



The City of Morgantown

430 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439
www.morgantownwv.gov

AGENDA

MORGANTOWN CITY COUNCIL REGULAR MEETING

Monongalia County Commission Chambers, 243 High Street, 2nd Floor, Morgantown, WV 26505
Tuesday, July 19, 2022 at 7:00 PM

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **PLEDGE:**
4. **APPROVAL OF MINUTES:**
 - A.** July 5, 2022, Special Meeting minutes
 - B.** July 5, 2022, Regular Meeting minutes
5. **CORRESPONDENCE:**
6. **PUBLIC HEARINGS:**
 - A.** An Ordinance Amending Section 1713.01 Adopting State Building Code Revisions and Adopting Section 1713.02
 - B.** An Ordinance Amending Article 172 of the City Code Entitled Sister Cities Commission to Expand Membership for Nonresidents
7. **UNFINISHED BUSINESS:**
 - A. Boards & Commissions
8. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:**
9. **SPECIAL COMMITTEE REPORTS:**
 - A. Civilian Police Review & Advisory Board - Mayor Selin, Ex-officio
 - B. Special Committee on Unsheltered Homelessness - Members: Mayor Selin, Deputy Mayor Trumble, Councilor Vega, Councilor Harshbarger, Councilor Butcher
10. **CONSENT AGENDA:**

- A.** Consideration of **APPROVAL** of **(Second Reading)** of **An Ordinance Amending Section 1713.01 Adopting State Building Code Revisions and Adopting Section 1713.02** (*First reading 7/5/2022*)
- B.** Consideration of **APPROVAL** of **(Second Reading)** of **An Ordinance Amending Article 172 of the City Code Entitled Sister Cities Commission to Expand Membership for Nonresidents** (*First reading 7/5/2022*)

11. NEW BUSINESS:

- A.** Consideration of **APPROVAL** of **(First Reading)** of **An Ordinance Amending the FY 2022-2023 Annual Budget of the City of Morgantown as shown in the Revised Budget (Revision 01) attached hereto and made a part of this Ordinance as the same applies to the General Fund**
- B.** Consideration of **APPROVAL** of **(First Reading)** of **An Ordinance Amending the FY 2022-2023 Annual Budget of the City of Morgantown as shown in the Revised Budget (Revision 01) attached hereto and made a part of this Ordinance as the same applies to the Coal Severance Fund**
- C.** Consideration of **APPROVAL** of **A Resolution Approving and Authorizing to Submit to the U.S. Department of Housing and Urban Development (HUD) the FY 2022 Community Development Block Grant (CDBG) Annual Action Plan**
- D.** Consideration of **APPROVAL** of **A Resolution Approving and Authorizing the Submittal to the U.S. Department of Housing and Urban Development (HUD) of the Substantial Amendment to the FY 2020 Community Development Block Grant Coronavirus (CDBG-CV) Annual Action Plan**
- E.** Consideration of **APPROVAL** of **A Vacant Structure Exemption Request for 400 Beechurst Avenue**

12. CITY MANAGER'S REPORT:

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

16. EXECUTIVE SESSION:

- A.** Pursuant to West Virginia Code 6-9a-4(2)(b)(12) to discuss potential or pending litigation.
- B.** Pursuant to West Virginia Code section 6-9A-4(b)(2)(A) to discuss personnel matters.

17. ADJOURNMENT:

For accommodations please call or text 304-288-7072

City of Morgantown

SPECIAL MEETING July 5, 2022

Special Meeting July 5, 2022: The Special Meeting of the Common Council of the City of Morgantown was held in City Hall Council Chambers on Tuesday, July 5, 2022, at 6:01 p.m.

PRESENT: Mayor Jenny Selin, Deputy Mayor Danielle Trumble, Council Members Joe Abu-Ghannam, Bill Kawecki, Ixya Vega, Dave Harshbarger and Brian Butcher.

The meeting was called to order by Mayor Selin.

Executive Session: Pursuant to West Virginia Code Section 6-9a-4(b)(2)(a) to discuss Personnel Matters in considering new appointments for Board and Commissions. Motion by Deputy Mayor Trumble, second by Councilor Butcher, to go into executive session. Motion carried by acclamation. Present: City Council. Time: 6:02 p.m.

6:00 p.m. – Charles Shobe 1st Ward – Planning Commission

6:15 p.m. – Lisa Giuliani – Cultural Arts Commission

6:30 p.m. – Joe Weiss – Fire Code Board of Appeals

ADJOURNMENT:

There being no further business, motion by Deputy Mayor Trumble, second by Councilor Vega, to adjourn the meeting. Time: 7:02 p.m.

City Clerk

Mayor



City of Morgantown
389 Spruce Street, Morgantown, WV 26505

MINUTES
REGULAR MEETING
July 5, 2022

Regular Meeting: July 5, 2022: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, July 5, 2022, at 7:02pm.

The meeting was called to order by Deputy City Clerk Heather Carl, to conduct the administration of oaths and to elect the Mayor and Deputy Mayor.

Nominations of Mayor:

Motion by Councilor Vega, second by Councilor Harshbarger, to nominate Jenny Selin for Mayor.

There being no other nominations, Jenny Selin will be Mayor for 2022-2023. Motion carried 7-0.

Nominations of Deputy Mayor:

Motion by Mayor Selin, second by Councilor Kawecki, to nominate Danielle Trumble for Deputy Mayor. Motion carried 7-0.

There being no other nominations, Danielle Trumble will be Deputy Mayor for 2022-2023. Motion carried 7-0.

Roll Call was taken by Deputy City Clerk Heather Carl.

Present: City Manager Kim Haws, Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, Deputy City Clerk Heather Carl, Mayor Jenny Selin, Deputy Mayor Danielle Trumble, and Council Members Joe Abu-Ghannam, Bill Kawecki, Ixya Vega, Dave Harshbarger and Brian Butcher. City Clerk Christine Wade was absent. David Harshbarger was present for roll call via zoom, but dismissed himself right after.

Approval of Minutes: June 7, 2022, Regular Meeting minutes; June 21, 2022, Special Meeting minutes; June 21, 2022, Regular Meeting minutes were approved as printed.

Correspondence:

Mayor Selin presented a certificate of recognition for leadership to Carol Pyles for her 14 years of service on the Planning Commission.

Public Hearing: An Ordinance authorizing a Lease with Ground Speed Aviation, LLC at the Morgantown Municipal Airport

Mayor Selin declared the Public Hearing open.

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

Public Hearing: An Ordinance revising Ordinance 2021-13 establishing a Civilian Police Review and Advisory Board and recodifying Article 180.5 entitled "Civilian Police Review and Advisory Board" as Article 178 of the City Code

Mayor Selin declared the Public Hearing open.

Debra Gordey, 52 Dustin Lane, Westover, WV 26501, asked council to revisit at a later date to discuss adding a current office/retired member to the board.

Michael Attfield, 28 Irish Road, Morgantown, spoke in favor of the Civilian Police Review & Advisory Board.

There being no other appearances, Mayor Selin declared the Public Hearing closed.

Unfinished Business: None

Boards & Commissions:

Motion by Councilor Kawecky, second by Deputy Mayor Trumble, to appoint, by consensus, Joe Weiss to the Fire Code Board of Appeals.

Motion by Councilor Abu-Ghannam, second by Councilor Kawecky, to appoint, by consensus, Charles Shobe 1st Ward to the Planning Commission.

Motion by Deputy Mayor Trumble, second by Councilor Butcher, to appoint, by consensus, Lisa Giuliani to the Cultural Arts Commission.

Public Portion:

Jodi Hollingshead, 417 Cedar Street, is over Protect Morgantown and is in opposition of Big Daddy Guns coming to downtown.

Andrew Boston, 198 Foundry Street, is in opposition of Big Daddy Guns.

Alyssa Shade, spoke about a Non-Profit Incentive Program that will be coming to Sabraton who will offer a Spay/Neuter clinic to the area that will allow those unwanted, and homeless animals more affordable and accessible to the community, Animal Welfare groups, and shelters. She would like to come back to a future meeting to talk more about the facility and future collaboration.

Stephanie Hunt, 220 Front Street, is in opposition of Big Daddy Guns.

Debra Gordey, 52 Dustin Lane, spoke regarding the loss of officers with the MPD and is concerned that the department could be down by more officers come the first of the year. She also spoke regarding Big Daddy Guns and stated that there has been businesses selling guns in the downtown area for over 50 years.

Todd Stainbrook, 512 Valley Road, he stated "We, the concerned citizens of Morgantown" are asking City Council for their immediate resignation. They ask this to save the City Clerk's office their time and money of having a Special Election. In order for a recall of the City Election, 3,849 signatures will have to be collected and verified; 20% of the 19,246 registered voters from the 2021 Municipal Election. He stated there have been concerned citizens asking for council to resign because of lingering issues that are believed to be mishandled between city employees and the Morgantown Police and Fire Departments.

River Calabrese spoke in opposition of Big Daddy Guns and asked for an ice cream shop be put there instead.

Yasmin Mustafa, 203 Blue Ridge Lane, spoke in opposition of Big Daddy Guns.

Sherry Lowther, realtor with Caldwell Banker, spoke regarding the homeless and the infrastructure problems that are making Morgantown hard to sell in the city. She has lived here all her life and has never seen anything like it before. She will do everything she can to bring it back to the way it was before.

There being no other individuals to speak, Mayor Selin declared the public portion closed.

Special Committee Reports:

Civilian Police Review & Advisory Board – Continuing to interview

Special Committee on Unsheltered Homelessness – Members: Mayor Selin, Deputy Mayor Trumble, Councilor Vega, Councilor Harshbarger, and Councilor Butcher. Mayor Selin stated that she needs to get with City Clerk Christine Wade to setup a date and time to schedule a meeting.

Consent Agenda:

An Ordinance authorizing a Lease with Ground Speed Aviation, LLC at the Morgantown Municipal Airport: (First reading 6/14/2022)

An Ordinance revising Ordinance 2021-13 establishing a Civilian Police Review and Advisory Board and Recodifying Article 180.5 entitled "Civilian Police Review and Advisory Board" as Article 178 of the City Code (First reading 6/21/2022)

City Manager Kim Haws explained. After discussion, motion by Councilor Kawecky, second by Councilor Abu-Ghannam, to approve the above-entitled Ordinances. Motion carried 6-0. Councilor Harshbarger was absent.

New Business:

An Ordinance Amending Section 1713.01 Adopting State Building Code Revisions and Adopting Section 1713.02: The Ordinance was presented for first reading.

An Ordinance Amending Section 1713.01 Adopting State Building Code Revisions and Adopting Section 1713.02

City Manager Kim Haws explained. After discussion, motion by Councilor Kawecki, second by Councilor Vega, to approve the above-entitled Ordinance to second reading. Motion carried 6-0. Councilor Harshbarger was absent.

An Ordinance Amending Article 172 of the City Code Entitled Sister Cities Commission to Expand Membership for Nonresidents: The above-entitled Ordinance was presented for first reading.

An Ordinance Amending Article 172 of the City Code Entitled Sister Cities Commission to Expand Membership for Nonresidents

City Manager Kim Haws explained. Motion by Councilor Vega, second by Deputy Mayor, to approve the above-entitled Ordinance to second reading. Motion carried 6-0. Councilor Harshbarger was absent.

Vacant Structure Exemption Request for 301 East Brockway Avenue: The Exemption request was presented for approval.

City Manager Kim Haws explained. After discussion, motion by Councilor Vega, second by Deputy Mayor Trumble, to put the Vacant Structure Exemption Request for 301 East Brockway Avenue on a future agenda. Motion carried 6-0. Councilor Harshbarger was absent.

City Manager's Report: mentioned that he was on vacation with his family last week and enjoyed every minute. He stated that he is glad to be back.

Report from Deputy City Clerk: Morgantown Fire Department is accepting applications in the City Clerks office for entry-level testing. You may call to get an application via email, or you may go to the website at www.morgantownwv.gov. The City Clerk's office has completely moved to 430 Spruce Street.

Report from City Attorney: No Report

Report from Council Members:

Councilor Abu-Ghannam: mentioned the yard sale that happened in First ward over the weekend was a success with thirty homes that participated. The First ward Neighborhood Association will be meeting Monday, July 25, 2022, and then will be switching to bi-monthly to ensure they will have items to discuss. He hoped that every enjoyed the 4th of July fireworks downtown.

Councilor Kawecki: he spoke about all the good things that are happening in the city such as the Hazel Ruby McQuain Park and the Concert Series they put on every Friday night, the Arts Council, ADA Accessible Ramps being done by the Department of Highways throughout downtown and surrounding municipalities. He mentioned an area adjacent to the curb of the sidewalk that was not complete on Brockway and Walnut Street that needs to be taken care of before someone gets hurt. He stated that as a city, there will be problems, and they are everywhere, not just here. He talked about Morgantown being a gathering place for the various activities in our community and said that it is what has attracted people to our area. He believes that council and administration is making progress of what has been done and will continue to do in the future.

Councilor Vega: she provided translation for a Legal and Immigration Advice Service that was hosted by Mount State Justice * the ACLU of West Virginia. She hoped for the next time to have more people attend and a little more time to promote more as this is a really good start to what can be done to reach out to those not involved with our community. She asked the question about the paving of roads, specifically Eureka Drive, and in front of Wiles Hill Community Center. There have been several people ask when it will be paved. City Manager Kim Haws stated that he would get that information for her. She enjoyed watching the fireworks and had a perfect view in a staircase on the hill of 3rd Ward that she never knew was there. She mentioned that when she celebrated the 4th of July, it was strange to her to celebrate the independence when hundreds even thousands of people who have lost the independence to decide for their own bodies. There have been several shootings recently, one in particular being 20 minutes from her hometown in Chicago. She also mentioned the Roe vs Wade that was overturned and in the State of West Virginia, there are trigger bans in place, so the only abortion clinic is no longer providing that service. She wants to sit with the reality on how this impacts everyone in our community and in our

State. She is not just a city council representative, she is an organizer and if you are looking for a way to contribute or take action, you may reach out to her. She is looking forward to spending more time outside doing activities in the community that she loves to do.

Councilor Harshbarger: Absent

Deputy Mayor Trumble: she and her family had a great time and enjoyed the festivities on the 4th of July with the music and fireworks. She thanked the city and the Cultural Arts Director, for organizing the Concert Series and the many activities that goes on down at the Hazel Ruby McQuain Park. She noted that the Woodburn Association of Neighbors will be having a cleanup of Whitmore Park, and Charles and Richwood Avenue on Saturday, July 16, 2022, at 10am and will be meeting behind Mario's Fishbowl at the top of Whitmore Park. She mentioned that they are planning a neighborhood picnic and if anyone is interested in helping to plan or give ideas you can reach out to the Neighborhood Association through Facebook or email woodburnaon@gmail.com. She noted that the City Manager promised a plan of the sidewalks, and hoped that it was being worked on. She noted that the next meeting, will take place at the Monongalia County Commission Chambers at the court house and is looking forward to a change in venue. She mentioned that all of council is continuing to hear from the employees that are being impacted by the new Personnel Rules. She stated that city administration is aware and are working to improve it. She asked to schedule a Work Session before the next scheduled meeting, so they can sit down with administration and talk about all the issues that are impacting employees and what can be done.

Councilor Butcher: announced that the Suncrest Neighborhood Association picnic will be held on July 12, 2022, 6pm at Krepps Park with a potluck, along with a concert by the Kruger Brothers Band. He also announced that July 7, 2022, 6:30 pm at Terra Café will be having a Pride gathering. He reiterated Councilor Kawecki and Deputy Mayor Trumble on scheduling a work session to discuss the issues going on and also what Councilor Kawecki's stated about the refutation of claims being made against the city. He stated he wanted to reiterate what Councilor Vega mentioned about the Supreme Court ruling on the strike down of Roe vs. Wade. Even though Morgantown has never had a clinic in the city, it is incredibly terrifying for many people about restrictions and the rights to privacy for many different issues that might come forward later. He thinks that as a city, they should think critically about and take great care and understand others.

Mayor Selin: invited all of City Council, City Administration, and the City Clerk's office, to join them at the Suncrest Neighborhood Association picnic Tuesday, July 12, 2022, 6pm at Krepps Park. She mentioned correcting a few things for the record about the upcoming of the WVU Homecoming Parade that will be held as planned. She noted there was a rumor that it had changed, and she wanted to let everyone know that it is still on. She mentioned some of the Morgantown Police Department officers will be working WVU football games inside the stadium. She stated that when there is public discourse and people are disgruntled and unhappy, to make sure there is accuracy. She loved 4th of July fireworks and enjoyed being down at Hazel Ruby McQuain Park. She enjoys going to the concerts on Friday nights and stated that having entertainment has really made a change in the community and made everyone feel proud of Morgantown.

Executive Session: Pursuant to West Virginia Code 6-9A-4(b)(2)(9) to discuss potential litigation. Motion by Deputy Mayor Trumble, second by Councilor Butcher, to go into executive session. Motion carried by acclamation. Time: 8:30 p.m. Present: City Council, City Manager, and City Attorney.

ADJOURNMENT: There being no further business, motion by Councilor Vega, second by Deputy Mayor Trumble, to adjourn the meeting. Time: 10:05 p.m.

City Clerk

Mayor

**AN ORDINANCE AMENDING SECTION 1713.01
ADOPTING STATE BUILDING CODE REVISIONS
AND ADOPTING SECTION 1713.02**

WHEREAS, The City of Morgantown had adopted the State Building Code in accordance with West Virginia Code of State Rules § 87-4-7; and

WHEREAS, the State Fire Commission has adopted a legislative rule, pursuant to *W. Va. Code* § 15A-11-5, amending the State Building Code effective August 1, 2022; and

WHEREAS, The City of Morgantown is required to update its adopted Building Code to reflect changes in the State Building Code and to elect optional provisions of the adopted State Building Code; and

WHEREAS, the State Building Code provides for the establishment of a Building Code Board of Appeals to hear and decide appeals of orders, decision, or determinations made by the Building Official relative to the application and interpretation of the Building Code; and

WHEREAS, The City of Morgantown desires to provide for the establishment of such Building Code Board of Appeals, as provided by the adopted State Building Code, within its code of ordinances;

NOW, THEREFORE, The City of Morgantown hereby ordains that Section 1713.01 of the City Code is repealed in its entirety and replaced as follows, and that a new Section 1713.02 entitled "Building Code Board of Appeals" is adopted as follows:

1713.01. Building Code.

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") and adopted by the State Fire Commission at Title 87, Series 4, of the West Virginia Code of State Rules, 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 2018 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 2018 edition of the International Plumbing Code

(c) The 2018 edition of the International Mechanical Code. The following shall be in addition to the current language found in the said edition of the referenced code and section:

(i) See International Mechanical Code, Section 908, Cooling Towers, Evaporative Condensers and Fluid Coolers.

(A) 908.1 General – 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.

(ii) Section 916 Pool and Spa Heaters

(A) 916.1 General – 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 1251. Pool and spa heat pump water heaters shall comply with UL 1995, UL/CSA 60335-2-40 or CSA C22.2 No. 236.

(1) Exception: Portable residential spas and portable residential exercise spas shall comply with UL 1563 or CSA C22.2 No. 218.1.

(iii) Section 918 Forced-Air Warm-Air Furnaces

(A) 918.1 Forced-Air furnaces – 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.

(iv) Section 1101 General

(A) 1101.2 Factory-Built Equipment and Appliances – 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 factory test requirements of this code if installed in accordance with their listing and the manufacturer’s instructions.

(B) 1101.6 General. 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, HAR 2. High probability systems utilizing A2L refrigerants shall comply with ASHRAE 15.

(v) Chapter 15 REFERENCED STANDARDS

(A) 1501.3 Referenced Standards – Table 1 shall be Table 1 as included at West Virginia Code of State Rules, Title 87, Series 4, Section 4.1.c.1.E.1.

(d) The 2018 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 2018 edition of the International Property Maintenance Code, with the following addition:

(i) The following appendix is applicable:

Appendix A – Boarding Standards

(f) The 2015 edition of the International Energy Conservation Code for residential buildings, with the following exception:

(i) Section R402.4.1.2. Testing. 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.

(g) The ANSI/ASHRAE /IESNA Standard 90.1 2013 edition for commercial buildings.

(i) 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.

(h) The 2018 edition of the International Residential Code for One and Two Family Dwellings, with the following additions and exceptions:

(i) The following appendices are applicable:

- Appendix D - Safety inspections of existing appliances
- Appendix E - Manufactured Housing used as Dwellings.
- Appendix Q – Tiny Houses

(ii) Chapter 11 of the 2018 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 M1402 Central Furnaces.

(A) M1402.1 General- Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or UL/CSA 60335-2-40.

(B) Section M1403 Heat Pump Equipment

(1) M1403.1 Heat pumps- Electric heat pumps shall be listed and labeled in accordance with UL 1995 or UL/CSA 60335-2-40.

(C) Section M1412 Absorption Cooling Equipment

(1) M1412.1 Approval of equipment- 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.

(D) Section M1413 Evaporative Cooling Equipment

(1) M1413.1 General- Evaporative cooling equipment and appliances shall comply with UL 1995 or UL/CSA 60335-2-40 and shall be installed in accordance with 4401.3 Referenced standard list.

(E) Chapter 44 Referenced standards.

(1) 4401.3 Referenced standard list - Table 2 shall be Table 2 as included at West Virginia Code of State Rules, Title 87, Series 4, Section 4.1.h.1.E.1.

(v) 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.

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

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

(viii) The frost line specified in Table R301.2.(1), as directed by Section R403.1.4.1 of the 2018 International Residential Code shall be 30 inches.

(i) The 2017 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities.

(j) The 2018 International Existing Building Code, with the following exception:

(i) Omit reference to International Fire Code and substitute NFPA Life Safety Code 2018 edition.

(k) The 2020 edition of the National Electrical Code, NFPA 70, with the following exception:

(i) Section 210.8(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.

(ii) 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.

(l) The 2018 edition of the International Swimming Pool and Spa Code.

(m) Wherever referenced in the several ICC codes adopted in this section, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2021 edition.

(n) Whenever a certificate of occupancy is required of a commercial structure greater in size than 7,600 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.

(o) Fire Protection of Floors in Residential Buildings.

(i) 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.

(ii) 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.

(p) Exceptions.

(i) The following structures are not subject to inspection under this section:

(A) Group U utility structures and storage sheds comprising an area not more than 200 sq. ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

(q) Exemption for agricultural purposes.

(i) If a property owner or other responsible party claims exemption from the applicable Building Code based on the agricultural purposes exemption identified in subsection 1.6 of Title 87, West Virginia Code of State Rules, Series 4, they shall submit the question to the Commissioner of Agriculture for a determination of eligibility.

(ii) The property owner or responsible party shall submit to the Commissioner of Agriculture sufficient information to allow the Commissioner to determine the primary use of the property. This information shall include, but is not limited to, the location of the property and buildings, the types of agricultural use or uses, the percentage or frequency of use, and any other

information that the Commissioner requires to make a decision.

(iii) The Commissioner of Agriculture shall provide a copy of their decision to the property owner or responsible party, and to the entity that has adopted and is enforcing the Building Code.

1713.02. Building Code Board of Appeals.

(a) Establishment and purpose. There is established a Building Code Board of Appeals to hear and decide appeals of orders, decision, or determinations made by the Building Official relative to the application and interpretation of the Building Code.

(b) Definitions. Unless specifically provided otherwise in this Section, the terms used herein shall have the meaning given in Section 1713.01 of this Code or in the State Building Code.

(c) Membership. The Board shall consist of five members and two alternate members, appointed by the City Council. Each member and alternate member shall be appointed for a five-year term. Current members of the Board shall continue in office, and the current membership and terms of the Board shall not be affected by adoption of this ordinance. Members shall serve without compensation but may be reimbursed for reasonable expenses incurred in the performance of their duties, consistent with procedures established by the City.

(d) Qualifications. The Board 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 City of Morgantown or its boards, commissions, and agencies; provided, however, that volunteer members of other boards, commissions, or agencies of the City are not prohibited from serving on the Board. 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 the Board shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor.

(e) Officers. The Board shall annually elect a chairperson, at the first meeting of each calendar year or at such other meeting as the Board may schedule for that purpose. The City Clerk shall serve as secretary to the Board and shall prepare and maintain a detailed record of all proceedings before the Board with the records of the City.

(f) Rules and procedures. The Board is authorized to establish policies and procedures as necessary to carry out its duties. When adopted or revised, such policies and procedures shall be delivered to the City Clerk for retention with the records of the Board; provided, that nothing in this subsection shall prevent the Board or the chairperson from orally adopting rules and procedures, during meetings or at such other times as may be appropriate.

(g) Meetings. The Board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings or such other times as determined appropriate by the chairperson. Any meeting other than an appeal hearing shall comply with the provisions of the West Virginia Open Governmental Proceedings Act.

(h) Appeals.

(1) Application. Applications for appeal to the Board shall be filed on forms maintained by the Building Official. The filing date of any application will be the date a complete, written application for appeal is received by the City Clerk, in person or by mail. Applications for appeal must be filed within 20 calendar days after notice of the orders, decision, or determination of the Building Official that is being appealed was served upon the applicant for appeal. Applications for appeal filed after the 20-day deadline will not be heard or acted upon by the Board.

(2) Jurisdiction. The Board shall hear and decide appeals of orders, decision, or determinations made by the Building Official relative to the application and interpretation of the Building Code. The jurisdiction of the Board to hear appeals, and any relief granted on appeal, shall be limited to that permitted by the Building Code. An application for appeal shall be based on (i) a claim that the true intent of the Building Code or the rules legally adopted thereunder have been incorrectly interpreted, (ii) the provisions of the Building Code do not fully apply, or (iii) an equally good or better form of construction is proposed. The Board shall not have authority to waive requirements of the Building Code.

(3) Hearing.

(A) Time for hearing. Within 10 calendar days of the filing of a timely appeal within the jurisdiction of the Board, the Board shall meet to consider the appeal.

(B) Hearings public; participation. All hearings before the Board will be open to the public. The appellant, the appellant’s representative, the Building Official, and any person whose interests are affected by the appeal shall be given an opportunity to be heard by the Board. A member shall not hear an appeal in which that member has a personal, professional, or financial interest, or otherwise when participation would be prohibited by the West Virginia Ethics Act or applicable law. The chairperson shall call an alternate member or members to hear appeals during the absence or disqualification of a member. When there are fewer than five members available at a hearing, including alternate members, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.

(C) Procedure. The Board shall adopt and make available to the public through the City Clerk the procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received by the Board.

(D) Decision. The Board will decide appeals by adopting a resolution, certified copies of which will be furnished to the appellant and the Building Official. Any decision

reversing or modifying the decision of the Building Official requires concurrence of at least two-thirds of the Board members participating in the decision. Upon receiving the certified copy of a decision, the Building Official shall take immediate action in accordance with the decision of the Board.

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 August 1, 2022.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

Ordinance No. 2022-__

**AN ORDINANCE AMENDING ARTICLE 172 OF THE CITY CODE
ENTITLED SISTER CITIES COMMISSION
TO EXPAND MEMBERSHIP FOR NONRESIDENTS**

The City of Morgantown hereby ordains that Article 172 is amended as follows:

Section 172.02. Members.

The Commission shall consist of nine members who shall be appointed by City Council. ~~The terms of the individual Commission members first appointed shall be as follows:~~

- ~~Three members—Three years;~~
- ~~Three members—Two years;~~
- ~~Three members—One year.~~

~~All vacancies shall be filled for the unexpired term only. All other appointments shall be for a term consistent with that set for the member position in question, to commence on the date following the scheduled expiration date of the previous term. Members shall serve three-year terms, and they shall remain in office until a successor is duly appointed and qualified, unless they earlier resign or are removed; provided, that the member from City Council shall serve a term consistent with that member’s term on City Council. Members must live or work within the City of Morgantown, or otherwise have such connections with the City of Morgantown and Monongalia County that City Council determines will be helpful in promoting the purposes of the Commission. At all times one of the nine members of the Commission shall be a member of City Council. Two of the members may be ex-officio, non-voting members selected from the Greater Morgantown Area as defined by the jurisdictional boundaries of the Morgantown, Monongalia Metropolitan Planning Organization. At all times, seven members of the Commission shall be residents of the City.~~

All members serving prior to the adoption of this Ordinance shall continue in office and their the length of their terms shall not be affected by adoption of this Ordinance. This ordinance is effective upon adoption.

Adopted this ____ day of July, 2022.

FIRST READING: _____

Mayor

SECOND READING: _____

ADOPTED: _____

City Clerk

FILED: _____

Ordinance No. 2022-__

**AN ORDINANCE AMENDING SECTION 1713.01
ADOPTING STATE BUILDING CODE REVISIONS
AND ADOPTING SECTION 1713.02**

WHEREAS, The City of Morgantown had adopted the State Building Code in accordance with West Virginia Code of State Rules § 87-4-7; and

WHEREAS, the State Fire Commission has adopted a legislative rule, pursuant to *W. Va. Code* § 15A-11-5, amending the State Building Code effective August 1, 2022; and

WHEREAS, The City of Morgantown is required to update its adopted Building Code to reflect changes in the State Building Code and to elect optional provisions of the adopted State Building Code; and

WHEREAS, the State Building Code provides for the establishment of a Building Code Board of Appeals to hear and decide appeals of orders, decision, or determinations made by the Building Official relative to the application and interpretation of the Building Code; and

WHEREAS, The City of Morgantown desires to provide for the establishment of such Building Code Board of Appeals, as provided by the adopted State Building Code, within its code of ordinances;

NOW, THEREFORE, The City of Morgantown hereby ordains that Section 1713.01 of the City Code is repealed in its entirety and replaced as follows, and that a new Section 1713.02 entitled "Building Code Board of Appeals" is adopted as follows:

1713.01. Building Code.

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") and adopted by the State Fire Commission at Title 87, Series 4, of the West Virginia Code of State Rules, 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 2018 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 2018 edition of the International Plumbing Code

(c) The 2018 edition of the International Mechanical Code. The following shall be in addition to the current language found in the said edition of the referenced code and section:

(i) See International Mechanical Code, Section 908, Cooling Towers, Evaporative Condensers and Fluid Coolers.

(A) 908.1 General – 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.

(ii) Section 916 Pool and Spa Heaters

(A) 916.1 General – 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 1251. Pool and spa heat pump water heaters shall comply with UL 1995, UL/CSA 60335-2-40 or CSA C22.2 No. 236.

(1) Exception: Portable residential spas and portable residential exercise spas shall comply with UL 1563 or CSA C22.2 No. 218.1.

(iii) Section 918 Forced-Air Warm-Air Furnaces

(A) 918.1 Forced-Air furnaces – 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.

(iv) Section 1101 General

(A) 1101.2 Factory-Built Equipment and Appliances – 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 factory test requirements of this code if installed in accordance with their listing and the manufacturer’s instructions.

(B) 1101.6 General. 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, HAR 2. High probability systems utilizing A2L refrigerants shall comply with ASHRAE 15.

(v) Chapter 15 REFERENCED STANDARDS

(A) 1501.3 Referenced Standards – Table 1 shall be Table 1 as included at West Virginia Code of State Rules, Title 87, Series 4, Section 4.1.c.1.E.1.

(d) The 2018 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 2018 edition of the International Property Maintenance Code, with the following addition:

(i) The following appendix is applicable:

Appendix A – Boarding Standards

(f) The 2015 edition of the International Energy Conservation Code for residential buildings, with the following exception:

(i) Section R402.4.1.2. Testing. 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.

(g) The ANSI/ASHRAE /IESNA Standard 90.1 2013 edition for commercial buildings.

(i) 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.

(h) The 2018 edition of the International Residential Code for One and Two Family Dwellings, with the following additions and exceptions:

(i) The following appendices are applicable:

Appendix D - Safety inspections of existing appliances
 Appendix E - Manufactured Housing used as Dwellings.
 Appendix Q – Tiny Houses

(ii) Chapter 11 of the 2018 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 M1402 Central Furnaces.

(A) M1402.1 General- Oil-fired central furnaces shall conform to ANSI/UL 727. Electric furnaces shall conform to UL 1995 or UL/CSA 60335-2-40.

(B) Section M1403 Heat Pump Equipment

(1) M1403.1 Heat pumps- Electric heat pumps shall be listed and labeled in accordance with UL 1995 or UL/CSA 60335-2-40.

(C) Section M1412 Absorption Cooling Equipment

(1) M1412.1 Approval of equipment- 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.

(D) Section M1413 Evaporative Cooling Equipment

(1) M1413.1 General- Evaporative cooling equipment and appliances shall comply with UL 1995 or UL/CSA 60335-2-40 and shall be installed in accordance with 4401.3 Referenced standard list.

(E) Chapter 44 Referenced standards.

(1) 4401.3 Referenced standard list - Table 2 shall be Table 2 as included at West Virginia Code of State Rules, Title 87, Series 4, Section 4.1.h.1.E.1.

(v) 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.

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

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

(viii) The frost line specified in Table R301.2.(1), as directed by Section R403.1.4.1 of the 2018 International Residential Code shall be 30 inches.

(i) The 2017 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities.

(j) The 2018 International Existing Building Code, with the following exception:

(i) Omit reference to International Fire Code and substitute NFPA Life Safety Code 2018 edition.

(k) The 2020 edition of the National Electrical Code, NFPA 70, with the following exception:

(i) Section 210.8(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.

(ii) 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.

(l) The 2018 edition of the International Swimming Pool and Spa Code.

(m) Wherever referenced in the several ICC codes adopted in this section, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2021 edition.

(n) Whenever a certificate of occupancy is required of a commercial structure greater in size than 7,600 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.

(o) Fire Protection of Floors in Residential Buildings.

(i) 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.

(ii) 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.

(p) Exceptions.

(i) The following structures are not subject to inspection under this section:

(A) Group U utility structures and storage sheds comprising an area not more than 200 sq. ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

(q) Exemption for agricultural purposes.

(i) If a property owner or other responsible party claims exemption from the applicable Building Code based on the agricultural purposes exemption identified in subsection 1.6 of Title 87, West Virginia Code of State Rules, Series 4, they shall submit the question to the Commissioner of Agriculture for a determination of eligibility.

(ii) The property owner or responsible party shall submit to the Commissioner of Agriculture sufficient information to allow the Commissioner to determine the primary use of the property. This information shall include, but is not limited to, the location of the property and buildings, the types of agricultural use or uses, the percentage or frequency of use, and any other

information that the Commissioner requires to make a decision.

(iii) The Commissioner of Agriculture shall provide a copy of their decision to the property owner or responsible party, and to the entity that has adopted and is enforcing the Building Code.

1713.02. Building Code Board of Appeals.

(a) Establishment and purpose. There is established a Building Code Board of Appeals to hear and decide appeals of orders, decision, or determinations made by the Building Official relative to the application and interpretation of the Building Code.

(b) Definitions. Unless specifically provided otherwise in this Section, the terms used herein shall have the meaning given in Section 1713.01 of this Code or in the State Building Code.

(c) Membership. The Board shall consist of five members and two alternate members, appointed by the City Council. Each member and alternate member shall be appointed for a five-year term. Current members of the Board shall continue in office, and the current membership and terms of the Board shall not be affected by adoption of this ordinance. Members shall serve without compensation but may be reimbursed for reasonable expenses incurred in the performance of their duties, consistent with procedures established by the City.

(d) Qualifications. The Board 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 City of Morgantown or its boards, commissions, and agencies; provided, however, that volunteer members of other boards, commissions, or agencies of the City are not prohibited from serving on the Board. 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 the Board shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor.

(e) Officers. The Board shall annually elect a chairperson, at the first meeting of each calendar year or at such other meeting as the Board may schedule for that purpose. The City Clerk shall serve as secretary to the Board and shall prepare and maintain a detailed record of all proceedings before the Board with the records of the City.

(f) Rules and procedures. The Board is authorized to establish policies and procedures as necessary to carry out its duties. When adopted or revised, such policies and procedures shall be delivered to the City Clerk for retention with the records of the Board; provided, that nothing in this subsection shall prevent the Board or the chairperson from orally adopting rules and procedures, during meetings or at such other times as may be appropriate.

(g) Meetings. The Board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings or such other times as determined appropriate by the chairperson. Any meeting other than an appeal hearing shall comply with the provisions of the West Virginia Open Governmental Proceedings Act.

(h) Appeals.

(1) Application. Applications for appeal to the Board shall be filed on forms maintained by the Building Official. The filing date of any application will be the date a complete, written application for appeal is received by the City Clerk, in person or by mail. Applications for appeal must be filed within 20 calendar days after notice of the orders, decision, or determination of the Building Official that is being appealed was served upon the applicant for appeal. Applications for appeal filed after the 20-day deadline will not be heard or acted upon by the Board.

(2) Jurisdiction. The Board shall hear and decide appeals of orders, decision, or determinations made by the Building Official relative to the application and interpretation of the Building Code. The jurisdiction of the Board to hear appeals, and any relief granted on appeal, shall be limited to that permitted by the Building Code. An application for appeal shall be based on (i) a claim that the true intent of the Building Code or the rules legally adopted thereunder have been incorrectly interpreted, (ii) the provisions of the Building Code do not fully apply, or (iii) an equally good or better form of construction is proposed. The Board shall not have authority to waive requirements of the Building Code.

(3) Hearing.

(A) Time for hearing. Within 10 calendar days of the filing of a timely appeal within the jurisdiction of the Board, the Board shall meet to consider the appeal.

(B) Hearings public; participation. All hearings before the Board will be open to the public. The appellant, the appellant's representative, the Building Official, and any person whose interests are affected by the appeal shall be given an opportunity to be heard by the Board. A member shall not hear an appeal in which that member has a personal, professional, or financial interest, or otherwise when participation would be prohibited by the West Virginia Ethics Act or applicable law. The chairperson shall call an alternate member or members to hear appeals during the absence or disqualification of a member. When there are fewer than five members available at a hearing, including alternate members, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(C) Procedure. The Board shall adopt and make available to the public through the City Clerk the procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received by the Board.

(D) Decision. The Board will decide appeals by adopting a resolution, certified copies of which will be furnished to the appellant and the Building Official. Any decision

reversing or modifying the decision of the Building Official requires concurrence of at least two-thirds of the Board members participating in the decision. Upon receiving the certified copy of a decision, the Building Official shall take immediate action in accordance with the decision of the Board.

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 August 1, 2022.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

**AN ORDINANCE AMENDING ARTICLE 172 OF THE CITY CODE
ENTITLED SISTER CITIES COMMISSION
TO EXPAND MEMBERSHIP FOR NONRESIDENTS**

The City of Morgantown hereby ordains that Article 172 is amended as follows:

Section 172.02. Members.

The Commission shall consist of nine members who shall be appointed by City Council. ~~The terms of the individual Commission members first appointed shall be as follows:~~

~~Three members—Three years;~~

~~Three members—Two years;~~

~~Three members—One year.~~

~~All vacancies shall be filled for the unexpired term only. All other appointments shall be for a term consistent with that set for the member position in question, to commence on the date following the scheduled expiration date of the previous term. Members shall serve three-year terms, and they shall remain in office until a successor is duly appointed and qualified, unless they earlier resign or are removed; provided, that the member from City Council shall serve a term consistent with that member’s term on City Council. Members must live or work within the City of Morgantown, or otherwise have such connections with the City of Morgantown and Monongalia County that City Council determines will be helpful in promoting the purposes of the Commission. At all times one of the nine members of the Commission shall be a member of City Council. Two of the members may be ex-officio, non-voting members selected from the Greater Morgantown Area as defined by the jurisdictional boundaries of the Morgantown, Monongalia Metropolitan Planning Organization. At all times, seven members of the Commission shall be residents of the City.~~

All members serving prior to the adoption of this Ordinance shall continue in office and their the length of their terms shall not be affected by adoption of this Ordinance. This ordinance is effective upon adoption.

Adopted this ____ day of July, 2022.

FIRST READING: _____

Mayor

SECOND READING: _____

ADOPTED: _____

City Clerk

FILED: _____

AN ORDINANCE AMENDING THE FY 2022-2023 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

The City of Morgantown hereby ordains:

That the FY 2022-2023 Annual Budget of the General Fund of the City of Morgantown is amended as shown in the revised budget (Revision 01) attached hereto and made a part of this ordinance.

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

REQUEST FOR REVISION TO APPROVED BUDGET

Item 11A.

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
200 West Main Street
 Clarksburg, WV 26301
 Phone: 627-2415 ext. 5114
 Fax: **304-340-5090**
 Email: **igs@wvsao.gov**

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)

CONTROL NUMBER
 Fiscal Year Ending: **2022-2023**
 Fund: **001**
 Revision Number: **1**
 Pages: **1 of 1**

City of Morgantown
 GOVERNMENT ENTITY

Person To Contact Regarding Request:
 Name: **Kevin Tennant**
 Phone: **304-284-7407**
 Fax: **304-284-7418**
 Email: **kevin.tennant@morgantownwv.gov**

389 Spruce Street
 STREET OR PO BOX
 Morgantown 26508
 CITY ZIP CODE

Municipality
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	3,250,000	3,396,457		6,646,457
370	Charges to Other Funds	336,629		10,000	326,629
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 3,386,457

Explanation for Account # 378, Municipal Specific:
Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
412	City Manager's Office	899,949	150,554		1,050,503
414	Finance Office	1,162,040	25,768		1,187,808
415	City Clerk	279,875	5,694		285,569
416	Police Judge's Office	277,683	8,386		286,069
417	City Attorney	434,400	50,000		484,400
420	Engineering	233,855	3,062		236,917
422	Personnel Office	665,015	11,286		676,301
436	Building Inspection	1,185,603	266,786		1,452,389
437	Planning & Zoning	367,374	13,656		381,030
439	Data Processing	697,563	5,976		703,539

NET INCREASE/(DECREASE) Expenditures 3,386,457

APPROVED BY THE STATE AUDITOR
 BY: **Deputy State Auditor, Local Government Services Division** Date

AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

EXPENDITURES (CONT'D)

City of Morgantown

LGSD: BR

City of Morgantown

CONTROL NUMBER:

2022-2023

001

1

BUDGET REVISION REQUEST-SUPPLEMENT

FY

FUND

REV#

ACCOUNT NUMBER	ACCOUNT CATEGORY	PREVIOUSLY APPROVED AMOUNT	INCREASE	DECREASE	REVISED AMOUNT
440	City Hall	1,394,374	41,508		1,435,882
444	Contributions / Transfers to Other Funds	4,074,302	584,956		4,659,258
569	Local Government Access Channel	278,951	13,436		292,387
699	Contingencies*	637,560	862,440		1,500,000
700	Police Department	9,548,136	775,769		10,323,905
706	Fire Department	6,955,923	367,111		7,323,034
750	Streets and Highways	3,167,096	140,019		3,307,115
754	Central Garage	872,783	20,680		893,463
950	Beautification Programs	343,002	8,506		351,508
758	Airports	189,811	23,148		212,959
906	Arts & Humanities	474,436	7,716		482,152
	#N/A				
NET INCREASE/(DECREASE) Expenditures (this page)					2,845,289

AN ORDINANCE AMENDING THE FY 2022-2023 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

The City of Morgantown hereby ordains:

That the FY 2022-2023 Annual Budget of the Coal Severance Fund of the City of Morgantown is amended as shown in the revised budget (Revision 01) attached hereto and made a part of this ordinance.

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

REQUEST FOR REVISION TO APPROVED BUDGET

Item 11B.

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
200 West Main Street
 Clarksburg, WV 26301
 Phone: 627-2415 ext. 5114
 Fax: **304-340-5090**
 Email: **lgs@wvsao.gov**

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)

CONTROL NUMBER
 Fiscal Year Ending: **2022-2023**
 Fund: **002**
 Revision Number: **1**
 Pages: **1 of 1**

City of Morgantown
 GOVERNMENT ENTITY

Person To Contact Regarding Request:
 Name: **Kevin Tennant**
 Phone: **304-284-7407**
 Fax: **304-284-7418**
 Email: **kevin.tennant@morgantownwv.gov**

389 Spruce Street
 STREET OR PO BOX
 Morgantown 26508
 CITY ZIP CODE

Municipality
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
310	Coal Severance Tax	55,000	25,000		80,000
299	Unassigned Fund Balance	5,000	85,111		90,111
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 110,111

Explanation for Account # 378, Municipal Specific:
Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
900	Parks & Recreation	55,100	107,111		162,211
699	Contingencies*	5,000	3,000		8,000
	#N/A				

NET INCREASE/(DECREASE) Expenditures 110,111

APPROVED BY THE STATE AUDITOR
 BY: _____ Date _____
 Deputy State Auditor, Local Government Services Division

 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

**RESOLUTION APPROVING AND AUTHORIZING TO SUBMIT TO THE U.S. DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT (HUD) THE FY 2022 COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN**

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the prevention or elimination of slums or urban blight, or activities which will benefit low- and moderate-income persons, or which address other urgent community development needs; and

WHEREAS, the U.S. Department of Housing and Urban Development has advised the City of Morgantown that under Fiscal Year 2022, the City is eligible to apply for an entitlement grant under the Community Development Block Grant (CDBG) Program in the amount of \$448,962; and

WHEREAS, the City of Morgantown's has prepared an Annual Action Plan for Fiscal Year 2022, which proposes how the entitlement grant funds will be expended to address the housing and community development needs identified in the City's FY 2019 – 2023 Five Year Consolidated Plan; and

WHEREAS, a draft of the FY 2022 Annual Action Plan was on public display from June 17, 2022 through July 18, 2022 and the City held a series of public hearings on said Plan and the comments of various agencies, groups, and citizens were taken into consideration in the preparation of the final document.

NOW, THEREFORE the City of Morgantown by adoption of this resolution on this 19th day of July, 2022, authorizes the execution of:

SECTION 1. That the Annual Action Plan for the Fiscal Year 2022 CDBG Program is hereby in all respects APPROVED and the City Manager is hereby directed to file a copy of said Annual Action Plan for Fiscal Year 2022 with the Official Minutes of this Meeting of this Council.

SECTION 2. That the City is COGNIZANT of the conditions that are imposed in the undertaking and carrying out of the Community Development Block Grant Program with Federal Financial Assistance, including those relating to (a) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, familial status, or national origin, and other assurances as set forth under the certifications.

SECTION 3. That the City Manager, on behalf of the City of Morgantown, West Virginia, is AUTHORIZED to file an Application for financial assistance with the U.S. Department of Housing and Urban Development which has indicated its willingness to make available funds to carry out the CDBG Program in the amount of \$448,962; and its further AUTHORIZED to act as the authorized representative of the City of Morgantown to sign any and all documents in regard to these programs.

SECTION 4. That the City Manager on behalf of the City of Morgantown, West Virginia, is AUTHORIZED to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as amended; and any other supplemental or revised data which the U.S. Department of Housing and Urban Development may request in review of the City's Application.

ADOPTED INTO A RESOLUTION THIS 19TH DAY OF JULY 2022 BY THE COMMON COUNCIL OF THE CITY OF MORGANTOWN, WEST VIRGINIA.

IN WITNESS WHEREOF, I, Jennifer Selin, Mayor of the City of Morgantown, West Virginia have hereunto set my hand and caused the official seal of the City of Morgantown to be affixed this 19th day of July, 2022.

Jennifer Selin, Mayor

City Clerk

A RESOLUTION APPROVING AND AUTHORIZING THE SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) OF THE SUBSTANTIAL AMENDMENT TO THE FY 2020 COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV) ANNUAL ACTION PLAN

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the prevention or elimination of slums or urban blight, or activities which will benefit low- and moderate-income persons, or which address an urgent community development need; and

WHEREAS, the City of Morgantown, West Virginia is a recipient of grant funds under the Community Development Block Grant (CDBG) Program and Community Development Block Grant - Coronavirus (CDBG-CV) Program administered by the U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Morgantown had previously approved the budget and Annual Action Plan for Fiscal Year 2020, which proposed how entitlement grant funds would be expended to address the housing and community development needs identified in the City's FY 2019 – 2023 Five-Year Consolidated Plan; and

WHEREAS, through the March 27, 2020 passage of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, the City of Morgantown will receive an allocation of CDBG-CV funds in the amount of \$458,576; and

WHEREAS, the City of Morgantown has to amend its FY 2020 Annual Action Plan to be able to include the CDBG-CV funds in its FY 2020 Annual Action Plan; and

WHEREAS, HUD permits grant recipients to revise and amend its previous budgets and Annual Action Plans; and

WHEREAS, in accordance with the Federal Regulations governing the CDBG Program, certain changes and revisions to an Annual Action Plan may be considered a substantial amendment as outlined in the City of Morgantown's Citizen Participation Plan; and

WHEREAS, it has been determined that the proposed changes and revisions to the FY 2020 CDBG Program is a substantial amendment and the City's Citizen Participation Plan has been followed; and

WHEREAS, a draft of the FY 2020 Annual Action Plan Substantial Amendment was on public display from June 16, 2022 through July 18, 2022 and the City held a public hearing on July 14, 2022 concerning said amendment, and the comments of various agencies, groups, and citizens were taken into consideration in the preparation of the final document.

NOW, THEREFORE, the City of Morgantown by adoption of this Resolution on this 19th day of July 2022, authorizes the execution of:

SECTION 1. That the amended Annual Action Plan for the Fiscal Year 2020 CDBG Program is

hereby in all respects approved as presented, which includes the following:

FY 2020 CDBG-CV Activities:

- **CDBG-CV-20-02 CV United Way – Rent & Utility Assistance Program** – decrease the line-item budget amount by \$50,000 for a revised budget amount of \$150,000.
- **CDBG-CV-20-03 CV Food Pantry Assistance Program** - deletion of this activity and reprogram of the line-item budget amount of \$200,000.
- **CDBG-CV-20-05 CV Norwood Fire Station Improvements** - create a new project/activity and reallocate \$250,000 for improvements at the Norwood Fire Station to help prevent, prepare for, and respond to the Coronavirus.

SECTION 2. That the City Manager, on behalf of the City of Morgantown, West Virginia, is authorized to sign and submit the FY 2020 Annual Action Plan Substantial Amendment to the U.S. Department of Housing and Urban Development. The City Clerk is hereby directed to file a copy of said Substantial Amendment to the Annual Action Plan for Fiscal Year 2020 with the Official Minutes of this regular meeting of City Council.

SECTION 3. That the City Manager on behalf of the City of Morgantown, West Virginia, is authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as amended; and any other supplemental or revised data which the U.S. Department of Housing and Urban Development may request in review of the City's Application.

ADOPTED INTO A RESOLUTION THIS 19TH DAY OF JULY 2022 BY THE CITY OF MORGANTOWN, WEST VIRGINIA.

IN WITNESS WHEREOF, I Jennifer Selin, Mayor of the City of Morgantown, West Virginia have hereunto set my hand and caused the official seal of the City of Morgantown to be affixed this 19th day of July 2022.

Jennifer Selin, Mayor

City Clerk