is not applicable to this rule.</u>
<u>Section R403-1.7.2</u>	<u>Footings Setbacks from Descending Slope Surfaces is not applicable to this rule.</u>
Section P2603.6.1	Insert "30 inches" and "12 inches"
Delete Section 303.5.1 Light Activation, in its entirety.	
Delete sections R 311.3.1 Landings at doors in its entirety.	
International Plumbing Code <u>2018</u> :	
Section 101.1	Insert "the City of Charleston"
Section 106.6.2	Insert "See the Building Department Administrative Manual, Appendix A"
Section 106.6.3	In No. 2 Insert "100%" In No. 3 Insert "100%"
Section 108.4	Insert "misdemeanor," "\$1,000," "0 days"
Section 108.5	Amend last sentence in paragraph to read as follows: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work

	as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$1,000.00"
Section 305.6.1 <u>305.4.1</u>	Insert "30 inches" and "12 inches"
Section 904.1 <u>903.1</u>	Insert "12 inches"
International Mechanical Code 2015 2018 :	
Section 101.1	Insert "the City of Charleston"
Section 106.5.2	Insert "See the Building Department Administrative Manual, Appendix A"
Section 106.5.3	In No. 2 Insert "100%" In No. 3 Insert "100%"
Section 108.4	Insert "misdemeanor," "\$1,000," "0 days"
Section 108.5	Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$1,000.00"
<u>Section 908.1 General</u>	<u>A cooling tower used in conjunction with an air-conditioning appliance shall be installed in accordance with the manufacturer's instructions. Factory-built cooling towers shall be listed in accordance with UL 1995 or UL/CSA 60335-2-40.</u>
<u>Section 916.1 General</u>	<u>Pool and spa heaters shall be installed in accordance with the manufacturer's instructions. Oil-fired pool and spa heaters shall be tested in accordance with UL 1261. Pool and spa heat pump water heaters shall comply with UL 1995, UL/CSA 60335-2-40 or CSA C22.2 No. 236.</u> <u>Exception: Portable residential spas and portable residential exercise spas shall comply with UL 1563 or CSA C22.2 No. 218.1.</u>
<u>Section 918.1 Forced-Air furnaces</u>	<u>Oil-fired furnaces shall be tested in accordance with UL 727. Electric furnaces shall be tested in accordance with UL 1995 or UL/CSA 60335-2-40. Solid fuel furnaces shall be tested in accordance with UL 391. Forced-air furnaces shall be installed in accordance with the listings and the manufacturer's instructions.</u>
<u>Section 918.2 Heat Pumps</u>	<u>Electric heat pumps shall be tested in accordance with UL 1995 or UL/CSA 60335-2-40.</u>
<u>Section 1101.2 Factory-Built Equipment and Appliances</u>	<u>Listed and labeled self-contained, factory-built equipment and appliances shall be tested in accordance with UL 207, 412, 471, 1995, UL/CSA 60335-2-40, or UL/CSA 60335-2-89. Such equipment and appliances are deemed to meet the design, manufacture and</u>

	<u>factory test requirements of this code if installed in accordance with their listing and the manufacturer’s instructions.</u>																																																																
<u>Section 1101.6 General</u>	<u>Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15. Ammonia-refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15, IIAR 2. High probability systems utilizing A2L refrigerants shall comply with ASHRAE 15.</u>																																																																
<u>Section 1501.3 Referenced Standards – See Table</u>	<table> <tr> <td><u>ASHRAE</u></td><td><u>ASHRAE</u></td></tr> <tr> <td></td><td><u>1791 Tullie Circle, NE</u></td></tr> <tr> <td></td><td><u>Atlanta, GA 30329</u></td></tr> <tr> <td><u>Standard</u></td><td></td></tr> <tr> <td><u>reference</u></td><td></td></tr> <tr> <td><u>number</u></td><td><u>Title</u></td></tr> <tr> <td><u>15-2019</u></td><td><u>Safety Standard for</u></td></tr> <tr> <td></td><td><u>Refrigeration Systems</u></td></tr> <tr> <td><u>34-2019</u></td><td><u>Designation and Safety</u></td></tr> <tr> <td></td><td><u>Classification of</u></td></tr> <tr> <td></td><td><u>Refrigerants</u></td></tr> <tr> <td><u>CSA</u></td><td><u>CSA Group</u></td></tr> <tr> <td></td><td><u>8501 East Pleasant</u></td></tr> <tr> <td></td><td><u>Valley Road</u></td></tr> <tr> <td></td><td><u>Cleveland, OH 44131-</u></td></tr> <tr> <td></td><td><u>5516</u></td></tr> <tr> <td><u>Standard</u></td><td></td></tr> <tr> <td><u>reference</u></td><td></td></tr> <tr> <td><u>number</u></td><td><u>Title</u></td></tr> <tr> <td><u>CSA C22.2 No. 60335-2-40-19</u></td><td><u>Household And Similar</u></td></tr> <tr> <td></td><td><u>Electrical Appliances –</u></td></tr> <tr> <td></td><td><u>Safety - Part 2-40:</u></td></tr> <tr> <td></td><td><u>Particular Requirements for</u></td></tr> <tr> <td></td><td><u>Electrical Heat Pumps, Air-</u></td></tr> <tr> <td></td><td><u>Conditioners and</u></td></tr> <tr> <td></td><td><u>Dehumidifiers – 3rd Edition</u></td></tr> <tr> <td><u>CSA C22.2 No. 60335-2-89-21</u></td><td><u>Household And Similar</u></td></tr> <tr> <td></td><td><u>Electrical Appliances –</u></td></tr> <tr> <td></td><td><u>Safety - Part 2-89: Particular</u></td></tr> <tr> <td></td><td><u>Requirements for</u></td></tr> <tr> <td></td><td><u>Commercial Refrigerating</u></td></tr> <tr> <td></td><td><u>Appliances with an</u></td></tr> </table>	<u>ASHRAE</u>	<u>ASHRAE</u>		<u>1791 Tullie Circle, NE</u>		<u>Atlanta, GA 30329</u>	<u>Standard</u>		<u>reference</u>		<u>number</u>	<u>Title</u>	<u>15-2019</u>	<u>Safety Standard for</u>		<u>Refrigeration Systems</u>	<u>34-2019</u>	<u>Designation and Safety</u>		<u>Classification of</u>		<u>Refrigerants</u>	<u>CSA</u>	<u>CSA Group</u>		<u>8501 East Pleasant</u>		<u>Valley Road</u>		<u>Cleveland, OH 44131-</u>		<u>5516</u>	<u>Standard</u>		<u>reference</u>		<u>number</u>	<u>Title</u>	<u>CSA C22.2 No. 60335-2-40-19</u>	<u>Household And Similar</u>		<u>Electrical Appliances –</u>		<u>Safety - Part 2-40:</u>		<u>Particular Requirements for</u>		<u>Electrical Heat Pumps, Air-</u>		<u>Conditioners and</u>		<u>Dehumidifiers – 3rd Edition</u>	<u>CSA C22.2 No. 60335-2-89-21</u>	<u>Household And Similar</u>		<u>Electrical Appliances –</u>		<u>Safety - Part 2-89: Particular</u>		<u>Requirements for</u>		<u>Commercial Refrigerating</u>		<u>Appliances with an</u>
<u>ASHRAE</u>	<u>ASHRAE</u>																																																																
	<u>1791 Tullie Circle, NE</u>																																																																
	<u>Atlanta, GA 30329</u>																																																																
<u>Standard</u>																																																																	
<u>reference</u>																																																																	
<u>number</u>	<u>Title</u>																																																																
<u>15-2019</u>	<u>Safety Standard for</u>																																																																
	<u>Refrigeration Systems</u>																																																																
<u>34-2019</u>	<u>Designation and Safety</u>																																																																
	<u>Classification of</u>																																																																
	<u>Refrigerants</u>																																																																
<u>CSA</u>	<u>CSA Group</u>																																																																
	<u>8501 East Pleasant</u>																																																																
	<u>Valley Road</u>																																																																
	<u>Cleveland, OH 44131-</u>																																																																
	<u>5516</u>																																																																
<u>Standard</u>																																																																	
<u>reference</u>																																																																	
<u>number</u>	<u>Title</u>																																																																
<u>CSA C22.2 No. 60335-2-40-19</u>	<u>Household And Similar</u>																																																																
	<u>Electrical Appliances –</u>																																																																
	<u>Safety - Part 2-40:</u>																																																																
	<u>Particular Requirements for</u>																																																																
	<u>Electrical Heat Pumps, Air-</u>																																																																
	<u>Conditioners and</u>																																																																
	<u>Dehumidifiers – 3rd Edition</u>																																																																
<u>CSA C22.2 No. 60335-2-89-21</u>	<u>Household And Similar</u>																																																																
	<u>Electrical Appliances –</u>																																																																
	<u>Safety - Part 2-89: Particular</u>																																																																
	<u>Requirements for</u>																																																																
	<u>Commercial Refrigerating</u>																																																																
	<u>Appliances with an</u>																																																																

	<u>Incorporated or Remote</u>	
	<u>Refrigerant Unit or</u>	
	<u>Compressor</u>	
	<u>UL</u>	<u>UL LLC</u>
	<u>333 Pfingsten Road</u>	
	<u>Northbrook, IL 60062-2096</u>	
	<u>Standard</u>	
	<u>reference</u>	
	<u>number</u>	<u>Title</u>
	<u>UL/CSA 60335-2-40-19</u>	<u>Household And Similar</u>
	<u>Electrical Appliances –</u>	
	<u>Safety - Part 2-40: Particular</u>	
	<u>Requirements for Electrical</u>	
	<u>Heat Pumps, Air-</u>	
	<u>Conditioners and</u>	
	<u>Dehumidifiers – 3rd Edition</u>	
	<u>UL/CSA 60335-2-89-21</u>	<u>Household And Similar</u>
	<u>Electrical Appliances –</u>	
	<u>Safety - Part 2-89: Particular</u>	
	<u>Requirements for</u>	
	<u>Commercial Refrigerating</u>	
	<u>Appliances with an</u>	
	<u>Incorporated or Remote</u>	
	<u>Refrigerant Unit or</u>	
	<u>Compressor</u>	
International Existing Building Code 2015 <u>2018</u> :		
Section 101.1	Insert "the City of Charleston"	
Section 1301.2	Insert "April 30, 2019"	
<u>Omit reference to International Fire Code and substitute NFPA Life Safety Code 2021 edition</u>		
International Energy Conservation Code 2009 <u>2015</u> :		
Section 101.1	Insert "the City of Charleston"	
<u>Section R402.4.1.2. Testing.</u>	<u>The Building or dwelling unit shall in lieu thereof have an air leakage rate not exceeding five air changes per hour in Climate Zones 3 through 8.</u>	
International Fuel Gas Code 2015 <u>2018</u> :		

Section 101.1	Insert "the City of Charleston"
Section 106.6.2	Insert "See the Building Department Administrative Manual, Appendix A"
Section 106.6.3	In No. 2 Insert "100%" In No. 3 Insert "100%"
Section 108.4	Insert "misdemeanor," "\$1,000," "0 days"
Section 108.5	Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$1,000.00"
Section 404.10 <u>404.12</u>	Section 404.10 <u>404.12</u> is deleted in its entirety and replaced with the following: "Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner."
International Property Maintenance Code 2015 <u>2018</u> :	
Section 101.1	Insert "the City of Charleston"
Section 103.5	Insert "See the Building Department Administrative Manual, Appendix A"
Section 110.3	Modified as follows: Unless authorized by W. Va. Code § 8-12-16, or absent the express consent of the owner, if the owner of a premises fails to comply with a demolition order within the time prescribed, the legal counsel of the jurisdiction shall institute appropriate action in the Circuit Court of the County in which the property is located against the owner of the premises where the structure is or was located seeking an order causing the structure to be demolished and removed. Thereafter, the local jurisdiction, through an available public agency or by contract or arrangement with private persons, shall demolish and remove the structure and the costs thereof, as well as all fees and costs incurred in the legal action, shall be a lien upon such real estate.
Section 112.4	Amend last sentence in paragraph to read as follows: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that

	person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine up to \$1,000.00"
Section 302.4	Insert "10 inches"
Section 303.14 <u>304.14</u>	Insert "January 1 st to December 31 st "
Section 602.3	Insert "January 1 st to December 31 st "
Section 602.4	Insert "September 1 st to June 1 st "
2017 <u>2020</u> National Electrical Code, NFPA 70: [insert] <u>4.1.m.1 Section 201.8(F) GFCI Protection shall not be required on all new mini-split heating/ventilation/air-conditioning (HVAC equipment and other HVAC units employing power conversion equipment as a means to control compressor speed systems including but not limited to mini-split and A/C units until January 1, 2023.</u> 4.1.k.1. <u>4.1.m.2</u> For renovations in one- and two-family homes where no new square footage is involved, arc-fault circuit interrupter (AFCI) protection shall not be required, except for in bedrooms. For renovation in one- and two-family homes where square footage is added but no electrical service is installed, arc-fault circuit interrupter (AFCI) protection shall not be required.	
<u>The 2018 edition of the International Swimming Pool and Spa Code.</u>	
2009 <u>2017</u> ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings and Facilities:	
Title 87 Legislative Rule, State Fire Commission, Series 4 § 87-4-5 Fire Protection of Floors in Residential Buildings 5.1 New one and two family dwellings over one level in height, new one and two family dwellings containing a basement, and new one and two family dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A ½ inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An automatic fire sprinkler system as set forth in section <u>R313.1</u> or R313.2 of the 2009 <u>2018</u> edition of the International Residential Code for One and Two Family Dwellings, provided that floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section <u>R313.1</u> or R313.2 of the 2009 <u>2018</u> edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement. <u>5.2 Townhouses meeting the Fire-Resistant Construction Standard R302.2 will be treated as New One- and Two-Family Dwellings and shall comply with Section 5.1 above.</u>	

(c) Nothing in this section hereby adopted shall be construed to affect any suit or proceeding

impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any provision hereby repealed; nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

Councilmember Robinson added that the City is required to update building codes.

Councilmember Robinson motioned to approve the bill. Councilmember Hoover seconded.

A roll call was taken:

YEAS: Adams, Bays, Brown, Burton, Campbell, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, McKinney, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin

NAYS:

ABSENT: Ceperley, Knauff, Minardi, Moore, Pepper

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Bill No. 7966 as passed.

COMMITTEE ON FINANCE

Councilmember Jenkins, Chair of the Council Committee on Finance, submitted the following reports:

1. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 693-22 be adopted.

Resolution No. 693-22 - Authorizing approval of Amendment No. 1 of the FY 2022-2023 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. 1 of the FY 2022-2023 General Fund Budget as indicated on the attached list of accounts is approved.

Councilmember Jenkins added that the budget amendment is to roll over funds into accounts to take care of things that were budgeted but not yet obtained, such as police and fire equipment.

Councilmember Snodgrass asked if the Assigned Fund balance for the City Attorney's Office was to be changed. Finance Director, Andy Wood, replied that the City Attorney's Fund was in the Unassigned Fund balance, which is the amount that was not specifically allocated for something else already under contract or budgeted for during the prior fiscal year. The amendment adds to line for insurance claims, and takes it to the max of the City's annual aggregate to be able to cover the maximum potential claims that the City would have to pay for. Councilmember Snodgrass asked if the City was required to have that much. Wood replied that it was not required, but advisable since the City would not have to find funds from someone else if needed for claims.

Councilmember Faegre asked what sorts of claims would this be used for. City Manager, Jonathan Storage, replied that it would be used for lawsuits or claims that would be related to the City's property and casualty insurance. Councilmember Faegre confirmed that the City has approximately twenty (20) claims at various stages of evaluation.

Councilmember King confirmed with Storage that this type of amendment happens every year, and has nothing to do with any sort of specific anticipated claim.

Councilmember Jenkins motioned to approve the resolution. Councilmember Hoover seconded.

A roll call was taken:

YEAS: Adams, Bays, Brown, Burton, Campbell, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, McKinney, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin

NAYS:

ABSENT: Ceperley, Knauff, Minardi, Moore, Pepper

With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 693-22 adopted.

General Fund FY 2022-2023 Budget Amendment No. 1 - July 18, 2022

Account No.	Department	Account Description	Amount
001 976 00 706 4 459	Fire	Capital Outlay - Equipment	90,946
001 296 0	Restricted Fund Balance		(90,946)
<u>Restricted for Capital Lease Purchase</u> - To adjust proper accounts in the FY 2023 Municipal Budget for the purchase of lease purchase equipment approved but not received within FY 2022.			
001 305 01 0000	Revenues	B & O Tax - Current Year	327,563
001 296 0	Restricted Fund Balance		(327,563)
<u>Restricted for Debt Service</u> - To recognize funds restricted for Ball Park Debt Service.			
001 305 01 0000	Revenues	B & O Tax - Current Year	12,810
001 295 0	Non-Spendable Fund Balance		(12,810)
<u>Nonspendable Fund Balance</u> - To recognize nonspendable fund balances for Prepaid expenses.			
001 567 00 000 2 230	Public Grounds	Contracted Services	50,000
001 975 00 439 4 459	Information Systems	Capital Outlay - Equipment	314,086
001 976 00 700 4 459	Police	Capital Outlay - Equipment	265,620
001 976 00 706 4 459	Fire	Capital Outlay - Equipment	895,294
001 978 00 800 4 459	Refuse	Capital Outlay - Equipment	745,956
001 979 00 900 4 459	Parks & Recreation	Capital Outlay - Equipment	71,394
001 298 0	Assigned Fund Balance		(2,342,350)
<u>Assigned Fund Balance</u> - To rollover certain expenses into the FY 2023 Municipal Budget to account for items budgeted but not spent within FY 2022			
001 417 00 000 2 229	City Attorney	Court Costs & Damages	700,000
001 299 0	Unassigned Fund Balance		(700,000)
<u>Unassigned Fund Balance</u> - To increase the Claims and Damages line to allow for claims up to the Loss Fund limit.			
001 368 00 0000	Revenue	Contributions from Others	(27,500)
001 437 00 000 2 223	Planning	Professional Services	27,500
<u>Contributions</u> - To recognize the contribution from the McGee Foundation for the amount unspent for the West Side Master Plan project.			

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

2. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 694-22 be adopted.

Resolution No. 694-22 - Authorizing the Mayor or City Manager to submit a grant application to the Department of Justice Edward Byrne Memorial Justice Assistance Grant program in the amount of \$71,523.00 and administer any funds awarded.

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

That the Mayor or City Manager is authorized to submit a grant application to the Department of Justice Edward Byrne Memorial Justice Assistance Grant program in the amount of \$71,523.00 and administer any funds awarded, where the Charleston Police Department will utilize awarded funds to purchase audio and video equipment and crime scene supplies.

Councilmember Jenkins added that the City applies for this grant every year since 2005. It helps the Charleston Police Department to procure certain equipment.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 694-22 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 694-22 be adopted.

Resolution No. 695-22 - Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to The Greater Kanawha Valley Foundation in the total amount of \$350,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

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

That the Mayor or City Manager is authorized to grant American Rescue Plan Act (“ARPA”) funds to The Greater Kanawha Valley Foundation in the total amount of \$350,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted. The grant is approved in full or in part based upon information submitted to the City in the grant recipient’s City of Charleston ARPA grant application, attached hereto as Exhibit A. The City Manager is directed to withhold grant funding to the grant recipient should the City Manager determine that the grant recipient has failed to adhere to the obligations established in the agreement or fails to adhere to applicable local, state, or federal law.

Councilmember Jenkins added that the funds will be used to advance creative placement of artists, and to support various activities in Charleston.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 695-22 adopted.

3. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 696-22 be adopted.

Resolution No. 696-22 - Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to West Virginia Child Advocacy Network in the total amount of \$24,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

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

That the Mayor or City Manager is authorized to grant American Rescue Plan Act (“ARPA”) funds to West Virginia Child Advocacy Network in the total amount of \$24,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

The grant is approved in full or in part based upon information submitted to the City in the grant recipient’s City of Charleston ARPA grant application, attached hereto as Exhibit A. The City Manager is directed to withhold grant funding to the grant recipient should the City Manager determine that the grant recipient has failed to adhere to the obligations established in the agreement or fails to adhere to applicable local, state, or federal law.

Councilmember Jenkins added that the funds will be used for child advocacy.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 696-22 adopted.

4. Your committee on Finance has had under consideration the following resolution, and reports the same to Council with the recommendation that Resolution No. 698-22 be adopted.

Resolution No. 698-22 - Authorizing the Mayor or City Manager to take all appropriate action to convey any and all interest the City has in those particular rights of way situated in the Allen Addition of the City of Charleston, as more fully detailed herein, to the Charleston Land Reuse Agency (“CLRA”), pursuant to the authority granted in West Virginia Code § 1-5-3.

whereas, the Allen Addition of the City of Charleston contains certain paper public rights-of-way that were never opened by the City of Charleston, but to which the City of Charleston retains an ownership interest that cannot be adversely possessed, some of which rights-of-way are named on the various recorded maps as Anthony Street and Thomas Street and others which are not named, all of which are set forth in the map attached to this resolution; and

WHEREAS, the adjacent property owners to these paper public rights-of-way have used the public rights-of-way as their own property for more than ten years before a September 2, 2016, order of the Kanawha County Circuit Court in Civil Action No. 07-C-416, which gave the owners certain adjacent property by adverse possession, but—due to the public rights-of-way being owned by a governmental entity—the City maintained its ownership in the public rights-of-way; and

WHEREAS, the northernmost portion of the public rights-of-way is in and adjacent to the private cemetery known as the Hope Cemetery or Bond Cemetery, which has recently experienced access issues due to the difficulty of turning a vehicle around on the private drive through the cemetery; and

WHEREAS, the CLRA is willing to facilitate the process of dividing and transferring the public rights-of-way to the adjacent property owners and working to provide better access to the cemetery through a turnaround within the property; and

Whereas, the City has no plans to develop these public rights-of-way, has no current use for these public rights-of-way, and otherwise has no need for the property; and

Whereas, the CLRA Board has formally requested that the Charleston City Council convey the City’s interest in the property to the CLRA for the benefit of the community; and

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; and

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

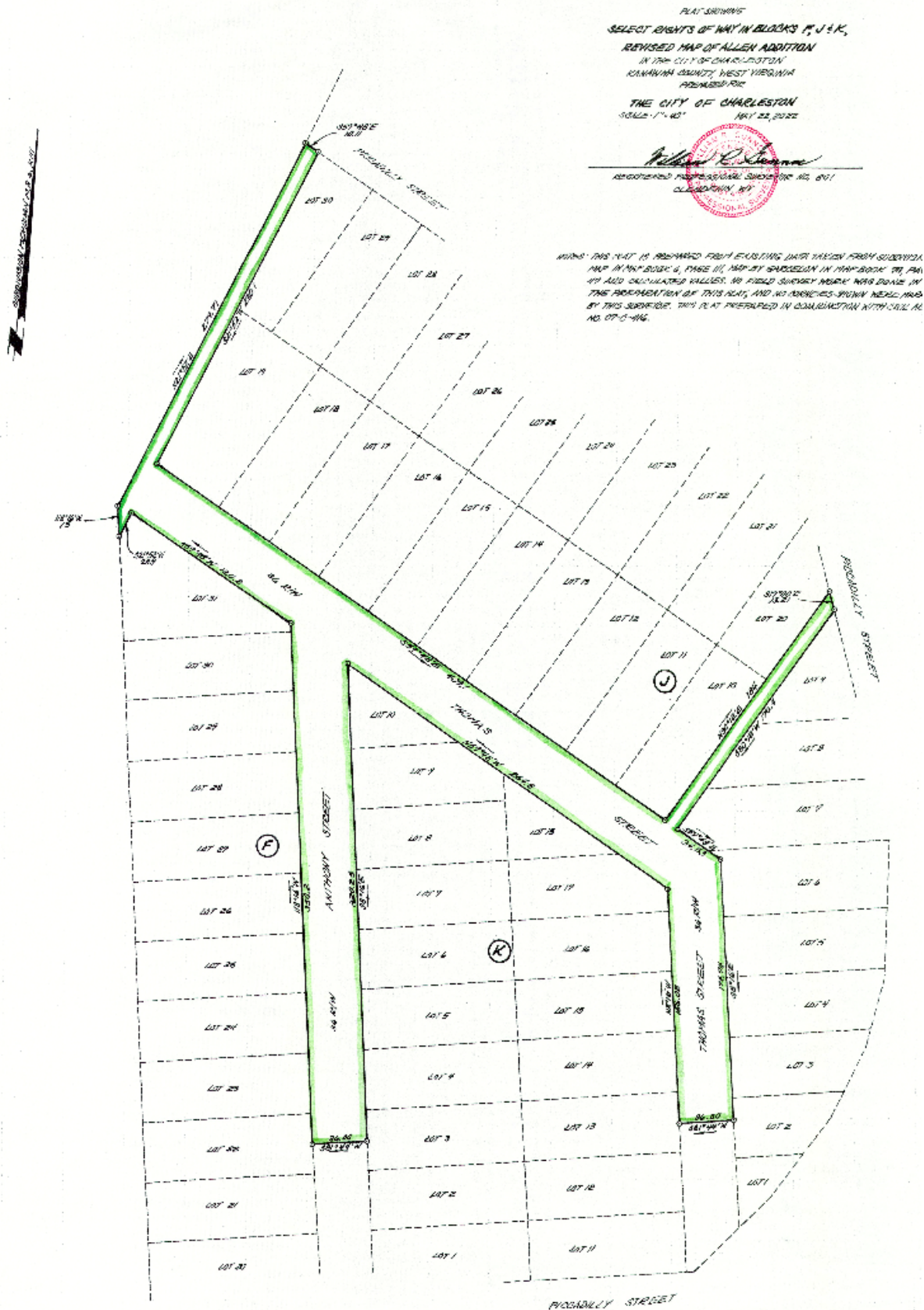
Whereas, the City Council recognizes that there is a demonstrable need for the property by the CLRA to be able to facilitate the distribution of the property and the access to the cemetery, all of which is beneficial to the public.

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

That the Mayor or City Manager is authorized to take all appropriate action to convey any and all interest the City has in those certain public rights-of-way situated in the Allen Addition of Charleston, WV, as shown on the attached map, to the Charleston Land Reuse Agency.

Councilmember Jenkins added roads were planned in this area, but never built by the City. The resolution grants those rights-of-way to the Charleston Land Reuse Agency so that they can work with those property owners.

Councilmember Jenkins moved to approve the resolution. Councilmember Hoover seconded the motion. With members present recorded thereon as voting unanimously in the affirmative, the Mayor declared Resolution No. 698-22 adopted.



REPORTS OF OFFICERS

1. Municipal Court Report to City Council Month Ending June 2022.
2. City Treasurer’s Report to City Council Month Ending June 2022.
3. General Fund Financial Statements for the Eleven-Month Period ending May 31, 2022.
4. Coliseum & Convention Center Financial Statements for the Eleven-Month Period ending May 31, 2022.
5. Parking Fund Financial Statements for the Eleven-Month Period ending May 31, 2022.

NEW BILLS

None

MISCELLANEOUS/UNFINISHED BUSINESS

None

REMARKS BY MEMBERS

1. Councilmember Faegre thanked the Police Department for responding to concerns on Garrison Avenue.
2. Councilmember Snodgrass asked for an update on the Public Safety building study.
3. Councilmember Jones requested that the City look into the many school levy taxes.

ADJOURNMENT

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

YEAS: Adams, Bays, Brown, Burton, Campbell, Cook, Faegre, Haas, Hoover, Jenkins, Jones, King, McKinney, Overstreet, Persinger, Pharr, Reishman, Robinson, Sheets, Snodgrass, Steele, Mayor Goodwin

NAYS:

ABSENT: Ceperley, Knauff, Minardi, Moore, Pepper

At 7:36 p.m., by a motion from Councilmember Hoover, Council adjourned until Monday, August 1, 2022, 7:00 p.m., in Council Chambers at City Hall.

Amy Shuler Goodwin, Honorable Mayor

Miles C. Cary II, City Clerk