



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

CITY OF CHARLESTON, WEST VIRGINIA

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Regular Meeting – Monday, September 16, 2013

at 7:00 P.M.

(Council Chamber – City Hall – Charleston, West Virginia)

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**OFFICIAL RECORD**

**Danny Jones**  
Mayor

**James M. Reishman**  
City Clerk

**CALL TO ORDER**

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The Council met in the Chambers of the City Building at 7:00 P.M., for the second meeting in the month of September on the 16<sup>th</sup> day, in the year 2013, and was called to order by the Honorable Mayor, Danny Jones. The invocation was delivered by Councilman Harrison and the Pledge of Allegiance was led by Councilman Clowser. The Honorable James M. Reishman, City Clerk, called the roll of members and it was found that there were present at the time:

**BURKA  
DAVIS  
EALY  
HOOVER  
MILLER  
PERSINGER  
RUSSELL  
SMITH  
TALKINGTON  
MAYOR JONES**

**DENEAULT  
HAAS  
KIRK  
MINARDI  
REISHMAN  
SALISBURY  
SNODGRASS  
WARE**

**CLOWSER  
DODRILL  
HARRISON  
LANE  
NICHOLS  
RICHARDSON  
SHEETS  
STAJDUHAR  
WHITE**

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.

***PUBLIC SPEAKERS***

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1. Dan Vriendt – Charleston’s Comp Plan
2. Danny Wells – Presented the Good News Grant check to the City of Charleston

***CLAIMS***

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1. A claim of Anthony Youngblood, 308 50<sup>th</sup> Street, Charleston, WV; alleges damage to property.  
*Refer to City Solicitor.*

***REPORTS OF COMMITTEES***

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**COMMITTEE ON ORDINANCE AND RULES**

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Councilperson Jack Harrison, Chairperson of the Council Committee on Ordinance and Rules, submitted the following reports.

1. Bill No.7592: A Bill to amend Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.).

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

That effective September 26, 2013, Chapter 14, Article II, Section 14-33 of the Municipal Code of the City of Charleston is hereby amended for the purpose of updating the Building Code of the City of Charleston to be consistent with the recently amended State Building Code as set forth in W. Va. Code § 29-3-5, and State of West Virginia Title 87, Legislative Rule Series 4 (§ 87-4-1 et seq.), to read as follows:

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 § 29-3-5b, 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 14-33(a) herein:

International Building Code 20 <del>09</del> <u>12</u> :	
Section 101.1	Insert "the City of Charleston"
Section 1612.3	Insert "the City of Charleston" dated "April 3, 1985"
Section 3412.2	Insert "July 1, 2010"
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 <u>by experience or training</u> 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 <u>or Engineer</u> , 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 work.	
International Residential Code 2009:	
Section R101.1	Insert "the City of Charleston"
Table R301.2(1)	Insert into blank spaces as follows: Ground Snow Load - "30 psf" Wind Speed - "90 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"
Section P2603.6.1	Insert "30 inches" and "12 inches"
<p style="color: red;"><del>Delete Section 303.5.1 Light Activation, in its entirety and replace with the following:                  —303.5.1 Light Activation. The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any steps. The illumination of exterior stairways shall be controlled from inside the dwelling unit. EXCEPTIONS: 1. Lights that are continuously illuminated or automatically controlled; 2. Interior stairways consisting of fewer than three steps.</del></p>	
International Plumbing Code 2009 <u>12</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", "\$500", "30 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 \$500.00"
Section 305.6.1	Insert "30 inches" and "12 inches"
Section 904.1	Insert "12 inches"

International Mechanical Code 2009~~12~~12:

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", "\$500", "30 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 \$500.00"

International Existing Building Code 2009:

Section 101.1	Insert "the City of Charleston"
Section 1301.2	Insert "July 1, 2010"

International Energy Conservation Code 2009~~39~~39:

Section 101.1	Insert "the City of Charleston"
International Fuel Gas Code 200912:	
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", "\$500", "30 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 \$500.00"
International Property Maintenance Code 200912:	
Section 101.1	Insert "the City of Charleston"
Section 103.5	Insert "See the Building Department Administrative Manual, Appendix A"
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 \$500.00"
Section	Insert "10 inches"

302.4	
Section 303.14	Insert "January 1 <sup>st</sup> to December 31 <sup>st</sup> "
Section 602.3	Insert "January 1 <sup>st</sup> to December 31 <sup>st</sup> "
Section 602.4	Insert "September 1 <sup>st</sup> to June 1 <sup>st</sup> "

(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.

The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, absent-1, as follows:

YEAS: Burka, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Talkington, Ware, White, Mayor Jones.

ABSENT: Burton

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7592, passed.

2. Bill No. 7596: Your Committee on Ordinance and Rules has had under consideration bill number 7596, and reports the same to Council with the recommendation that the bill do pass.

AN ORDINANCE REPEALING CHAPTER 118, ARTICLE III, DIVISION 5 "GENERAL DISCHARGE RESTRICTIONS" AND DIVISION 6 "INDUSTRIAL DISCHARGES" OF THE CODE OF THE CITY OF CHARLESTON, WEST VIRGINIA, IN THEIR ENTIRETY, AND ENACTING CHAPTER 118, ARTICLE III, DIVISION 6, "DISCHARGE RESTRICTIONS" WITH RESPECT TO WASTEWATER USE AND PRETREATMENT REGULATIONS.

WHEREAS, the West Virginia Department of Environmental Protection ("WVDEP"), as confirmed in its most recent Pretreatment Compliance Inspection of the Sanitary Board on June 6, 2013, has required the Sanitary Board to

finalize and submit a revised Sewer Use Ordinance incorporating EPA's January 2007 "Model Pretreatment Ordinance" on or before October 1, 2013; and

WHEREAS, in order to eliminate the lack of clarity, considerable overlap, and redundancy between the existing Division 5 "General Discharge Restrictions" and Division 6 "Industrial Discharges" of Article III "Sewers and Sewage Disposal" of Chapter 118 "Utilities" of the City Code which have caused difficulties in the implementation of the requirements of said Divisions; and

WHEREAS, the Sanitary Board has proposed for consideration and adoption a new Division 6 entitled "Discharge Restrictions" which is the product of merging Division 5 and Division 6, and further revising Division 6, including incorporating provisions of the EPA's Model Pretreatment Ordinance; and

WHEREAS, City Council has deemed that in order to achieve the aforesaid goals and meet the requirements placed upon the City by WVDEP, it is necessary and appropriate to repeal Division 5 in its entirety, repeal Division 6 in its entirety and enact a revised and renamed Division 6 to, among other things, incorporate provisions of the EPA Model Pretreatment Ordinance; now, therefore

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

That Division 5 "General Discharge Restrictions" of Article III of Chapter 118 of the City Code of the City of Charleston, such Division enacted and thereafter amended at various times by the City Council, is hereby repealed in its entirety; and

That Division 6 "Industrial Discharges" of Article III of Chapter 118 of the City Code of the City of Charleston, such Division enacted and thereafter amended at various times by the City Council, is hereby repealed in its entirety; and

That Division 6 "Discharge Restrictions" of Article III of Chapter 118 of the City Code of the City of Charleston is hereby enacted.

The question being on the passage of the Bill. A roll call was taken and there were; yeas – 27, absent-1, as follows:

YEAS: Burka, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Talkington, Ware, White, Mayor Jones.

ABSENT: Burton

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No. 7596, passed.

## **COMMITTEE ON FINANCE**

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Councilperson Bobby Reishman, Chairperson of the Council Committee on Finance, submitted the following reports.

1. Your committee on Finance has had under consideration Resolution No. 355-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 355-13 - Authorizing the Mayor to receive and administer 2013 Bureau of Justice Assistance grant funds in the amount of \$147,019.00, providing \$95,888.00 to the Charleston Police Department for purchase of interoperable radios, and \$51,131.00 to the Kanawha County Sheriff's Department for zero tolerance drug patrols in high crime areas.

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

That the Mayor is hereby authorized and directed to receive and administer 2013 Bureau of Justice Assistance grant funds in the amount of \$147,019.00, providing \$95,888.00 to the Charleston Police Department for purchase of interoperable radios, and \$51,131.00 to the Kanawha County Sheriff's Department for zero tolerance drug patrols in high crime areas.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 355-13 adopted.

2. Your committee on Finance has had under consideration Resolution No. 356-13, and reports the same to Council with the recommendation that the resolution do pass.

Resolution No. 356-13 - Authorizing the Mayor or City Manager to submit a grant application to the Governor's Highway Safety Program for funds in the amount of \$545,000.00 to support Safe Community Projects in the Metro Valley Highway Safety Program's four county region of Kanawha, Boone, Clay, and Logan counties."

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

That the Mayor or City Manager is hereby authorized and directed to submit a grant application to the Governor's Highway Safety Program for funds in the amount of \$545,000.00 to support Safe Community Projects in the Metro Valley Highway Safety Program's four county region of Kanawha, Boone, Clay, and Logan counties.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution 355-13 adopted.

3. Your committee on Finance has had under consideration a bid submitted by Stryker Medical, in the amount of \$59,766.32, for purchase of four (4) Power-Pro Ambulance Cots to be used by the Charleston Fire Department and reports the same to Council with the recommendation that the committee report do pass.

*To be charged to Account No. 001-976-00-706-4-459*

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the Committee Report adopted.

### **REPORTS OF OFFICERS**

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1. Report of the City of Charleston Municipal Court Financial Statements; August 2013. Received and Filed.
3. City Treasurer's Report to City Council Month Ending August 2013. Received and Filed.

## ***NEW BILLS***

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Introduced by Council Members Mary Jean Davis and Susie Salisbury on September 16, 2013:

**Bill No. 7571**– A Bill adopting a comprehensive plan and downtown redevelopment plan for the City of Charleston, West Virginia, pursuant to Chapter 8A, Article 3, of the West Virginia Code titled “Imagine Charleston: Comprehensive Plan” and “Imagine Charleston: Downtown Redevelopment Plan”. Said plans are to guide the city to accomplish a coordinated and compatible development of land and improvements within its territorial jurisdiction, in accordance with present and future needs and resources.

*Referred to Municipal Planning Commission and Planning Committee*

Introduced by Council Member James Ealy on September 16, 2013:

**Bill No. 7599**- A Bill to establish a parking zone for the exclusive use of the physically disabled on the northerly side of 2<sup>nd</sup> Avenue, West from a point 81 feet west of Fitzgerald Street to a point 125 feet west of Fitzgerald Street Charleston, West Virginia and to provide for the removal of vehicles illegally parked in this space and amending the Traffic Control Map, Traffic Control File established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

*Referred to Streets and Traffic Committee*

**ADJOURNMENT**

*The Honorable James M. Reishman, City Clerk, called the closing roll call:*

YEAS: Burka, Clowser, Davis, Deneault, Dodrill, Ealy, Haas, Harrison, Hoover, Kirk, Lane, Miller, Minardi, Nichols, Persinger, Reishman, Richardson, Russell, Salisbury, Sheets, Smith, Snodgrass, Talkington, Ware, White, Mayor Jones.

ABSENT: Burton

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, October 7, 2013, at 7:00 p.m., in the Council Chamber in City Hall.

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Danny Jones, Honorable Mayor

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James M. Reishman, City Clerk