AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
June 4, 2019
7:00 p.m.

1. CALL TO ORDER:

2. ROLL CALL:

3. PLEDGE TO THE FLAG:

4. APPROVAL OF MINUTES: May 7, 2019, Regular Meeting minutes, May 28, 2019, Committee of the Whole minutes

5. CORRESPONDENCE: PRESENTATION BY TIM BALL, MUB GENERAL MANAGER, REGARDING THE ROUTE OF THE RAW WATER LINE

6. PUBLIC HEARINGS:


7. UNFINISHED BUSINESS:


   C. BOARDS & COMMISSIONS

8. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:

9. SPECIAL COMMITTEE REPORTS:

10. CONSENT AGENDA:

11. NEW BUSINESS:

   A. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AMENDING ARTICLE 155 OF THE CITY CODE GOVERNING THE MORGANTOWN PARKING AUTHORITY
B. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF 40 PARCELS OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM B-2, SERVICE BUSINESS DISTRICT TO R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN

C. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AMENDING SECTIONS 1329.02, 1333.07, 1335.07, 1337.07, AND 1339.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO FRONT-LOAD GARAGE

D. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AMENDING SECTION 1713.01 OF THE CITY CODE UPDATING THE STATE BUILDING CODE

12. CITY MANAGER’S REPORT:

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

16. ADJOURNMENT:

*If you need an accommodation contact us at (304) 284-7439*
REGULAR MEETING May 7, 2019: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, May 7, 2019, at 7:09 pm.

PRESENT: City Manager Paul Brake, Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor William Kawecki, and Council Members: Rachel Fetty, Ryan Wallace, Deputy Mayor Jenny Selin, Ron Dulaney, Mark Brazaitis, and Barry Wendell.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: April 16, 2019, Special Meeting minutes were approved by acclamation.

CORRESPONDENCE: Mayor Kawecki read several Proclamations for Law Enforcement Officer’s Memorial Day, Gene Vance Jr. Day, and Building Safety Month. He presented a Proclamation for National Association of Letter Carriers Food Drive Day to Guy Panrell, and for Municipal Clerk’s Week to City Clerk Christine Wade.

Councilor Brazitis spoke of correspondence received from Dr. Jonelle Strough related to White Park. She spoke about contaminates within the soil in White Park and asks to please work with the Morgantown Utility Board (MUB) to identify an alternative route that avoids the park all together. From Lara Farina she expresses concern about the plans for a new pipeline through White Park. Elizabeth Halliday Reynolds asks to find an option to save as much forest as possible in White Park. Colleen Harshbarger states concern for the potential pipeline through White Park. Angela Carver states opposition to cutting any trees in White Park or altering the park for water lines. Devan Smart strongly urges MUB to work on developing alternative routes for the potential pipeline through White Park. Councilor Wendell noted correspondence from Richard Cohon regarding contaminates within the soil in White Park. Council Wallace received correspondence from Joel Murphy and Dennis Murphy regarding annexation. They are asking for additional information on the annexation plan. Councilor Dulaney received correspondence from Jim Manella requesting that there be a public meeting to discuss with Council and Administration the benefits of annexation into the city. Also, that all proposed property owners be informed of such public meeting. He also received correspondence from Elizabeth Halliday Reynolds regarding her concerns for White Park. He also received correspondence from John Kilwein expressing his concerns for keeping the green space within White Park. Councilor Fetty received correspondence from Pamela Cubberly regarding a pipeline through White Park. She also received correspondence from our Delegate Barbara Evans Fleischauer, Kathryn Madison, Michael Bradley, Steve Knudsen, and Judy Werner. Specifically, Mr. Bradley shared his concerns for White Park. Deputy Mayor Selin received many of the same correspondence which has already been provided by the other council members. She received requests from folks on the city line to see if they are in the annexation plan and if this will affect them.

PUBLIC HEARING:

BOND ORDINANCE – ASSUMPTION, AND RE-DESIGNATION, OF THE RIVER ROAD PUBLIC SERVICE DISTRICTS WATER REVENUE BOND

Mayor Kawecki declared the Public Hearing open.

Tim Ball, MUB General Manager, spoke regarding the above Bond Ordinance.

There being no further appearances, Mayor Kawecki declared the Public Hearing closed.

UNFINISHED BUSINESS:

BOND ORDINANCE – ASSUMPTION, AND RE-DESIGNATION, OF THE RIVER ROAD PUBLIC SERVICE DISTRICT’S WATER REVENUE BOND: The below entitled Ordinance was presented for third reading.

BOND ORDINANCE – ASSUMPTION, AND RE-DESIGNATION, OF THE RIVER ROAD PUBLIC SERVICE DISTRICT’S WATER REVENUE BOND
City Manager explained. After discussion, motion by Dulaney, second by Deputy Mayor Selin, to approve the above entitled Bond Ordinance. Motion carried 7-0.

**BOARDS & COMMISSIONS:**

Motion by Dulaney, second by Brazaitis, to reappoint by consensus, Harold Shaver to the Museum Commission.

Motion by Brazaitis, second by Dulaney, to reappoint by consensus, Richard McEwuen to the Museum Commission.

Motion by Deputy Mayor Selin, second by Brazaitis, to reappoint by consensus, Kristen Cooper to the Human Rights Commission.

**PUBLIC PORTION:**

Tim Ball, 278 Greenbag Road, spoke regarding the pipeline route through White Park. The project is on hold indefinitely and the original route that has been abandoned.

Council suspended the rules to ask questions of Mr. Ball.

Jonell Strough, 608 Hess Street, spoke of her concerns regarding the construction in White Park, specifically potential contaminates to waterways.

George Racine, 781 Des Moines Avenue, spoke of his concerns regarding the pipeline construction in White Park.

Kathryn Madison, 825 Madison Avenue, spoke of her concerns regarding the pipeline construction in White Park.

Ella Belling, 505 Madison Avenue, spoke of her concerns regarding the pipeline construction in White Park.

Joan Beard, 632 Astor Avenue, spoke of her concerns regarding the pipeline construction in White Park. She suggested that the public be able to walk the alternative routes that MUB has suggested.

Vaike Haas, 1532 Western Avenue, spoke about cultural preservation in White Park and potential contaminants that may be caused by the construction of the pipeline.

Gary Schlobohm, 120 Clay Street, spoke of his concerns regarding the potential 1% sales tax in Morgantown and the effects that it will have on businesses.

Cheryl Baker, 611 Hayes Street, spoke of her concerns regarding the pipeline construction in White Park.

Adam Polinshi, 450 Brooke Avenue, spoke of his concerns regarding the pipeline construction in White Park, specifically how it would affect the bike clubs at local schools that use the park.

Vanessa Reeves, 819 Ohio Avenue, provided a statement from the Morgantown Green Team regarding the pipeline construction at White Park. She also spoke of her concerns regarding the route of the pipeline construction.

Elizabeth Sneathen, 179 Bluegrass Village, spoke of her concerns regarding the pipeline construction in White Park. She also spoke of her support for the 1% sales.

Twyla Meding, 450 Worthington Street, spoke about her concerns regarding the pipeline construction in White Park.
Lara Farina, 532 Madison Avenue, spoke of her concerns regarding the transparency about the pipeline construction at White Park.

John Rice, 1457 Anderson, spoke of his concerns regarding the forced annexation of businesses outside of city limits.

Evelyn Ryan, 225 Dewey Street, spoke about broadcast issues on Channel 15 and her concerns of the 1% sales tax and the annexation of businesses by the city.

Susan Elkin, 408 Cobun Creek Road, spoke of her concerns regarding the pipeline construction in White Park, specifically regarding contamination.

There being no further speakers, Mayor Kawecki declared the Public Portion closed.

**SPECIAL COMMITTEE REPORTS**: None

**CONSENT AGENDA**: None

**NEW BUSINESS**:

**AN ORDINANCE ESTABLISHING A SALES AND USE TAX AND REDUCING BUSINESS AND OCCUPATION TAX RATES**: The below entitled Ordinance was presented for second reading.

**AN ORDINANCE ESTABLISHING A SALES AND USE TAX AND REDUCING BUSINESS AND OCCUPATION TAX RATES**

City Manager explained, City Attorney explained, asked to suspend the rules to allow Finance Director Jim Goff to speak. After discussion, motion by Brazaitis, second by Deputy Mayor Selin, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

**PROPOSED ANNEXATION PLAN**

City Manager explained. City Council will hold town meetings regarding the annexation plan.

**CITY MANAGER’S REPORT**:

**NEW BUSINESS**:

1. **AWARD PUBLIC SAFETY BUILDING RENOVATIONS – BID CALL 2019-11**

City Manager explained, after discussion, motion by Deputy Mayor Selin, second by Brazaitis, to approve the BID call 2019-11 with Lombardi Development Co. as the base bid. Motion carried 7-0.

**REPORT FROM CITY CLERK**: Christine Wade announced the newly elected members for City Council from last week’s election. New members include Zack Cruze Ward 3, and Dave Harshbarger Ward 6. Members who were re-elected include Rachel Fetty, Jenny Selin, Ron Dulaney, Bill Kawecki, and Barry Lee Wendell. The new council will take their seats at the first meeting in July 2019.

**REPORT FROM CITY ATTORNEY**: None

**REPORT FROM COUNCIL MEMBERS**: 
Councilor Fetty: thanked the Clerk’s office for their professionalism during the election process and for personally handling voter’s registration issues. Councilor Fetty noted comments from residents regarding the potential pipeline through White Park, the lack of communication regarding such, and stated regarding what transpired in the past week that she hopes that they will take additional steps to ensure there is more transparency. She commented that many community events happened in the past few weeks, as well as Boards and Commissions, she is grateful to those who have been involved. As well regarding the elections she is grateful for those who came out and voted, and she urged people to become more involved.

Councilor Wallace: shared information regarding the successful community baby shower held by the Mon County Starting Points and various entities. He shared concerns regarding garbage along the rail trail and he suggested that council discuss adding some garbage cans along the city owned segments of the trail. He shared that his is happy to hear that annexation is moving forward and asks for discussion of section 921 of the City Code specifically regarding the existence of septic systems in the city.

Deputy Mayor Selin: thanked those folks running the election and those who voted, as well for those people attending meetings and providing input. She shared that it is very important to hear from people and she wanted them to know that their input is valued. Deputy Mayor Selin advised the Celebration for American group is meeting this Thursday, May 9, 2019, at 6pm at Tanner’s Alley downtown to discuss the Fourth of July celebration. She invites council members to attend and participate as part of the committee if they are interested. As well, at the Neighborhood Coordinating Council meeting she asks that we request for at least one person from each neighborhood association attend. She shared that this is not a complicated task, but it does require several people and the committee is down to 5 or 6 members. One of the responsibilities would be helping people line up for the parade for example. She shared that this is a patriotic event and that the people who are in town during the Fourth of July do really appreciate the activities.

Councilor Dulaney: noted that the Museum filmed its third series in the Morgantown Memories documentary series, and it was on Charlene Marshall. They are in the process of editing it and producing it. He shared that it follows a series on Pamela Ball and one on Al Anderson. The Museum is seeking corporate or individual sponsors for these films so if there is anyone who would like to contribute to a non-profit please contact the Museum. Councilor Dulaney also shared that TK’s Fruit Produce & Bubble Tea has moved to Walnut Street and he feels it will be a great addition to Walnut Street near Spruce.

Councilor Brazaitis: spoke of Endangered Species Day being May 17, 2019. He shared that species are vanishing at a far faster rate than Wildlife Biologists predicted noting that there are currently 16,306 endangered species worldwide, up from 16,118 last year. West Virginia has 22 species, 14 endangered species, and eight threatened species listed under the Federal Endangered Species Act. If folks want to save endangered species and their habitat, support green space initiatives wherever you live. He shared that bulldozing and destruction of trees has begun on the Haymaker Forest behind the Circle K and from the perspective of birds this is not a good time to begin such devastating work since it is nesting season. Councilor Brazaitis shared that from our perspective we could be losing the jewel in the crown of our park system. He shared that our parks are overtaxed and that we need more green space, noting that the Haymaker Forest would be perfect because of its location adjacent to three city wards. With its 42 acres and its function as a host for numerous birds and mammals, and the fact that the trails already exist, to lose any part of the Haymaker Forest would be a huge loss for the community. He shared regarding White Park that he supports any work to keep MUBs work out of the park entirely. Councilor Brazaitis shared that he enjoyed participating in the community clear up on April 27, 2019.

Councilor Wendell: provided the following.

*The three big issues tonight were annexation, the sales tax, and the pipeline proposed through White Park from the new reservoir. To survive as a viable entity, the city must annex territory adjacent to it, and I’m glad we are talking about that. We have only asked for areas that are already urbanized and may be difficult to improve. I hope we can annex, at some point, areas about to be built, so that we can mandate street width, drainage, sidewalks and open space for neighborhood parks and playgrounds.*

*I have stated opposition to increasing the sales tax, as it is regressive. But like the user fee, we have few choices. If the state would raise the severance tax on natural resources, instead of lowering it, and return that*
money to municipalities, I would prefer that. The same is true of income tax for those in the upper brackets. We can't impose those things as a municipality.

This week, bulldozers are at work destroying Haymaker Forest for development. I wish we had followed the original consensus on Council that this property could be had for a park, and that is probably my biggest regret of this past term. That, and not standing up to opponents of the park purchase who attacked Councilor Brazaitis in a personal and offensive way. We may have a chance to redeem ourselves with White Park. I'm glad that MUB has scheduled meetings to discuss this proposal, and might change it. Thanks to Tim Ball for coming to tonight's meeting and discussing the pipeline proposal. Although it will add to the cost of the reservoir project, we should do what we can to protect our green space and to avoid the possibility of our water being contaminated from pollutants lurking underground along the route of the proposed line.

I was put off by some of the negativity in the election last week, and the possible fraud in my ward, that as far as I know, has not been fully investigated. Still, I'm happy with the results of the election.

There was another shooting at a school in Colorado today. We are still waiting for Congress and the West Virginia Legislature to do something about the proliferation and easy access to guns in our society. This is the disgrace of America and West Virginia.

In other news, my class at Osher Life-Long Learning, "The Great Hits of 1966," continues Thursday at 10 A.M. at Mountaineer Mall. I'm departing from the Top 10 to play and talk about two of the best songs of the year and maybe the decade, "Eleanor Rigby" by The Beatles and "God Only Knows" by The Beach Boys. Stop by.

Mayor Kawecki: suggested that folks look online for the West Virginia Botanic Garden and the Morgantown Library for events which are taking place. He noted the Fifteenth Annual Blue and Gold mine sale which is at Mylan Puskar Stadium as it is always a nice event for folks who like to find treasures left behind by students. He shared that there is a new play called "I never saw another butterfly" which is at M. T. Pockets Theatre on May 15, 2019. He shared that there will be a High Street cruise in on May 15, 2019, as well. There will be the downtown Arts Walk on May 17, 2019, and on May 18, 2019, there will the 8th Annual Gene Vance Jr. Day at the Courthouse square.

ADJOURNMENT: There being no further business, motion by Wendell, second by Brazaitis, to adjourn the meeting. Time: 11:05 p.m.

City Clerk

Mayor

* ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD IN THE CITY CLERKS OFFICE*
COMMITTEE OF THE WHOLE MEETING May 28, 2019: The Committee of the Whole meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, May 28, 2019 at 7:05 p.m.

PRESENT: City Manager Paul Brake, Mayor Bill Kawecki, Council Members, Rachel Fette, Ryan Wallace, Deputy Mayor Jenny Selin, and Mark Brazaitis. Assistant City Manager Emily Muzzarelli and Barry Wendel were absent.

Deputy Mayor Selin called the meeting to order.

PRESENTATIONS:

1. Fairmont – Morgantown Housing Authority Update – Christal Crouso, Executive Director

Christal Crouso, Executive Director of Fairmont – Morgantown Housing Authority, presented information regarding the new mission statement for the Fairmont – Morgantown Housing Authority. Additionally, she spoke about programs that the authority provides. (City Clerk’s office has a copy of the correspondence)

2. Morgantown Blue Zone Update – Colleen Harshbarger, Chairperson Health and Wellness Commission

Colleen Harshbarger, Chairperson Health and Wellness, spoke about the status of the Blue Zones Project which will help to improve the well-being of citizens in Morgantown. (City Clerk’s office has a copy of the correspondence)

3. MUB Discussion of the route of the Raw Water Line – Tim Ball, General Manager

Tim Ball, General Manager, MUB, and Doug Smith, Assistant General Engineer, MUB discussed the alternate Raw Water Line routes that MUB has presented to the public. (City Clerk’s office has a copy of the correspondence)

4. Parking Authority – Dana McKenzie – Director of Parking Authority

Dana McKenzie, Director of Parking Authority, spoke about amendments that the Parking Authority would like to make to the current City Code regarding the establishment of parking rates.

PUBLIC PORTION:

Deputy Mayor opened the public portion and asked if there was anyone wishing to speak.

Joan Beard, 632 Astor Avenue, suggested people that MUB should consult regarding the Raw Water Line construction. She also gave her opinion on the best option for the Raw Water Line.

Twyla Meding, 450 Washington Court, spoke about her preference for where the Raw Water Line construction should take place.

Elizabeth Sneathen, 179 Bluegrass Village, spoke about her concerns regarding the Raw Water Line being constructed through White Park.
Danielle Walker, 26 Addison Circle, spoke about her concerns regarding the hate crimes in the city. She also commended MUB for being open to public input.

There being no one else wishing to speak, Deputy Mayor Selin closed the Public Portion.

ITEMS FOR DISCUSSION:

1. **Fairmont – Morgantown Housing Authority**

   After discussion, City Council will look at the Falling Run TIF district at a later date. No action was taken at this time.

2. **Morgantown Blue Zones**

   There will be periodic announcements regarding the Blue Zone Project. City Council members will be informed when there are decisions that need to be made regarding this project. No action was taken at this time.

3. **MUB Discussion of the Route of the Raw Water Line**

   After discussion, by consensus, council referred to the next regular meeting agenda, June 4, 2019.

4. **Ordinance amending article 155 of the City Code Governing the Morgantown Parking Authority**

   After discussion, by consensus, council referred, by consensus, to the next regular meeting agenda, June 4, 2019.

5. **Ordinance amending section 365.05 of the City Code Governing Off-Street Parking Rates**

   The Morgantown Parking Authority will present to council with a proposed amendment at a future city council meeting. No action was taken at this time.

6. **RZ19-03 – Administratively requested zoning amendment for 40 parcels on Powell Avenue from B-2 to R-1A as recommended in the Future Study Area 16 recommendations report**

   Chris Fletcher, Development Services Director, presented information regarding the request for a zoning amendment. Council referred, by consensus, this item to the next regular meeting agenda, June 4, 2019.

7. **TX19-01- Administratively requested Zoning Text Amendments pertaining to “Front - Load Garage” performance standards in the R-1, R-1A, R-2 and R-3 Districts**

   Chris Fletcher, Development Services Director, presented information regarding a request for a text which would clarify the type of garage that the zoning code is referring to. Council referred, by consensus, this item to the next regular meeting agenda, June 4, 2019.

8. **April 2019 monthly General Fund Finance Report and Detailed Budget Report**

   City Manager presented to council members with background information regarding the April 2019 monthly general fund finance report and detailed budget report.
9. Ordinance updating the City Building Code

The Code Enforcement Department has requested an update to the City Building Code, which would bring the city into compliance with the state building code. Council referred this item to the next regular meeting agenda on June 4, 2019.

ADJOURNMENT:

There being no further business, council adjourned the committee of the whole meeting at 10:10 pm.

__________________________  _________________________
City Clerk                        Mayor

The City of Morgantown hereby ordains:

That the FY 2018-2019 Annual Budget of the General Fund of the City of Morgantown is amended as shown in the revised budget (Revision 04) attached hereto and made a part of this ordinance.

First Reading:

Adopted: Mayor

Filed:

Recorded: City Clerk
REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

City of Morgantown
GOVERNMENT ENTITY

399 Spruce Street
STREET OR PO BOX

Morgantown 26508
CITY ZIP CODE

REVENUES: (net each acct.)

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NET INCREASE/(DECREASE) Revenues (ALL PAGES) 395,205

EXPLANATION FOR ACCOUNT # 378, MUNICIPAL SPECIFIC:

EXPLANATION FOR ACCOUNT # 389, CONTRIBUTIONS FROM OTHER FUNDS:

EXPENDITURES: (net each account category) (WV CODE 7-1-9)

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NET INCREASE/(DECREASE) Expenditures 395,205

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division

AUTHORIZED SIGNATURE  APPROVAL
OF ENTITY  DATE
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</tbody>
</table>

**NET INCREASE/(DECREASE) Revenues (THIS PAGE)**  54,905

**Explanation for Account # 378, Municipal Specific:**

**Explanation for Account #369, Contributions from Other Funds:**
## General Fund
### Budget Revision #4 Detail

#### Revenues

<table>
<thead>
<tr>
<th>Department</th>
<th>Description</th>
<th>Budget</th>
<th>Increase</th>
<th>Decrease</th>
<th>Amended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF Revenue</td>
<td>Property Tax Current Year</td>
<td>3,925,547</td>
<td>40,000</td>
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<td>3,965,547</td>
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<tr>
<td>GF Revenue</td>
<td>Property Tax Prior Year</td>
<td>54,021</td>
<td>150,000</td>
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<td>204,021</td>
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<tr>
<td>GF Revenue</td>
<td>Supplemental Taxes</td>
<td>46,000</td>
<td>35,000</td>
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<td>81,000</td>
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<tr>
<td>GF Revenue</td>
<td>Property Tax Penalties &amp; Interest</td>
<td>10,748</td>
<td>24,000</td>
<td></td>
<td>34,748</td>
</tr>
<tr>
<td>GF Revenue</td>
<td>Gas &amp; Oil Severance Tax</td>
<td>40,000</td>
<td>22,300</td>
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<td>62,300</td>
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<tr>
<td>GF Revenue</td>
<td>Excise Tax on Utility - Electric</td>
<td>550,000</td>
<td>40,000</td>
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<td>590,000</td>
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<tr>
<td>GF Revenue</td>
<td>Excise Tax on Utility - MUB</td>
<td>205,000</td>
<td>14,000</td>
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<td>219,000</td>
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<tr>
<td>GF Revenue</td>
<td>Excise Tax on Utility - Telephone</td>
<td>140,000</td>
<td>15,000</td>
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<td>155,000</td>
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<tr>
<td>GF Revenue</td>
<td>Business and Occupation Tax</td>
<td>12,700,000</td>
<td>550,000</td>
<td>13,250,000</td>
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<tr>
<td>GF Revenue</td>
<td>Business and Occupation Tax - Construction</td>
<td>1,600,000</td>
<td>300,000</td>
<td>1,300,000</td>
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<tr>
<td>GF Revenue</td>
<td>Wine &amp; Liquor Tax</td>
<td>800,000</td>
<td>72,000</td>
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<td>782,000</td>
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<tr>
<td>GF Revenue</td>
<td>Hotel Occupancy Tax</td>
<td>960,000</td>
<td>70,000</td>
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<td>1,030,000</td>
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<tr>
<td>GF Revenue</td>
<td>Franchise Fees</td>
<td>392,500</td>
<td>52,000</td>
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<td>444,500</td>
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<tr>
<td>GF Revenue</td>
<td>Fines, Fees &amp; Court Costs</td>
<td>650,000</td>
<td>180,000</td>
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<td>830,000</td>
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<tr>
<td>GF Revenue</td>
<td>IRP Fee (Interstate Registration Plan)</td>
<td>130,000</td>
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<td>GF Revenue</td>
<td>Business License Fees</td>
<td>117,000</td>
<td>27,000</td>
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<td>90,000</td>
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<tr>
<td>GF Revenue</td>
<td>Building Permit Fees</td>
<td>237,095</td>
<td>57,095</td>
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<td>180,000</td>
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<tr>
<td>GF Revenue</td>
<td>Municipal Service Fees</td>
<td>4,500,000</td>
<td>75,000</td>
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<td>4,425,000</td>
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<tr>
<td>GF Revenue</td>
<td>Payment in Lieu of Taxes</td>
<td>30,000</td>
<td>15,000</td>
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<td>45,000</td>
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<tr>
<td>GF Revenue</td>
<td>Miscellaneous Public Works Dept.</td>
<td>1,000</td>
<td>73,000</td>
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<tr>
<td>GF Revenue</td>
<td>Interest Revenue</td>
<td>25,000</td>
<td>50,000</td>
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<td>75,000</td>
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<tr>
<td>GF Revenue</td>
<td>Rebates - P-Card Cashback</td>
<td>30,000</td>
<td>30,000</td>
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<td>60,000</td>
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</tbody>
</table>

**Total Revenues: $1,158,300 $763,095**

#### Expenses

<table>
<thead>
<tr>
<th>Department</th>
<th>Description</th>
<th>Budget</th>
<th>Increase</th>
<th>Decrease</th>
<th>Amended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contributions to CVB</td>
<td>50% Hotel Tax increase</td>
<td>$ 480,000</td>
<td>35,000</td>
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<td>$ 515,000</td>
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<tr>
<td>BOPARC</td>
<td>25% Hotel Tax increase</td>
<td>197,900</td>
<td>17,500</td>
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<td>215,400</td>
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<tr>
<td>Cap Escrow - B&amp;O</td>
<td>B&amp;O Construction Tax decrease - large projects</td>
<td>1,600,000</td>
<td>300,000</td>
<td></td>
<td>1,300,000</td>
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<tr>
<td>Cap Escrow - MSF</td>
<td>53% of MSF Revenue decrease</td>
<td>2,385,000</td>
<td>39,750</td>
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<td>2,424,750</td>
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<tr>
<td>Police Department</td>
<td>34% of MSF decrease and overtime increase</td>
<td>9,453,206</td>
<td>64,500</td>
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<td>9,517,706</td>
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<tr>
<td>Streets and Highways</td>
<td>13% of MSF decrease, medical insurance and road treatment increase</td>
<td>2,649,807</td>
<td>40,250</td>
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<td>2,690,057</td>
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<tr>
<td>City Manager</td>
<td>Contracted Services for annexation costs and Airport consulting</td>
<td>811,455</td>
<td>29,000</td>
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<td>840,455</td>
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<tr>
<td>Human Resources</td>
<td>Contracted Services for Airport recruitment costs</td>
<td>244,911</td>
<td>19,600</td>
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<td>264,511</td>
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<td>Contingencies</td>
<td></td>
<td>145,630</td>
<td>529,105</td>
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<td>674,735</td>
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</tbody>
</table>

**Total Expenses: $734,955 $339,750**

Prepared by James Goff 5/17/2019

The City of Morgantown hereby ordains:

That the FY 2018-2019 Annual Budget of the Coal Severance Fund of the City of Morgantown is amended as shown in the revised budget (Revision 02) attached hereto and made a part of this ordinance.

First Reading: 

Adopted: Mayor

Filed:

Recorded: City Clerk
## REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

City of Morgantown
GOVERNMENT ENTITY

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY APPROVED AMOUNT</th>
<th>(INCREASE)</th>
<th>(DECREASE)</th>
<th>REVISED AMOUNT</th>
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<tbody>
<tr>
<td>310</td>
<td>Coal Severance Tax</td>
<td>72,000</td>
<td>7,500</td>
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<td>79,500</td>
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</tr>
</tbody>
</table>

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)**

7,500

Explanation for Account # 376, Municipal Specific:

Explanation for Account # 389, Contributions from Other Funds:

### EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY APPROVED AMOUNT</th>
<th>(INCREASE)</th>
<th>(DECREASE)</th>
<th>REVISED AMOUNT</th>
</tr>
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<tbody>
<tr>
<td>900</td>
<td>Parks &amp; Recreation</td>
<td>126,500</td>
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<td>134,000</td>
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</tr>
</tbody>
</table>

**NET INCREASE/(DECREASE) Expenditures**

7,500

**APPROVED BY THE STATE AUDITOR**

BY: Deputy State Auditor, Local Government Services Division  Date:  

AUTHORIZED SIGNATURE OF ENTITY  APPROVAL DATE:
AN ORDINANCE AMENDING ARTICLE 155 OF THE CITY CODE GOVERNING
THE MORGANTOWN PARKING AUTHORITY

The City of Morgantown hereby ordains that Article 155 of the City Code is amended as follows:

155.07 POWERS AND DUTIES.

(a) The Parking Authority shall have the power and authority within the City to construct, acquire, improve, extend, equip, operate and maintain automobile parking facilities, including parking lots, parking buildings and parking ramps deemed necessary or incidental to provide off-street parking facilities for vehicles within the City, and all such works shall be under the custody, control and supervision of such authority.

(b) Such authority shall have the power to collect revenues from the parking facilities established pursuant to this Article and from all parking meters within the public rights-of-way of the City therefrom for the services rendered thereby, which revenues shall be delivered to the Finance Director and maintained by him in a separate fund designated as the "Parking Facilities Revenue Fund". The revenues from the operation of off-street parking facilities, after allowance for the cost of maintenance and operation, shall be available for the payment of the interest on and principal of the bonds proposed to be issued, which payments shall be made by the Finance Director, with the approval of Council, and no other expenditures from such Fund shall be made without the approval of Council; except, that the Finance Director may honor requisitions from the Parking Authority for reasonable and necessary expenditures not to exceed the sum of five hundred dollars ($500.00) amount of funds available in the budget of the Parking Authority in any fiscal year.

(c) The Parking Authority shall have power to take all steps and proceedings, and to make and enter into all contracts or agreements necessary or incidental to the performance of its duties; provided, that any contract involving the expenditure of a sum in excess of five hundred dollars ($500.00) in any fiscal year, and any contract relating to the financing or the acquisition, construction, extension or equipment of any such works, or the issuance of any bonds, or any trust indenture shall be first approved by Council. Rates or charges for the use of, and for the services rendered by the municipal public automobile parking facilities shall be established by Council.

(d) The Parking Authority shall have the power to employ engineers, architects, inspectors, superintendents, managers, collectors, attorneys and such other employees as in its judgment may be necessary in the execution of its powers and duties, and may fix their compensation, and all such employees shall perform such work and labor as the Parking Authority may direct. All such compensation and expenses incurred in carrying out the provisions of this article shall be paid out of the funds provided under this article and under the provisions of West Virginia Code Article 8-16, and such Authority shall not exercise or carry out any authority or power herein given it so as to bind such Authority or the City beyond the extent to which moneys shall have been, or may be provided for its use by Council, or moneys provided under the authority of West Virginia Code Article 8-16.
(c) No contract or agreement exceeding the sum of one thousand dollars ($1,000) shall be made without advertising for bids, which bids shall be publicly opened and awarded to the lowest qualified responsible bidder, with power in the Parking Authority to reject any and all bids. Contracts for public improvement projects shall be competitively bid in accordance with the provisions of West Virginia Code Chapter 5, Article 22, and contracts for equipment and supplies shall be made in accordance with the provisions of City Code section 129.05. After the construction, installation, completion or the acquisition of any such public works, the Parking Authority shall operate, manage and control the same, and may order and complete any extensions, betterments and improvements of and to the works that such Authority may deem expedient, if funds therefor are available, or made available as provided in such sections of the Code of West Virginia, and such Authority shall have the right to establish rules and regulations for the use and operation of such works and to do all things necessary or expedient for the successful operation thereof.

(f) The Parking Authority shall also have the power to adopt rules, regulations, and by-laws for the conduct of its business and affairs.

(g) The Parking Authority shall make monthly reports to Council. Such reports shall show the financial condition of the various facilities operated by the Parking Authority including receipts and expenditures. The Parking Authority shall provide such other reports and information as Council may from time to time require or request. Any such reports may also in the discretion of the Parking Authority or at the request of Council include such recommendations concerning the activities of the Parking Authority as may be determined proper.

155.08 APPOINTMENT OF SPECIAL POLICE OFFICERS.

The Parking Authority shall have authority to appoint special police officers, whose sole duties shall be to patrol, and to enforce Municipal ordinances upon or within, designated parking lots and parking buildings under the control of and operated by the Parking Authority. In the performance of such duties, such special police officers shall be vested with power to make arrests, issue summons, sign complaints and request the issuance of capiases. Such special police officers shall be in uniform, shall display a badge or other sign of authority and shall serve at the will and pleasure of the appointing authority. The cost of providing such special parking lot or parking building police officers shall be paid from revenues derived from off-street parking lots or parking buildings.

155.085 PARKING ENFORCEMENT OFFICERS.

(a) The Parking Authority shall have authority to enforce municipal parking ordinances within the City.

(b) The Parking Authority shall may appoint parking enforcement officers who will patrol and enforce Municipal parking ordinances upon the streets of the City of Morgantown and in the facilities established pursuant to this Article, and, in the performance of such duties shall be vested with power to issue summons and citations and sign complaints.
(c) Parking enforcement officers shall be in uniform and display a badge or other sign of authority.

(d) The salaries of such parking enforcement officers shall be paid by the Parking Authority, and the Parking Authority shall retain all income derived from the curbline parking meters.

(e) Parking enforcement officers shall acquire no civil service rights under the civil service rules of the State, shall acquire no rights under the policemen’s pension and relief fund provisions of the West Virginia Code, nor shall the limited power delegated to them herein be construed as power or authority of a peace officer.

This ordinance shall be effective upon the date of adoption.

FIRST READING: 

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:
ORDINANCE NO.___________

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF 40 PARCELS OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM B-2, SERVICE BUSINESS DISTRICT TO R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN.

Property included in this ordinance are identified as Parcels 162 through and including 199, 199.1, and 200 of County Tax Map 30, Morgantown Fifth Ward Tax District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning designation for Parcels 162 through and including 199, 199.1, and 200 of County Tax Map 30, Morgantown Fifth Ward Tax District of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein is reclassified from B-2, Service Business District to R-1A, Single-Family Residential District.

2. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk
ORDINANCE NO. __________________

AN ORDINANCE AMENDING SECTIONS 1329.02, 1333.07, 1335.07, 1337.07, AND 1339.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO FRONT-LOAD GARAGE.

The City of Morgantown hereby ordains Sections 1329.02, 1333.07, 1335.07, 1337.07, and 1339.07 of the Planning and Zoning Code are amended as follows (new matter underlined):

ARTICLE 1329
Definitions

1329.02 DEFINITION OF TERMS

GARAGE, FRONT-LOAD – A private garage where: (a) the vehicular access or overhead door(s) is/are generally parallel to the lot front; and, (b) the vehicular access or overhead door(s) is/are visible from the entire width of the lot front.

ARTICLE 1333
R-1, Single-Family Residential District

1333.07 PERFORMANCE STANDARDS.

(B) Building Design Standards for Single-Family Dwelling new construction, additions, and redevelopment projects.

(5) Front-Load Garages, if attached to the dwelling, may not take up more than 65% of the width of the front façade nor extend closer to the front lot line than the primary building line of the front façade.

ARTICLE 1335
R-1A, Single-Family Residential District

1335.07 PERFORMANCE STANDARDS.

(B) Building Design Standards for Single-Family Dwelling new construction, additions, and redevelopment projects.

(5) Front-Load Garages, if attached to the dwelling, may not take up more than 65% of the width of the front façade nor extend closer to the front lot line than the primary building line of the front façade.
ARTICLE 1337
R-2, Single- and Two-Family Residential District

1337.07 PERFORMANCE STANDARDS.

(B) Building Design Standards for Single- and Two-Family Dwelling new construction, additions, and redevelopment projects.

(5) **Front-Load** Garages, if attached to the dwelling, may not take up more than 65% of the width of the front façade nor extend closer to the front lot line than the primary building line of the front façade.

ARTICLE 1339
R-3, Multi-Family Residential District

1339.07 PERFORMANCE STANDARDS.

(B) Building Design Standards for Single- and Two-Family Dwelling new construction, additions, and redevelopment projects.

(5) **Front-Load** Garages, if attached to the dwelling, may not take up more than 65% of the width of the front façade nor extend closer to the front lot line than the primary building line of the front façade.

This ordinance shall be effective upon date of adoption.

FIRST READING:

ADOPTED: Mayor

FILED:

RECORD: City Clerk
ORDINANCE NO. 2019-________

AN ORDINANCE AMENDING SECTION 1713.01 OF THE CITY CODE UPDATING THE STATE BUILDING CODE

The City of Morgantown hereby ordains that Section 1713.01 of the City Code is amended as follows:

1713.01 ADOPTION.

There are hereby adopted and incorporated by reference herein the following portions of the State Building Code, as published by the International Code Council ("ICC"), to be known as the Building Code of the City of Morgantown, West Virginia, for the purpose of regulating construction, alteration, addition, removal and demolition of buildings and structures. together with the additions and amendments hereinafter provided:

(a) The 2015 edition, International Building Code, with the following exceptions and additions:

(i) The section entitled "Fire Prevention" and identified as Section 101.4.5 is deleted and not considered to be a part of this section.

(ii) The entire subsection entitled "Qualifications" and identified as Section 113.3 is deleted and replaced with the following:

"Section 113.3. Board of Appeals
113.3 Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and 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 of 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."

(iii) The following appendices are applicable:

Appendix E - Supplementary Accessibility Requirements; and
Appendix H - Signs.

(b) The 2015 edition of the International Plumbing Code

(c) The 2015 edition of the International Mechanical Code

(d) The 2015 edition of the International Fuel Gas Code, with the following exception:

(i) Section 404.10 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.

(e) The 2015 edition of the International Property Maintenance Code, with the following exceptions and additions:

(i) Section 110.3 Failure to Comply, shall be 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."

(ii) The following appendix is applicable:
Appendix A - Boarding standards.


(h) The 2015 edition of the International Residential Code for One and Two Family Dwellings, with the following exceptions and additions:

(i) Chapter 11 of the 2015 edition of the International Residential Code for One and Two Family Dwellings, Seventh Printing, entitled Energy Efficiency,’ is exempt from this section.

(iii) Section G2415.12 (404.10) 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.

(iv) Section R311.7.5 Stair Treads and Risers

(A) 311.7.5.1 Riser Heights -- The maximum riser height shall be eight and one-quarter (8 1/4) inches.

(B) 311.7.5.2 Tread Depth- The minimum tread depth shall be nine (9) inches.

(v) Section R403.1.7.1: Building Clearances From Ascending Slopes is not applicable to this section.

(vi) Section R403.1.7.2: Footings Setbacks From Descending Slope Surfaces is not applicable to this section.

(vii) Pursuant to Title 87, West Virginia Code of State Rule, Series 4, Section 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 R313.1 or
R313.2 of the 2015 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 R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

(viii) Pursuant to Title 87, West Virginia Code of State Rules, Series 4, Section 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 the referenced Section 5.1 immediately above.

(ix) The following appendices are applicable:
   Appendix D - Safety inspections of existing appliances
   Appendix E - Manufactured Housing used as Dwellings.
   (k) The 2014 edition of the National Electric Code, NFPA 70
   Wherever referenced in the several ICC codes adopted above, any reference to the International Fire Code should be substituted with the NFP Life Safety Code 2015 edition. The State Building Code and its application within this City shall be subject to Legislative Rules adopted by the West Virginia State Fire Commission and authorized by the West Virginia Legislature.

This ordinance shall be effective upon adoption.

FIRST READING:

ADOPTED: __________________________

FILED: __________________________

RECORDED: __________________________

MAYOR

CITY CLERK