AMENDED AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
January 9, 2018
7:00 p.m.

1 CALL TO ORDER:

2 ROLL CALL:

3 PLEDGE TO THE FLAG:

4 APPROVAL OF MINUTES: 12/5/2017 Regular Meeting minutes, 12/19/2017 Conference Session Meeting minutes, and 12/19/2017 Regular Meeting minutes (Pg 3, Pg 10, Pg 44)

5 CORRESPONDENCE: Police Department Awards

6 PUBLIC HEARINGS:

A AN ORDINANCE AMENDING THE FY 2017-2018 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. (Pg 57)

B AN ORDINANCE AMENDING THE FY 2017-2018 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. (Pg 60)

7 UNFINISHED BUSINESS:

A Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE AMENDING THE FY 2017-2018 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. (First reading 12/19/2017) (Pg 57)

B Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE AMENDING THE FY 2017-2018 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. (First reading 12/19/2017) (Pg 60)

C BOARDS AND COMMISSIONS: Council will make appointments to the Tree Board. (Pg 62)

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

9 SPECIAL COMMITTEE REPORTS:

10 NEW BUSINESS:

A Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE WATERWORKS SYSTEM OF THE CITY OF
B. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WATER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN INCLUDING BUT NOT LIMITED TO A WATERLINE EXTENSION PROJECT IN THE ROCKLEY ROAD AREA. (Pg 80)

C. Consideration of a RESOLUTION AUTHORIZING AN INTERFUND LOAN BETWEEN THE CAPITAL ESCROW FUND AND THE MORGANTOWN MUNICIPAL AIRPORT FUND. (Pg 84)

11. CITY MANAGER’S REPORT: (Pg 85)

     New Business:
     1. Morgantown Municipal Airport - T Hanger Project
     2. Amending the FY 2017-2018 Capital Escrow Fund
     3. Award Bid for Structural Firefighting Gear (Bunker Gear)

12. REPORT FROM CITY CLERK:

13. REPORT FROM CITY ATTORNEY:

14. REPORT FROM COUNCIL MEMBERS:

15. ADJOURNMENT:

*If you need an accommodation contact us at (304) 284-7439*
REGULAR MEETING December 5, 2017: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, December 5, 2017 at 7:40 p.m.

PRESENT: City Manager Paul Brake, City Clerk Linda Tucker, City Attorney Ryan Simonton, Mayor Kawecki, and Council Members: Rachel Fetty, Ryan Wallace, Jenny Selin, Ron Dulaney, Deputy Mayor Mark Brazaitis, and Barry Wendell. Assistant City Manager Angela Cline was absent.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: Minutes will be available at the next Regular Meeting.

CORRESPONDENCE: Councilor Fetty mentioned a letter from Marcella Widmer, 35 Wilson Avenue in the Second Ward about telecommunication damage that needs addressed.

Deputy Mayor mentioned an article From Alison Bass, Assistant Professor of Journalism, WVU: Here's a more recent piece the students in my Multimedia New Publication class just published about why West Virginia has such a high rate of car fatalities (drunk driving is one of the reasons, according to Mon County Sheriff Perry Palmer -- see article below.) I hope the City Council seriously considers the issue of closing downtown private clubs an hour or so earlier and doesn't just table the matter to a commission who hasn't even been staffed yet. Thanks for your interest! http://mountaineernewsservice.com/wv-fatal-car-crashes/ Alison Bass, Assistant Professor of Journalism, Reed College of Media, West Virginia University. He noted on this next subject, file this under “ghost correspondence”—i.e. rumors: for there are rumors that a group of representatives in Charleston is considering placing limitations on home rule, he urges them to reconsider. In fact, he urges the opposite course—to give cities greater liberty to do what is right and good for their communities. Home rule allows us, as a City Council, to act locally in the best interests of Morgantown residents. We consider our home-rule requests with great forethought and always with the greater good of our community in mind. If these rumors are true, he smears them in the whirl of jealousy. Morgantown is moving toward a greater version of what we are—we are moving toward that renaissance, that Marvel on the Mon, we can be. But if politicians who don't share that vision, and who don't know our community, and are perhaps worried that they or their communities will look less sterling in contrast to Morgantown, are working against us, we need to tell them right now: Stop. He urges Morgantown residents to let their views about home rule be known—clearly and loudly. And a holiday note to our governor. Dear Governor Justice, All Morgantown wants (or at least, a portion of what it wants) for Christmas...and Chanukah....and Kwanza is for heavy trucks to be rerouted around our downtown so we can have the livable, dynamic, healthy, and prosperous city-center we deserve. Have a wonderful holiday, and best wishes for 2018. Sincerely, Mark Brazaitis. Councilor Wallace mentioned having communication with two constituents on the Health and Safety of the downtown Bars. He noted having conversation with a bar owner and his employees on how to tackle the Health and Safety issues without changing the bar hours. He mentioned that the other communication was from Dan Shook, Safer Communities Director, presented him with extensive data that the Health & Wellness Commission can consider in the new year.

Councilor Selin noted the idea of giving pedestrians more space in the downtown during games and during other events with vendors.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None

BOARDS AND COMMISSIONS:

Motion by Fetty, second by Deputy Mayor Brazaitis, to appoint Christopher Benison to the Board of Zoning Appeals Commission. Motion carried by unanimous consent.
Motion by Dulaney, second by Fetty, to reappoint Sam Loretta to the Planning Commission for the First Ward. Motion carried by unanimous consent.

Motion by Deputy Brazaitis, second by Selin, to reappoint Tim Stranko to the Planning Commission for the Second Ward. Motion carried by unanimous consent.

Motion by Wallace, second by Wendell, to reappoint J.T. Straface to the Morgantown Utility Board (MUB). Motion carried by unanimous consent.

Motion by Deputy Mayor Brazaitis, second by Wendell to appoint Council Wallace to serve as the Council Representative for the Health & Wellness Commission. Motion carried by unanimous consent.

**PUBLIC PORTION:**

Mayor Kawecki declared the Public Portion open.

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

**SPECIAL COMMITTEE REPORTS:** Councilor Selin reported that BOPARC is working on the Ice Rink and will be interviewing four firms and beginning the process of using the funds from the Levy. Councilor Wallace noted that the Health & Wellness Commission is officially established and has one member and will be collecting 6 more with areas of expertise. Councilor Dulaney announced that the Woodburn Commission has some openings and if you are interested, please apply.

**NEW BUSINESS:**

**AN ORDINANCE AMENDING 149.02 MEMBERSHIP FOR BOPARC:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 149.02 OF THE ADMINISTRATIVE CODE PROVIDING MEMBERSHIP REQUIREMENTS FOR THE BOARD OF PARKS AND RECREATION COMMISSIONERS.

City Manager explained, motion by Deputy Mayor Brazaitis, second by Wallace, to approve the above entitled ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE ESTABLISHING A NEW SECTION 129.18 FOR FUNDS ON PUBLIC SCHOOL PROPERTIES:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE ESTABLISHING A NEW SECTION 129.18 OF THE ADMINISTRATIVE CODE PROVIDING FOR EXPENDITURE OF FUNDS ON PUBLIC SCHOOL PROPERTIES.

City Manager explained, after discussion, motion by Deputy Mayor Brazaitis, second by Selin, to approve the above entitled ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE ESTABLISHING A NEW SECTION 129.17 FOR GOVERNING DISPOSITION OF REAL ESTATE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE ESTABLISHING A NEW SECTION 129.17 OF THE ADMINISTRATIVE CODE GOVERNING DISPOSITION OF REAL ESTATE.

City Manager explained, after discussion, motion by Deputy Mayor Brazaitis, second by Wallace, to approve the above entitled ordinance to second reading. Motion carried 7-0.
AN ORDINANCE ESTABLISHING A NEW SECTION 1373.09 GOVERNING EXPANSION OF NONCONFORMING AGRICULTURAL, INDUSTRIAL & MANUFACTURING USES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE ESTABLISHING A NEW SECTION 1373.09 OF THE PLANNING AND ZONING CODE GOVERNING EXPANSION OF NONCONFORMING AGRICULTURAL, INDUSTRIAL AND MANUFACTURING USES.

City Manager explained, after discussion, motion by Wallace, second by Deputy Mayor Brazaitis, to approve the above entitled ordinance to second reading. Motion carried 7-0.

AN ORDINANCE ESTABLISHING A NEW SECTION 1375.06 GOVERNING NOTICE PROCEDURES FOR ZONING AMENDMENTS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE ESTABLISHING A NEW SECTION 1375.06 OF THE PLANNING AND ZONING CODE GOVERNING NOTICE PROCEDURES FOR ZONING AMENDMENTS ALTERING DWELLING UNIT DENSITY.

City Manager explained, after discussion, motion by Wallace, second by Selin, to approve the above entitled ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING SECTION 1511.02 TO AUTHORIZE ARRESTS FOR ARSON & EXPLOSIVE OFFENSES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 1511.02 OF THE FIRE PREVENTION CODE TO AUTHORIZE ARRESTS FOR ARSON AND EXPLOSIVES OFFENSES.

City Manager explained, after discussion, motion by Fetty, second by Wendell, to approve the above entitled ordinance to second reading. Motion carried 7-0.

A SUPPLEMENTAL RESOLUTION REDESIGNATING COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2017B AND 2017A: The above entitled Resolution was presented for approval:

Council suspended the rules to have Tim Ball, General Manager of MUB, explain and answer any questions. Motion by Deputy Mayor Brazaitis, second by Dulaney, to approve the above entitled ordinance to second reading. Motion carried 7-0.

STRATEGIC PLAN IMPLEMENTATION:

City Manager explained the changes and asked for approval from Council. After discussion, motion by Deputy Mayor Brazaitis, second by Selin to move forward with the Strategic Plan Implementation. Motion carried 7-0.

CITY MANAGER'S REPORT:

New Business:

1. Morgantown Convention and Visitors Bureau - Request for Goodwill Ambassador Program

Following up to last week's Committee of the Whole meeting, Susan Riddle, Executive Director of the Greater Morgantown Convention and Visitors Bureau (GMCVB), made a formal request for funding of the
Goodwill City Ambassador Program. This consists a group of 30 to 40 volunteers that set up multiple locations outside of Mylan Puskar Stadium and at the Coliseum before all WVU home football games to greet guests, provide local information, and generally provide Mountaineer hospitality. The GMCVB stated that all municipal partners (including Monongalia County, Granville, Westover and Star City) benefit from WVU home sporting events. The same request has been approved, according to Riddle, by each of those partners. Her specific request is a contribution of $1,000 and each pledge $1,000 towards the program's 2017 budget of $6,000. The budget consists of box lunches, branded attire and limited supplies for all six home games. Staff recommends City Council action on this financial request.

Motion by Deputy Mayor Brazaitis, second by Wendell to approve the financial request of $1,000 to the Greater Morgantown Convention and Visitors Bureau (WVCVB). Motion carried 7-0.

2. Supplemental Agreement - Deckers Creek Pedestrian Bridge (U331-MOP/ED-1.00)

At the November 7th City Council meeting, a motion was approved to award the construction bid award to the contractor, Green River Group. During the meeting, it was reported that an additional cost of $131,927 is needed to cover the previously expended engineering works and the additional cost of the construction of the bridge. A request was submitted to the West Virginia Department of Highways (WVDOH) for an additional $90,094 in federal-aid with a local match of $41,833. During the meeting, staff reported that we would be pursuing this outstanding amount. I am pleased to report that the WVDOH approved the request as presented. To receive the additional funding, approval is needed for a proposed supplemental agreement. City Council action is recommended to authorize the City Manager to sign the agreement document.

After discussion, motion by Wallace, second by Deputy Mayor Brazaitis, to approve the City Manager to sign the agreement document for the Deckers Creek Pedestrian Bridge. Motion carried 7-0.

3. Public Works Request to Purchase New Street Sweeper

Staff is recommending the City Council to forgo the competitive bidding process, per City Ordinance 129.05(e), and purchase a proposed street sweeper through the National Joint Powers Alliance (NJPA). This group represents thousands of competitively solicited equipment and the City has previously purchased equipment earlier this year. The attached memorandum includes the details and specifications of the Regenerative Air Sweeper in the amount of $254,376.00. City Council approved of the bid amount and a description of the piece of the equipment is recommended at Tuesday's meeting.

City Manager explained, motion by Deputy Mayor Brazaitis, second by Selin, to purchase the Regenerative Air Sweeper in the amount of $254,376.00. Motion carried 7-0.

4. Approval of the Settlement Claim - Civil Action No. 17-C-65

Staff is presenting a settlement of the litigation between George Papandreas and the City of Morgantown. The amount recommended is $8,825 and the plaintiff has agreed to a release of any further claims against the City. As stated in the settlement document, the release does not construe an admission of liability nor any unlawful conduct. Further, the release pertains to this proceeding only and cannot be relied upon as a precedence or past practice to any other lawsuit or other claim(s) brought by anyone else. City Council action is needed for approval of the payment of the release.

City Manager explained, motion by Wendell, second by Dulaney, to approve the payment of release.

5. Runway Extension Airport

City Manager explained to Council while the City waits word in the ongoing effort to land a runway extension, RED team is asking stakeholder to renew their support for the project. He stated that by sending letters of support will affirm out chances of getting the runway extension. He noted in fact the County Commission approved
a letter affirming support as a partner to the City. He asked Council’s support in writing this letter. After discussion, motion by Selin, second by Wallace to approve the City Manager to write a letter. Motion carried 7-0.

**REPORT FROM CITY CLERK:** Reminded Council to sign up for the WVML Winter Conference

**REPORT FROM CITY ATTORNEY:** He sent in on Friday, December 1, 2017 the Home Rule Board Annual Progress Report.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Fetty: Councilor Fetty was approached by a downtown business committee about the food trucks and the spaces they take up on High Street. She said that she wanted to raise that concern but was not sure that something could be done about it. The First Ward is doing pretty good and wants to move forward with somethings that are at high concern to them. She states that Council has a high level of appreciation for all City Staff, Police Department, Fire Department and Fire Marshalls.

Councilor Wallace: Councilor Wallace announces the Wiles Hill Snowflake 2K on Saturday, December 9th at 10am Registration starts at 9:30 am.

Councilor Selin: Councilor Selin announces that there has been some Choral and Symphony Concerts at WVU; MTC is having a Christmas themed play next weekend; Wings Program by the WV Chambers of Commerce. She noted that Evansdale is still working on the signs that are going up throughout their neighborhoods. She mentions to everyone that she appreciated being able to work with a lovely City Council, City Manager, and Staff and is glad that everyone is having a good holiday season in Morgantown.

Councilor Dulaney: Councilor Dulaney mentioned his WVU ID 355 interior design course completed its study and made its design study presentations to Pamela Ball of the Morgantown History Museum on Monday, 12/05. He stated that this project is a win-win for the museum and the students and they received practicum experience while the museum had an opportunity to vet a range of ideas through the students work. He noted that the Morgantown Planning Department met with the Woodburn Neighborhood Association on Wednesday, 11/29 to share the Study Area 2 planning work. He said that the neighborhood representatives in attendance were generally open to the R3 zoning within the study area with the condition that an appropriate transition buffer (R1A to R2 to R3) is maintained along the boundary where the study area meets the Woodburn neighborhood. He mentioned that during spreading the word about the Study Area 2 meeting, a Woodburn constituent and parent expressed concern to me about the safety of her children when crossing the Richwood-Charles intersection. He reported that specifically, many cars do not fully stop at the four-way intersection which is a cause of concern for children walking to the bus stop and possibly to the Boys and Girls Club – especially in the early morning. He noted that neighborhood would appreciate any assistance the city could give in encouraging motorists to slow down and stop at that intersection. He is concerned about the tax reform developments in Washington DC. The federal tax reform as proposed will most certainly have an impact on local communities and our city. Here are two examples. 1. The Historic Tax Credit (HTC), initiated by President Ronald Reagan during the 1980s, has provided incentive for the preservation and renovation of 42,000 buildings, for the
support of 2.5 million jobs, and the private capital reinvestment of $130 billion. A National Park Service study demonstrated that $1.20 is returned to the federal treasury as a direct result of each $1 of credit granted. The House tax reform proposal eliminates the HTC, and the Senate proposal severely reduces it. Reducing the HTC will de-incentivize the preservation and redevelopment of historic buildings in our downtowns. With an expected $1 – 1.5 trillion deficits and because of the proposed tax reforms, it is no secret that budget cuts will soon follow tax reform. I am especially concerned about potential cuts to programs such as SNAP (Supplemental Nutrition Assistance Program). Several weeks ago, he attended a Hunger Workshop held at the Church of the Brethren in Wiles Hill, and hunger is a very real issue in and around Morgantown. Hunger contributes to health problems and other issues in our community. Not only should resources not be taken from the hungry because they need them, but it also does not make economic sense. Studies conducted by the USDA (United States Department of Agriculture) and other researchers show that every $1 distributed through the SNAP program has in the range of $1.73 – 1.80 in economic benefit to communities. While we don’t conduct programs like SNAP for economic development purposes, there are economic benefits to local economies such as Morgantown and surrounds. He encourages all Morgantown citizens to inform themselves about the content of the proposed tax reform bills and determine for themselves whether they represent sensible reforms. Especially if they do not, please contact your Congressional Representatives and let your voices be heard.

Deputy Mayor Brazaitis;

Deputy Mayor Brazaitis mentions the WVU Sierra Student Coalition is encouraging the university to install solar panels that could power the Mountainlair or the Rec Center or comparable buildings. It has a petition to this effect that anyone in the community can sign: https://sierrastudentcoalition.orgs.wvu.edu/solar-campaign

Or Google “WVU Sierra Student Coalition.”

Councilor Wendell;

Councilor Wendell attended a panel discussion on the opioid crisis, sponsored by Congressman McKinley, last night at University High. The Congressman was not there. His representative, who would not answer any policy questions, said McKinley was voting on the budget bill in Washington. What he learned from the panel is that the crisis is much worse than most of us can imagine, and that funding for both treatment and law enforcement is desperately needed. Congressman McKinley voted many times to repeal the Affordable Care Act, including expanded Medicaid. The panelists said that 80-90 per cent of their funding for addiction treatment comes from Medicaid. Councilor Wallace gave an excellent interview on WAJR this morning about The Health and Wellness Committee. He signed up for a breakfast meeting with the Chamber of Commerce and our state legislator’s tomorrow morning. He does not always agree with the Chamber’s priorities, but they asked for one thing to discuss with the legislators. He picked funding for K-12 and higher education in the state. Some of our legislators apparently don’t think this is important. He asks about changes to the Home Rule after hearing about possible changes from Councilor Brazaitis. The Urban Landscape Commission meets tomorrow afternoon, and the Bicycle Board Thursday. He plans to attend both of those meetings. December 1st was World AIDS Day and he is still wearing his red ribbon in memory of many friends who died from the disease. One of the reasons he left Los Angeles in 2010 was to get away from how he often felt there. The United States Supreme Court heard arguments today in a civil rights case, particularly
for LGBT people, against so-called “religious freedom.” he heard the latter argument growing up in Maryland in the 1950s and ’60s, used to keep African-Americans from public accommodations and residential neighborhoods. hope the Court decides in favor of civil rights for consumers. I found a video on YouTube from a rapper named “Logic.” I’d never heard of him, but his video was nominated for a Grammy. It’s called “1-800-273-8255,” which is the number of the Suicide Prevention Hotline. December holidays can be stressful. The video is about a young man contemplating suicide who calls the hotline. Chanukah begins Tuesday night next week. The word means “dedication” and we Jews celebrate the fight for freedom against oppression. I’m working on that.

Mayor Kawecki:

Mayor Kawecki mentioned that the United Fund reached out about the Holiday distribution, the South Park Association of Neighbors said that they would do it. He mentions that if you live in the 1st or 2nd Ward they are collecting nonperishable items and can be brought to 220 Grand Street this week until Friday and then they will be taken to the Armory on Sunday for the inclusion of the Holiday giveaway. He apologized to Councilor Dulaney about not being able to attend the presentation at the Museum and asked if it could be brought forth at the COW meeting. He made several announcements: Capstone at WVU are having a presentation on Survey of the Arts on the Evansdale Campus at the Evansdale Crossing in the Media Center between 5:30 and 7:00 on December 6th; Saturday, December 9th, Art of Flower arranging at the Botanic Garden at 1:00 pm, and also the Nighttime Raptors; Owling at 6:30 pm; Sunday, December 10th A wonderful Winter Concert at the Morgantown Readiness Center at 2:00 pm; Monday, December 11th through December 14th at the Morgantown Readiness Center is the Holiday Food and Toy Distribution; Wednesday, December 13th through December 20th at the Lyell B Clay Concert Theatre “A Christmas Carol” at various times; Old Stone House Gift Shop December 18th through December 30th from 11:00 am – 3:00 pm all sales will benefit In Touch and Concerned.

ADJOURNMENT: There being no further business Council immediately adjourn at 9:30 p.m.

City Clerk

Mayor

*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY*
CONFERENCE MEETING December 19, 2017:

The Conference Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, December 19, 2017 at 5:30 p.m.

PRESENT: City Clerk Linda Tucker, City Manager Paul Brake, Police Chief Ed Preston, Delegates Fleischauer, Pyle’s, Statler, William’s and Senator Beach. Mayor Bill Kawecki, Deputy Mayor Mark Brazaitis and Council Members, Rachel Fetty, Ryan Wallace, Jenny Selin, Ron Dulaney and Barry Wendell.

The meeting was called to order by the Mayor.

THE ITEMS IN DISCUSSION WERE THE LEGISLATIVE PRIORITIES FOR 2018 WITH STATE REPRESENTATIVES:

Council and representatives were given a packet of information with the following 2018 priorities from Morgantown City Council:

1. Annexation
2. Airport Protection
3. Alcohol and ABCA Related Issues
4. Substance and Mental Health
5. WVML Legislative Policies

Council and State Representatives discussed all the priorities and attached is packet as reference. (Exhibit A)

ADJOURNMENT:

There being no further business, Council adjourned the Conference Meeting at 6:50 p.m.

City Clerk

Mayor

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2018 LEGISLATIVE PRIORITIES FOR DISCUSSION Morgantown City Council
December 19, 2017

Annexation

Annexation provisions for municipalities in counties that have an urban growth boundary – enabling municipalities that want to annex additional property in relation to the designated urban growth boundary. Cities will have the ability to adjust their boundary limits to reflect actual urban growth, improving land-use planning and development and ensure residents and businesses receive equal access to municipal services.

Airport Protection

Establish an airport protection district – extraterritorial authority, or other similar means, with the City's Airport Overlay District but outside the corporate boundaries of Morgantown to protect the operation of MGW air navigation facilities and navigable air space – 2017 HB 2208.

Alcohol and ABCA Related Issues

1. Law enforcement at private clubs - re-introduction and continued support for legislation allowing state and local law enforcement to enter private clubs for enforcement of underage drinking laws – 2016 H.B. 2479

2. DUI forfeiture legislation – individual arrested for DUI and has their current driving privilege revoked or suspended will have the vehicle be subject to civil forfeiture.

Substance Abuse and Mental Health

Mental hygiene process – law enforcement, health care organizations, and social service organizations are struggling to appropriately handle the evaluation, commitment, and treatment of persons subject to mental hygiene provisions of West Virginia Code Chapter 27, Article 5. Explore solutions to this issue that may include budget appropriations for the evaluation process similar to those provided for mental hygiene commissioners or modifications to the evaluation process. Establishment of sobriety centers – establishment of sobriety centers that are designed for inebriated individuals. State code currently has no provision for county or regional intoxication shelters but refers and defines conditions with WV Code Chapter 27.
WEST VIRGINIA URBAN GROWTH BOUNDARIES

Contemplated Code Amendments

PART III. ANNEXATION WITHOUT ELECTION.

§8-6-4a. Annexation provisions without election for municipalities in counties that have an adopted countywide zoning ordinance which includes urban growth boundaries boundary.

(a) This section applies to municipalities in counties that have adopted a countywide zoning ordinance with designated urban growth boundaries and, prior to January 1, 2009, have adopted local impact fees pursuant to the provisions of article twenty, chapter seven of this code that want to annex additional property without an election in relation to the designated urban growth boundary.

(b) For purposes of this section only:

(1) "Contiguous" means property that is next to, abutting and having a boundary that is coterminous with the municipality's designated urban growth boundary. The length of a street, highway, road or other traffic or utility easement, streams, rivers or other natural topography are not to be used to determine if a property is contiguous. Provided, That the width of a street, highway, road or other traffic or utility easement, streams, rivers or other natural topography may be used to determine contiguous boundaries.

(2) "Urban growth boundary" means a site-specific line, delineated on a zoning an urban growth boundary map or and a written description in a zoning an urban growth boundary ordinance identifying an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area that includes, but is not limited to, all or a portion of an urbanized area as designated by the United States Census Bureau. The urban growth boundary may be called by any name chosen by the county commission municipality, but the word "boundary" shall be used in the name of the boundary. The boundary shall be established by the county commission ordinance upon application by and in agreement with each individual municipality regarding that municipality's urban growth boundary. If the county commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court. Once a county has adopted an urban growth boundary ordinance, by its designation on an adopted county zoning urban growth boundary map, the boundary may not be amended gross area inside the boundary may not be reduced without the written consent of the municipality. The county
commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.

(c) Procedure for adopting an urban growth boundary. —

(1) A county commission of a county having one or more urbanized areas as designated by the United States Census Bureau may, after consulting the municipality subject of a proposed urban growth boundary, adopt an ordinance defining an urban growth boundary for the municipality. Within sixty days of the adoption of such ordinance, the municipality shall either adopt an ordinance accepting the urban growth boundary or, by vote of its common council, decline the urban growth boundary. The urban growth boundary shall become effective only upon adoption of the municipal ordinance; or

(2) A municipality having part or all of its corporate limits within an urbanized area as designated by the United States Census Bureau may, after consulting with the county commission, adopt an ordinance defining an urban growth boundary for the municipality. Within sixty days of the adoption of such ordinance, the county commission shall either adopt an ordinance accepting the urban growth boundary or, by vote of the county commission, decline the urban growth boundary. The urban growth boundary shall become effective only upon adoption of the county commission ordinance.

(d) Procedure for a municipality to annex property within an urban growth boundary. —

(1) If the proposed property to be annexed by a municipality is entirely within the municipality's designated urban growth boundary, then the municipality may annex without an election by ordinance of the common council of the municipality the proposed property pursuant to the provisions of section four of this article. Agreement with the county commission is not required.

(2) If the proposed property to be annexed by minor boundary adjustment by a municipality is entirely within the municipality's designated urban growth boundary, then the municipality may annex without an election the proposed property pursuant to the provisions of section four of this article if the provisions of section five of this article are followed, except that agreement with the county commission is not required.

(e) Procedure for a municipality to annex property within urban growth boundaries of two or more municipalities. —

If the proposed property to be annexed by a municipality is partially or wholly within another municipality's urban growth boundary, then the municipality may annex by ordinance of the common council of the municipality; provided, without an election the proposed property pursuant to the provisions of section four of this article if the two municipalities have executed an intergovernmental agreement regarding the annexation of the subject property. Agreement with the county commission is not required.
(e) Procedure for a municipality to annex contiguous property outside an urban growth boundary:

(1) If the proposed property to be annexed by a municipality is outside the municipality's designated urban growth boundary, then the municipality may annex without an election the proposed property pursuant to the provisions of section four of this article if:

(A) The proposed property to be annexed is contiguous to the municipality, as defined in this section; and

(B) The municipality has the county commission's agreement.

(2) Prior to the agreement of the county commission to the annexation of the proposed property the county commission shall:

(A) Hold a public hearing;

(B) Place a notice on the subject property, which notice shall be the same as that required for property to be rezoned; and

(C) At least fifteen days prior to the public hearing, publish a notice of the date, time and place of the public hearing as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.

(f) Procedure for a municipality to annex noncontiguous property outside an urban growth boundary:

(1) If the proposed property to be annexed by a municipality is entirely outside the municipality's designated urban growth boundary and is not contiguous to the municipality, as defined in this section, then the municipality may annex without an election the proposed property pursuant to the provisions of section four of this article if the municipality has the county commission's agreement and, prior to the agreement of the county commission to the annexation of the proposed property, the county commission shall:

(A) Hold a public hearing;

(B) Place a notice on the subject property, which notice shall be the same as that required for property to be rezoned; and

(C) At least fifteen days prior to the public hearing, publish a notice of the date, time and place of the public hearing as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.
(2) After the public hearing and on-site notice, if the county commission finds, by a written record, that the proposed annexation is for the good of the county as a whole, then the county commission may agree to the annexation.

(g) Prior to the county commission entering an order for any annexation pursuant to this section, the annexed property shall be surveyed by a licensed professional surveyor and a metes and bounds description of the annexed property must be provided to the county commission in which the property is located.

(h) After a municipality has annexed property pursuant to this section and the property has been surveyed, the county commission shall enter an order. After the order is entered, the corporate limits of the municipality include the annexed property. Within thirty days of receipt of the municipality’s annexation ordinance and survey, the county commission shall enter an order as described in Section 3 of this Article. After the date of the order, the corporate limits of the municipality shall be as set forth therein.
Article 12
Voluntary Farmland Protection Programs

W. Va. Code 8A-12-12 Methods of farmland protection

(c) Designation of urban growth boundaries. – If a county has experienced population growth equal to or greater than [metric], the county commission may, by ordinance, designate an urban growth boundary, which shall be a site-specific line, delineated upon a map or by written description, identifying an area around and outside the corporate limits of a municipality within which there is a prospective twenty-year period of municipal growth based on demographic forecasts. Voluntary farmland protection programs shall focus upon acquisition of land or rights in land at locations outside of the enacted urban growth boundary.

ALTERNATE APPROACH...

(c) Designated urban growth boundaries. If an urban growth boundary has been established by county commission ordinance under Section 4a of Article 6 of Chapter 8 of this Code, voluntary farmland protection programs shall focus upon acquisition of land or rights in land at locations outside of the enacted urban growth boundary to control urban expansion, curb the spread of urban blight and deterioration, and protect agricultural land and woodland as open-space land.
Airport Protection Against
Land Development and Land Use
Encroachments

Conference Session with
State Legislators

Morgantown City Council
2018 Legislative Priorities

TUES, 19 DEC 2017
5:30 p.m.

Airport Hazard Protection: Purpose?
Restrict heights of objects and incompatible land uses
around Airports to ensure safe aircraft flight paths and
operations – protect vulnerable airspace.

Obstructions to
Approach Surface
Airport Hazard Protection: Purpose?
AIRSPACE PROTECTION

- Federal Aviation Administration’s (FAA) Federal Aviation Regulations (FAR) Part 77 establishes “Imaginary Surfaces” – Vulnerable Airspace
  - Conical Surface
  - Horizontal Surface
  - Transitional Surface
  - Approach Surface
  - Primary Surface
Airport Hazard Protection: Why is it needed?

SAFETY

- Protect Pilots, Passengers, People, and Property
  - Identify possible obstructions before they occur.
  - Restrict heights of objects in and around airports so they will not obstruct vulnerable airspace.
  - Provide a link to existing federal processes that evaluate airspace for objects, existing or proposed, to prevent and/or mitigate hazards.
  - Reduce the possibility of accidents that could injure both passengers and people on the ground.
  - Protect against incompatible uses and liability.
Airport Hazard Protection: Why is it needed?

ECONOMIC DEVELOPMENT

- Airports are an economic asset to both the communities they are located and to the State. Height obstructions can reduce access to and the corresponding economic contribution of our Airports.

- Important uses of Airports include:
  - General Business Use
  - Movement of People and Goods
  - Tourism and Recreation
  - Air Ambulance

Planning Division
Slide 9

Airport Hazard Protection: Why is it needed?

ECONOMIC DEVELOPMENT

- To ensure present levels of related economic activity are sustained by protecting current airspace around our Airports.

- To ensure our Airports and the related economic activity have room to grow.

- To contain costs of ensuring viable and safe airspace around our Airports.

Planning Division
Slide 10
Airport Hazard Protection: Why is it needed?

FAA ASSURANCES

• Airport Sponsors are obligated to make a number of assurances to the FAA annually including:
  o The protection of the operations of air navigation facilities.
  o The safe and efficient use of navigable airspace.

• The FAA expects Airport Sponsors to take all possible measures to protect against and remove or mitigate hazards and incompatible land uses in proximity to Airports.

Airport Hazard Protection: Why is it needed?

FAA ASSURANCES

• If the Airport Sponsor is unable or unwilling to restrict development from becoming a hazard, the FAA can:
  - Modify the published visibility minimums at the Airport.
  - Redesign airspace and alter air traffic control procedures to ensure safe air navigation.
  - Alter federal funding.
Airport Hazard Protection: Why is it needed?

FAA ASSURANCES

• Modifications and airspace redesign degrade the utility of the Airport by:
  - Removing sections of airspace from use; and/or,
  - Increasing the risk of flight diversions during poor weather conditions; and/or,
  - Resulting in loss of service by some carriers.

So, what are we doing about this in WV?

VERY LITTLE

• The airspace around every West Virginia Airport is unprotected from ground-based hazards.

• Only a very small portion of the State’s geography is covered by local land use and development regulations.

• This lack of protection undermines our ability to fulfill local and statewide public safety obligations and meet desired economic development objectives.
So, what are we doing about this in WV?

VERY LITTLE

- Legislation has not been established in West Virginia for municipalities or counties to enact local airport land-use compatibility regulations without having to undertake a full comprehensive plan and a complete zoning ordinance.

- No creative tools have been developed in West Virginia to permit municipalities, counties, and airport sponsors to work together, through intergovernmental coordination, to protect our Airport assets.

What are our neighbors doing?

PENNSYLVANIA

- There are 2,561 municipalities in PA
- There are 131 public use Airports in PA
- FAA FAR Part 77 airspace in PA covers 680 of these municipalities.
- PA’s Airport Hazard Zoning Law, Act 1984-164, requires these 680 municipalities to locally adopt Airport Hazard Zoning regulations.
What are our neighbors doing?  
PENNSYLVANIA

- Airspace around largest PA Airports (by enplanements)
  - Philadelphia International – 21 municipalities
  - Pittsburgh International – 41 municipalities
  - Harrisburg International – 24 municipalities
  - Lehigh Valley International – 19 municipalities
  - Wilkes-Barre / Scranton International – 26 municipalities
  - University Park Airport – 10 municipalities

What are our neighbors doing?  
PENNSYLVANIA

- PENNDOT, Bureau of Aviation:
  - Publishes a Zoning Status Report
  - Publishes Zoning Overlay and Status Map (GIS data)
  - Publishes Traditional and Overlay Model Airport District Ordinances
  - Publishes Land Use Compatibility Guidelines
  - Provides local training workshops and technical assistance
What should we be doing?

MORGANTOWN

- In November 2014, the City of Morgantown established an "AIRPORT OVERLAY DISTRICT" within its Planning and Zoning Code to protect and preserve the airspace around MGW.

- Less than half of the vulnerable airspace around MGW is above the City’s corporate boundaries, where the "AIRPORT OVERLAY DISTRICT" is enforceable.

- The majority of the vulnerable airspace around MGW is above the unincorporated areas of Monongalia County, where zoning regulations have not been enacted.
What should we be doing?

COLLABORATION & LEGISLATION

- We need to understand this is a local, regional, AND statewide problem.
- We need to recognize our obligation to protect life in the air; life and property on the ground; and, our Airports' economic vitality and growth potential.
- We need the right people working together to develop creative solutions that fits our unique physical and political landscapes.
- We need legislation to empower local authority through intergovernmental coordination.

What should we be doing?

STUDY RESOLUTION

- A Study Resolution will enable the issue to be assigned to a Joint Legislative Committee to:
  - Engage affected entities and interested sectors.
  - Identify factual constraints and develop creative solutions.
  - Schedule informative hearings.
  - Formulate a bill that could be considered during a Special Session in 2017 or during the Regular Session in 2018.
Christopher M. Fletcher, AICP
Director of Development Services
389 Spruce Street
Morgantown, WV 26505
304-284-7431
cfletcher@morgantownwv.org
WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2208

BY DELEGATES FLEISCHAUER, HAMRICK, STATLER, FOLK AND PYLES

[ Introduced February 8, 2017; Referred to the Committee on Political Subdivisions then Government Organization.]
A BILL to amend and reenact §8A-3-3 of the Code of West Virginia, 1931, as amended, relating to authorizing counties and municipalities to establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety or preventing hazardous conditions.

*Be it enacted by the Legislature of West Virginia:

That §8A-3-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. COMPREHENSIVE PLAN.**

§8A-3-3. Authority for planning commission.

(a) A planning commission shall prepare a comprehensive plan for the development of land within its jurisdiction. A planning commission shall then recommend the comprehensive plan to the appropriate governing body for adoption.

(b) A county, multicounty, regional or joint comprehensive plan may include the planning of towns, villages or municipalities to the extent to which, in the planning commission's judgment, they are related to the planning of the unincorporated territory of the county as a whole: Provided, That the comprehensive plan shall not be considered a comprehensive plan for any town, village or municipality without the consent of the planning commission and/or the governing body of the town, village or municipality.

(c) A comprehensive plan should be coordinated with the plans of the Department of Transportation, insofar as it relates to highways, thoroughfares, trails and pedestrian ways under the jurisdiction of that planning commission.

(d) A county planning commission may prepare a comprehensive plan for either the entire county or a part of the county.

(e) A multicounty, regional or joint planning commission may prepare a comprehensive plan for land within its jurisdiction.

(f) Counties and municipalities may by written agreement establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety or preventing hazardous conditions. The joint written agreement shall set forth the boundaries of the airport overlay district and any requirements that would apply within the district, without the need for the adoption of a full comprehensive plan within a municipality or county. The joint agreement becomes effective once each entity takes the appropriate steps, including submission to a planning commission and public hearing, for the establishment or modification of a full or comprehensive plan within its jurisdiction. Any modifications to the
written agreement made by one entity, must be adopted by the other entity or entities for the agreement to become valid.

NOTE: The purpose of this bill is to allow counties and municipalities to establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety or preventing hazardous conditions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.
WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2479

2015 Carryover

(By Delegates Fleischauer, Sobonya, Statler, Kurcaba, Morgan,
Hartman, Perdue, Manchin, Pethel and Overington)

[Introduced January 13, 2016; referred to the
Committee on the Judiciary.]
A BILL to amend and reenact §60-7-10 of the Code of West Virginia, 1931, as amended, relating to the powers and authority of state and local law enforcement to enforce underage drinking laws at private clubs; clarifying that the grant of authority to the Alcohol Beverage Control Commissioner and his or her agents to enter and inspect the premises of a private club does not limit or restrict the authority of local law enforcement to enter any public area on or adjacent to any private club or taking other appropriate police action or investigation to enforce the underage drinking laws of this state.

Be it enacted by the Legislature of West Virginia:

That §60-7-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-10. Duties and powers of commissioner.

The commissioner is hereby authorized:

(a) To enforce the provisions of this article.

(b) To enter the premises of any licensee at reasonable times for the purpose of inspecting the same, and determining the compliance of said licensee with the provisions of this article and any rules and regulations promulgated by the commissioner pursuant to the provisions of this article.

(c) To promulgate such reasonable rules and regulations as may be necessary for the execution and enforcement of the provisions of this article, which may include, but shall not be limited to, the hours during which licensees may sell alcoholic liquors, and the use, handling, service and sale of such alcoholic liquors. Such rules and regulations shall be promulgated in accordance with the provisions of article three, chapter twenty-nine-a of the code in like manner as if said article three, of said chapter twenty-nine-a were set forth in extenso in this subdivision.

(d) To issue subpoenas and subpoenas duces tecum for the purposes of conducting hearings under the provisions of section thirteen of this article, which subpoenas and subpoenas duces tecum shall be issued in the time, for the fees, and shall be enforced in the manner specified in section one, article five, chapter twenty-nine-a of this code with like effect as if said section one were set forth in extenso in this subdivision.

(e) The authority granted in subdivisions (a), (b), and (d) of this section may also be exercised by the duly authorized agents of the commissioner.

(f) The grant of authority to the commissioner and his or her agents under this section does not limit or restrict the authority of state or local law enforcement officers to enter any public area on or adjacent to any
private club or undertaking other appropriate action or investigation to enforce the underage drinking laws set forth in section twelve-a of this article.

NOTE: The purpose of this bill is to state the legal right and authority of state or local law enforcement to enter public areas on or adjacent to any private club, or take other appropriate police action to enforce the underage drinking laws of this state.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.
Mental Hygiene Process

Law enforcement agencies, health care organizations, and social service organizations within
Monongalia County are struggling to appropriately handle the evaluation, commitment, and treatment
of persons subject to the mental hygiene provisions of West Virginia Code Chapter 27, Article 5. As
expressed by health care leaders, the prescribed evaluation and commitment process creates unfunded
burdens for local hospitals and law enforcement. The City of Morgantown supports the efforts to
provide a process that accommodates the community’s need for accessible emergency departments
with the hospitals’ and law enforcement officers’ duties under the mental hygiene laws, but the City is
not financially capable of purchasing and operating facilities to accommodate these needs. This issue is
surely experience in communities throughout the state. We ask our legislators to explore solutions to
this issue that may include budget appropriations for the evaluation process similar to those provided
for mental hygiene commissioners or modifications to the evaluation process that address these
organizations’ concerns.
WV Municipal League
Legislative Policy

1. Legislation will be approved by the Legislative Committee only if it appears that enactment will benefit our members.

2. Eligible issues must be submitted from the municipal governing body.

3. The Legislative Committee will oppose all proposals which:
   
   a. Impose additional costs upon WV municipalities (directly or indirectly) without providing new revenue to pay such cost.

   b. Reduce revenue now received by municipalities-unless replaced from some source other than existing taxes.

   c. Produce unfavorable regional or local legislation. It is essential that municipalities of the state should act in unison on adverse legislation, and hence if only a portion of the members are affected by undesirable bills, these should be opposed as a matter of principle, or otherwise unfavorable legislation will be enacted piecemeal

   d. State interference at the Local level. The Legislative Committee will act in conformity with the spirit of Home Rule and will oppose all measures involving attempts to have the state preempt the local authority of municipalities

4. The Legislative Committee will take no position on legislation if one group of members is adversely affected and another benefited.

5. The Legislative Committee will take no position on bills where a clear consensus cannot be reached. In cases where no position because of a lack of clear consensus is taken, the staff will be instructed to communicate the concerns on both sides in their contacts with legislators.
Communicating Your Message to Legislators

The Legislative Session begins on January 10th, 2018 and ends on March 10th, 2018. Your participation throughout the legislative session is always needed and greatly appreciated.

What Is Lobbying?
Lobbying is attempting to influence or persuade an elected official to pass, defeat or modify a piece of legislation. It is the process by which citizens make their opinions known to those who represent them. Most legislators want to know as many of their constituents' issues as possible. They realize that constituent support is key to their reelection and political career, and therefore consider constituent views on legislative issues a priority when voting.

What is the Legislative Process? and How does the Political Process work?
Knowing all the ins and outs of committee procedures, staff activities, and so on can sometimes make a difference. If you want to be a successful volunteer advocate, it is essential that you understand the process, the lingo, and the schedule surrounding legislative action. Below are some of the basic components of the state legislative system:

**THE STATE LEGISLATURE:**

- A bill is simply a proposal to change, repeal or add to an existing law, or to create a new law. For a bill to become law it must pass both houses with a simple majority vote. The governor or president can veto any bill, but it may still become law if the veto is overturned by a two-thirds majority vote in both houses.

**COMMITTEES:**

- Committees are assigned to research and draft bills on particular issues. When a member of the legislature introduces a bill, it is printed and assigned to committee for hearing. At a committee hearing members analyze the bill and hear testimony from the general public, appointed experts, and other interested parties. The committee then recommends that the bill be passed as amended, or referred to another committee for amendment or hearing.
- There are standing, joint and special committees. The entire body usually votes in members of committees, except in the case of special committees where the members are appointed.
- Standing committees are permanent in the legislature and cover broad issues such as appropriations, welfare, education, and labor.
- Special committees are formed as needed to deal with passing problems such as civil disorder, disasters, or political scandals.
- Joint committees are composed of members of both the senate and the house of representatives (or assembly) and are designed to reconcile differences between each house over a particular piece of legislation, and are helpful tools in minimizing deadlocks between the two houses.
LEGISLATIVE INITIATIVE

ISSUE: Home Rule

BACKGROUND: The Municipal Home Rule Pilot Program was created in 2007 and began with four cities: Charleston, Huntington, Wheeling and Bridgeport. The initial pilot program lasted five years and granted those cities authority to enact ordinances, acts, resolutions, rules and regulations without regard to state law with several exceptions.

It is the desire of municipalities to have the Program established as a permanent program, keep the HR Board in place, and allow any municipality to participate in the program. As a means of self-policing the program (as we promised to do when we found evidence of loopholes in the statute) the League is also requesting a change that prohibits participating municipalities from passing ordinances contrary to certain laws governing the professional licensing or certification of public employees.

STATUS: Municipalities face numerous challenges managing their budgets while delivering services that each citizen and business relies on. The cost of service is increasing at an alarming rate from complying with rules and delivery required by Federal or State law or demanded by their constituents. New mandates are born each day via State or Federal agencies that further diminish the authority and means available to municipalities to continue providing cost effective and critical emergency services to our citizens. For those reasons and the fact that the pilot has proven successful through a positive Legislative Audit, it is the desire of municipalities to have the Home Rule Pilot Program established as a permanent program, keep the Home Rule Board in place, and allow any municipality to participate in the program. We have addressed shortcomings in previous legislation that required the Governor to veto Senate Bill 441 in the 2017 Legislative Session, and are submitting new legislation in 2018 in an attempt to establish Home Rule as a permanent program and allow all municipalities to participate. The new language will provide clarity for the Home Rule Board, allowing all municipalities to participate, provide a funding mechanism for the Home Rule Board Operations Fund with a cap of $200,000.00 for operating expenses.

TALKING POINTS

1. Establish the Pilot as a permanent program
2. Keep the Home Rule Board in place
3. Establish a participant funded legal and expense account for the Home Rule Board
4. Clarify prohibition on amendments that place federal dollars in jeopardy
5. Allow the Board to accept applications from any municipality
6. As a means of self-policing the program (as we promised to do when we found evidence of loopholes in the statute) the League is also requesting a change that prohibits participating municipalities from passing ordinances contrary to certain laws governing the professional licensing or certification of public employees.
ISSUE: 90 DAY HOLD PERIOD FOR COURTS

BACKGROUND: Currently there is a 90 day hold in place for municipal courts to notify DMV for suspension for failure to pay or appear in court. This requirement needs to be removed in order to reduce the unnecessary and additional amount of time Municipal Courts must wait to file required suspension notices with the Department of Motor Vehicles.

STATUS: Currently, municipal and magistrate courts have a mandate to apply a 180 day payment period to cases adjudicated, allowing defendants a 6 month plan before notifying DMV of suspensions. The 90 days additional hold before notification is causing additional burdens on the record keeping requirements of municipal courts, placing the courts at a disadvantage for applying for offsets. The additional time was added to municipal courts when the Legislature adopted an offset program for the courts a few years ago. At the time, DMV was concerned about an excessive amount of activity by the courts implementing this program. When the legislature included magistrate courts in the process a year later, the 90 day hold was not included in their language. This has not been the case for municipal courts and the 90 day waiting period is unnecessary for the DMV.

TALKING POINTS

1. Municipal Courts should be uniform with Magistrate Courts

2. The additional 90-day hold is causing a recordkeeping nightmare and adding unnecessary administrative costs to the process

3. The additional 90 days in not necessary for the DMV
ISSUE: SLIP AND FALL LIABILITY

BACKGROUND: Currently, pursuant to Endorsement 7, the state of West Virginia is immune from "slip and fall" liability on roads, sidewalks, alleys, public walkways and similar public thoroughfares. In sharp contrast, Municipalities and Counties are liable for "slip and fall" claims based on a determination that the political subdivision failed to keep the road, sidewalk, alley, public walkway or similar public thoroughfare "open, in good repair and free from nuisance." Further, municipalities and counties do not even benefit from the premise liability and "open & obvious" limitations imposed on "slip and fall" claims against private businesses. This arbitrary and unreasonable standard imposed on municipalities and counties (which essentially requires that all roads, sidewalks and other public walkways be maintained in near perfect shape to avoid any liability) has facilitated frivolous claims and litigation against municipalities and counties and has resulted in a substantial waste of public money to pay or defend against such claims. Because most municipalities are either self-insured or have high deductibles (due to the rising cost of insurance and the difficulty in obtaining and maintaining public liability insurance), in most cases public money is being used to pay for "slip & fall" claims, or for related litigation expenses, when most "slip and fall" claims arise in situations where the claimant is most responsible for the "slip and fall" and the municipality or county did not even have notice or a fair opportunity to repair the area of the "slip and fall." Further most "slip and fall" claims arise in locations that involve a crack or a small difference in elevation in a sidewalk or walkway that a municipality or county should not be required to use public money to insure against due to the minimal safety problem caused by the condition when a reasonable pedestrian pays attention to his or her surroundings. Municipalities and counties require an amendment to WV Code to address the growing number of these incidents and to place political subdivisions in a position that is more uniform with the State's immunity and liability for "slip and fall" complaints.

STATUS: Municipalities and Counties are spending hundreds of thousands of public dollars statewide defending against lawsuits for damage and injuries due to the "slip and fall" type accidents, many of which are frivolous. Like the State, no municipality or county has the personnel or other resources to provide constant monitoring of all sidewalks and streets for minor defects that may give rise to an alleged accident. Municipalities and counties are requesting the same immunity with the same limitations currently afforded to the State. Insurance Agents, Underwriters, etc., need to be included as well.

TALKING POINTS

1. Mirror the State's language for immunity and liability for all Local Governments
2. Reduce the liability for claims paid unnecessarily
3. Keep language to protect citizens against negligence by the Local Governments
LEGISLATIVE INITIATIVE

ISSUE: TIF DISTRICTS

BACKGROUND: In 2002, the Municipal League and all municipalities across the State worked tirelessly supporting both the passage of the Constitutional Amendment and the subsequent, original legislation (2004) regarding TIF Districts. The ballot language for Amendment One specifically included counties and municipalities. There was no mention of population, size or Class of eligible cities. The amendment passed and the legislation was introduced. That year, in Senate finance, the small cities were amended out for fear the Development Office, who has final veto power of all projects, would be overwhelmed with massive amounts of applications. The League was assured after a few years of the operation, the smaller cities would be brought in. Currently, only cities above 10,000 population may issue bonds on their own. Since that time, whenever a Class III or IV municipality has needed access to TIF for Development Projects, the County Commission is required to approve and issue bonds. Those who have had TIFs under County Bond issuances have proven to be more cumbersome, layered with red tape and have unnecessarily slowed the project implementation.

We have spoken to bond counsels, underwriters and investment bankers who all agree, the smaller municipalities were promised and need to be included in the legislation. Currently, water, sewer and infrastructure projects bond issuances across the state are administered by small cities. These types of projects are overseen and must have the bond council, financial underwriters' and investors' involvement to move forward, so size and population have little bearing on the success as the professional involvement is a necessity. It should be noted, economic development occurs where there is infrastructure and the natural economic hubs are in and around cities in this state. One of the largest manufacturing plants-with over one million square feet - resides successfully in a Class IV town, Buffalo WV.

STATUS: Revising the Tax Increment Finance Act will, among other things, allow all municipalities to access this development tool. It is a progressive Economic Development Tool designed to create jobs, promote development and all cities should have it in their tool box for instant access.

TALKING POINTS

The Municipal League is in full support of this with thresholds and protections built into the current statute:

• Up front costs discourage any “less than desirable” projects
• The But-for test-assures county and schools lose no money
• Notification of all levying bodies in the initial process
• Public Hearings-held to establish and form districts/comments disclosed in application
• Application contains several notification procedures
• Municipal ordinances with public hearings and advertising
• Professional involvement-Development Office, Bond Counsel, Underwriters, Investment Managers
• *Economic Development Office has approval/veto power-this is not an easy process
LEAGUE SUPPORTS

- Roles for municipal input in transportation, urban development, and planning.
- State laws, rules, and regs. that allow local government to modernize their procedures to best serve their public.
- Home Rule.
- Equal housing opportunities as well as increased activity and funding for this critical need.
- Local government empowerment through local level referendum.
- Viable solutions to assist cities in containing the ever-escalating health care, pension and property insurance costs.
- TIF authority for all Classes of Cities.
- Municipal taxing authority on all emerging telecom/technologies.

LEAGUE OPPOSES

- Preemption of local authority.
- Mandatory collective bargaining for municipal employees.
- Changes in municipal authority and procedure without municipal input.
- Amendments to annexation law without a comprehensive study that includes task force members from both cities and counties.
- Cost Shifting from one level of government to another.
- Unfunded mandates.
LEAGUE LEGISLATIVE TEAM

Councillor Bob Greer, President
WV Municipal League

Lisa Dooley, Exec. Director
WV Municipal League

Howard Mullens, Lobbyist
WV Municipal League

2018 LEAGUE LEGISLATIVE COMMITTEE

Councilor Ann Worley, Beckley
Mayor Danny Jones, Charleston
City Attorney Paul Ellis, Charleston
Legal Assistant Susan Economou, Charleston
City Manager Bill Lanham, Fayetteville
Mayor Steve Williams, Huntington
Mayor John Manchester, Lewisburg
Councilor Kevin Knowles, Martinsburg
Councilor Tom Oxley, Oak Hill
Clerk Connie Shaffer, Parkersburg
Mayor Randy Rapp, Vienna
Clerk Amber Viars, Logan
Councilor Robert Greer, Bridgeport
City Manager Travis Blosser, Weirton
Lobbyist Howard Mullens, WVML, Charleston
Executive Director Lisa Dooley, WVML, Charleston
Administrative Assistant/Director, Beth McCoy, WVML, Charleston

WVML Advocacy Toolkit
REGULAR MEETING December 19, 2017: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, December 19, 2017 at p.m.

PRESENT: City Manager Paul Brake, City Clerk Linda Tucker, City Attorney Ryan Simonton, Mayor Kawecki, and Council Members: Rachel Fett, Ryan Wallace, Jenny Selin, Ron Dulaney, Deputy Mayor Mark Brazaitis, and Barry Wendell. Assistant City Manager Angela Cline was absent.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: 11/28/2017 Regular, COW, and 12/5/2017 Special Meeting Minutes were approved by acclamation. 12/5/2017 Regular Meeting minutes will be brought back on 1/9/2018 for approval.

CORRESPONDENCE: Councilor Fett presented and read a letter from a constituent in the First Ward about community broadband that is not reliant on Comcast or Frontier. (Corr. 1) Councilor Wallace announced the pantry plus food giveaway is requesting to get Hazel Ruby McQuain Park on June 16th from 9am – 2pm. Micah Weglinski is here and will talk more about it during the public portion. Councilor Wallace also announced that all of Council received an email from Courtney Ostaff, 337 Dawson, outside of the city limits about a parking ticket she received. City Manager and Staff are following up on it. It is a matter of concern not only for her but for council as well that her parking ticket was handled appropriately and expeditiously. Deputy Mayor Brazaitis received another email from Allison Bass regarding the topic of the bars closing early and that she was not aware of it being on the agenda. (Exhibit A-1) Deputy Mayor Brazaitis read a letter he sent to Congressman McKinley regarding the heavy trucks in our downtown. (Exhibit A-1 & A-2) Deputy Mayor Brazaitis has received some very positive feedback on the suggestion that WVU to support efforts to revive the Morgantown Public Library, and support the building of a new, state-of-art facility. (Exhibit A-2) Mayor Kawecki and Jan Derry (Human Rights Commission Chair) presented an award to the Community Coalition of Social Justice and Austin Porter was there on their behalf to accept it; Charlene Marshall was awarded a plaque for making Morgantown a more inclusive community. Jan Derry invites anyone who would like to join them at the Aull Center for a small reception.

PUBLIC HEARING - AN ORDINANCE AMENDING SECTION 149.02 OF THE ADMINISTRATIVE CODE PROVIDING MEMBERSHIP REQUIREMENTS FOR THE BOARD OF PARKS AND RECREATION COMMISSIONERS.

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING - AN ORDINANCE ESTABLISHING A NEW SECTION 129.18 OF THE ADMINISTRATIVE CODE PROVIDING FOR EXPENDITURE OF FUNDS ON PUBLIC SCHOOL PROPERTIES.

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING - AN ORDINANCE ESTABLISHING A NEW SECTION 129.17 OF THE ADMINISTRATIVE CODE GOVERNING DISPOSITION OF REAL ESTATE.

Mayor Kawecki declared the Public Hearing open.

There being no appearances, Mayor Kawecki declared the Public Hearing closed.
PUBLIC HEARING - AN ORDINANCE CREATING A NEW SECTION 1373.09 OF THE PLANNING AND ZONING CODE GOVERNING EXPANSION OF NONCONFORMING AGRICULTURAL, INDUSTRIAL, AND MANUFACTURING USES.

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING - AN ORDINANCE CREATING A NEW SECTION 1375.06 OF THE PLANNING AND ZONING CODE GOVERNING NOTICE PROCEDURES FOR ZONING AMENDMENTS ALTERING DWELLING UNIT DENSITY.

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING - AN ORDINANCE AMENDING SECTION 1511.02 OF THE FIRE PREVENTION CODE TO AUTHORIZE ARRESTS FOR ARSON AND EXPLOSIVES OFFENSES.

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING SECTION 149.02 OF THE ADMINISTRATIVE CODE PROVIDING MEMBERSHIP REQUIREMENTS FOR THE BOARD OF PARKS AND RECREATION COMMISSIONERS: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTION 149.02 OF THE ADMINISTRATIVE CODE PROVIDING MEMBERSHIP REQUIREMENTS FOR THE BOARD OF PARKS AND RECREATION COMMISSIONERS.

City Manager explained, motion by Wendell, second by Selin, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE ESTABLISHING A NEW SECTION 129.18 OF THE ADMINISTRATIVE CODE PROVIDING FOR EXPENDITURE OF FUNDS ON PUBLIC SCHOOL PROPERTIES: The below entitled Ordinance was presented for second reading.

AN ORDINANCE ESTABLISHING A NEW SECTION 129.18 OF THE ADMINISTRATIVE CODE PROVIDING FOR EXPENDITURE OF FUNDS ON PUBLIC SCHOOL PROPERTIES.

City Manager explained, after discussion, motion by Wallace, second by Deputy Mayor Brazaitis, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE ESTABLISHING A NEW SECTION 129.17 OF THE ADMINISTRATIVE CODE GOVERNING DISPOSITION OF REAL ESTATE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE ESTABLISHING A NEW SECTION 129.17 OF THE ADMINISTRATIVE CODE GOVERNING DISPOSITION OF REAL ESTATE.
City Manager explained, motion by Selin, second by Wallace, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE CREATING A NEW SECTION 1373.09 OF THE PLANNING AND ZONING CODE GOVERNING EXPANSION OF NONCONFORMING AGRICULTURAL, INDUSTRIAL, AND MANUFACTURING USES:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE CREATING A NEW SECTION 1373.09 OF THE PLANNING AND ZONING CODE GOVERNING EXPANSION OF NONCONFORMING AGRICULTURAL, INDUSTRIAL, AND MANUFACTURING USES.

City Manager explained, motion by Fetty, second by Wallace, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE CREATING A NEW SECTION 1375.06 OF THE PLANNING AND ZONING CODE GOVERNING NOTICE PROCEDURES FOR ZONING AMENDMENTS ALTERING DWELLING UNIT DENSITY:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE CREATING A NEW SECTION 1375.06 OF THE PLANNING AND ZONING CODE GOVERNING NOTICE PROCEDURES FOR ZONING AMENDMENTS ALTERING DWELLING UNIT DENSITY.

City Manager explained, motion by Dulaney, second by Wendell, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING SECTION 1511.02 OF THE FIRE PREVENTION CODE TO AUTHORIZE ARRESTS FOR ARSON AND EXPLOSIVES OFFENSES:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTION 1511.02 OF THE FIRE PREVENTION CODE TO AUTHORIZE ARRESTS FOR ARSON AND EXPLOSIVES OFFENSES.

City Manager explained, motion by Fetty, second by Wendell, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE APPROVING CERTAIN AMENDMENTS TO THE PROJECT PLAN AS “THE CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 3”** The below entitled Ordinance was presented for second reading.

AN ORDINANCE APPROVING CERTAIN AMENDMENTS TO THE PROJECT PLAN FOR A TAX INCREMENT FINANCING DISTRICTS IN THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA KNOWN AS “THE CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 3” AS APPROVED BY THE WEST VIRGINIA DEVELOPMENT OFFICE; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH:

City Manager explained, motion by Wendell, second by Deputy Mayor Brazaitis, to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** Councilor Wallace would like to start the prescreening process for the subcommittee to review for the new Health and Wellness Commission. After discussion, City Attorney explained and stated that it can be any number of members. Deadline to receive resumes or applications will be December
31st, 2017. The first Special Meeting in January, which will be discussed in the City Manager’s Report, council will interview Tree Board and Board of Zoning Members that are up for reappointment.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Sarah Anderson, 216 Park Street, speaks briefly about paid sick leave in the state of West Virginia and how it is myriad. She discusses the statistics in (Exhibit B) and is asking council to consider the needs of workers and the health of our community. She is thrilled by the new Health and Wellness Commission and she sees this proposal as one for the new body to consider.

Micah Weglinski, 136 Lamplighter Drive, board member with the Pantry Plus More, is requesting permission to use the parking area adjacent to the Hazel Ruby McQuain Park on Saturday May 19th, 2018 or June 16th, 2018 from 11am – 1pm to give out food, hygiene products and other resources to children. There will need to be enough room for a truck and 40 parking spaces. (Exhibit C)

There being no more appearances, Mayor Kawecki declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: Councilor Wallace announces that he had the pleasure of meeting recently with the CEO and several Board Members of the YMCA in Uniontown, Pennsylvania. They are supportive in bringing a YMCA to Morgantown and have some potential donors. He requests council and City staff to write a letter of support to bring a YMCA to Morgantown. After discussion, (Exhibits A-3) council approves by consensus to write a letter and continue the discussion at the next Committee of the Whole meeting. Councilor Dulaney announced that the Woodburn School Redevelopment Commission will not meet as scheduled this month due to the holidays. It will continue in January at the regular meeting time. Councilor Selin announced that there is a Committee meeting tomorrow morning through BOPARC and they will be choosing a firm to work on design and implementation for the ice rink.

NEW BUSINESS:

AN ORDINANCE AMENDING the FY 2017-2018 ANNUAL BUDGET AS THE SAME APPLIES TO THE GENERAL FUND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2017-2018 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.

City Manager explained, after discussion, motion by Deputy Mayor Brazaitis, second by Dulaney, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING the FY 2017-2018 ANNUAL BUDGET AS THE SAME APPLIES TO THE COAL SEVERANCE FUND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2017-2018 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.

City Manager explained, motion by Deputy Mayor Brazaitis, second by Selin, to approve the above entitled Ordinance to second reading. Motion carried 7-0.
CITY MANAGER’S REPORT:

New Business:

1. **Setup Costs for Residential Solid Waste Billings**
   City Council approved the renewal of the franchise agreement with Republic Services for the contract period of 2017 through 2022 earlier this year. The RFP issued contemplated switching the billing from Republic over to the City (or an agent to collect this on our behalf). Under the current system, Republic will not pick up trash from subscribers who do not pay their bill. This has caused many complaints of trash being left at the curbside. Further, the Morgantown Police Department has been involved in pursuing delinquent accounts and this diminishes limited department resources augmenting the bill collection effort.

   Staff recommends that the residential solid waste billing be included in the water and sewer billing through the Morgantown Utility Board (MUB). In this arrangement, the funds will be collected by MUB and submitted to the City. The City’s Finance Department will be paying a collective bill to Republic Services (for residential only). The garbage hauler will be instructed to pick up all residential garbage. MUB will track delinquent and non-payment pursuing lack of payment or late payments similar as water & sewer billing collections.

   In doing so, MUB needs to collect the billing database from Republic Service to enter this information into their accounts receivable system. The anticipated switch over will be May 1, 2018. A one-time setup fee of $40,000 is request from MUB (cost of temporary employee(s), software upgrades, etc.). The amount is included in the Ordinance Amending the FY 2017-2018 Annual Budget. I would suggest City Council approve a motion authorizing or endorsing the billing method change.

   City Manager explains, council suspended the rules to have Chief Preston explain. After discussion, by consensus, Council requests to move forward with the billing method change.

2. **January City Council Meeting Dates**
   We have received a couple requests to reschedule the first meeting (currently scheduled January 2nd) to accommodate travel schedules post-holiday. I would suggest changing the meeting to the following day, Wednesday, January 3, 2018. If City Council is agreeable with this change, it impacts the second meeting of the month. We are anticipating MUB bond finance ordinance(s) and the two required ordinances readings cannot be conducted less than fourteen (14) days apart. The January 16 would need to be postponed until either Tuesday, January 23rd or combining it with the Committee of the Whole meeting on January 30th. Staff recommends City Council action on setting the two meeting dates in January.

   City Manager explains, after discussion, by consensus, council decided to change the Regular Meetings set for 1/2/2018 and 1/16/2018 to 1/9/2018 and 1/23/2018 and keep the Committee of the Whole Meeting for 1/30/2018.

3. **Meeting Calendar 2018**
   Attached you will find a copy of the City Council’s regular meeting calendar for 2018. This document will be modified depending on the action taken on the preceding agenda item. Staff recommends a motion approving the meeting calendar as presented or as amended.

   Motion by Wendell, second by Deputy Mayor Brazaitis, and by consensus, approve the 2018 Meeting Calendar as amended.

4. **Historic Landmark Commission**
The Historic Landmark Commission is wanting to apply for the Survey and Planning Grant with the WV State Historic Preservation Office. They are seeking funding for an Education Workshop on Cemetery Restoration and Grave Stone Preservation in which the funding would be used for the Oak Grove Cemetery. Motion by Fatty, second by Selin to have the Historic Landmark Commission move forward with the application process.

5. City Manager explains, the Street Sweeper warranty and mentions the old Street Sweeper is going in for maintenance which will be a backup if anything would happen to the new one. No action taken

6. City Manager handed out an updated Strategic Plan that was condensed onto one page.

REPORT FROM CITY CLERK: Linda Tucker wished everyone a Merry Christmas and a Happy New Year.

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Fatty: Councilor Fatty wished everyone a Happy Holiday. She wanted to let everyone know that her car was burglarized and wants to make sure that you double check your car(s). She announced the 1st Ward Neighborhood Association Meeting on January 22, 2018.

Councilor Wallace: Councilor Wallace announced that his wife’s car was burglarized, the only thing that was taken was money. All the credit cards, ID and checkbook was not. He wants to remind everyone to lock your car doors and be aware. He announced that there were several successful fundraisers at the Wiles Hill Community Center/BOPARC Senior Center: Pottery Sale; and the Snowflake 2K in which some money was raised for the playground. He received a phone call from some friends in the Suncrest area, (which is not his Ward) regarding sidewalks in and around Suncrest Elementary School. He mentions an idea that he would like to discuss with anybody that is interested starting a Downtown Holiday Expo, an annual gathering to celebrate about the season.

Councilor Selin Councilor Selin announced that she enjoyed the Wiles Hill Snowflake 2K Run/Walk. She mentioned the Pantry Plus and them requesting to use the Hazel Ruby McQuain Park, and thinks that someone should contact them to let them know all the details regarding getting a permit, and the scheduling through BOPARC to make sure there is no conflicts. She attended in Fairmont, WV Light Night & Market Night along the waterfront and enjoyed it.

Councilor Dulaney: No Report

Deputy Mayor Brazaitis: Deputy Mayor Brazaitis stated that he was impressed with Sara Anderson’s presentation on paid sick leave and how it is being implemented in other states. He asked Councilor Wallace to put it on a future Health and Wellness Commission agenda. He wants to thank the Delegates; Fleischauer, Pyles, Statler, Williams, and Senator Bob Beach for coming to Morgantown to speak on key issues affecting Morgantown, such as annexation and the Morgantown Municipal Airport. He states that it is the season to be grateful, and he is grateful to be a part of Morgantown and this Council. (Exhibit A-3)
Councilor Wendell: Councilor Wendell mentions that it has been six months since the election and he has had a great experience so far. He attended a public meeting on 12/7/2017 with members of the State School Board about new recommendations. He visited Champaign County in Ohio, (his 66th County he has visited since moving here) and stated that they have a population of about 20,000, they have Urbana University, a Walmart, a Kroger, no interstate highways in the city and they have a YMCA. He announced that tonight is the last night of Hanukkah and he will finish celebrating tonight when he gets home. He wants to wish his Christian friends a meaningful Christmas Holiday and for them and everyone else a healthy and happy 2018.

Mayor Kawecki: Mayor Kawecki announces several events that will be happening: Winter Solstice Yoga and Meditation, 12/22/17 from 5:30 pm – 7pm at the WV Botanic Gardens; Eddie Davison Band, 12/22/17 at 9pm at the WVU Coliseum; Morgantown’s Farmers Market, 12/23/17 and 12/30/17 from 11am – 1pm at Wesley United Methodist Church Gymnasium; The State Ballet Theatre of Russia presents “Swan Lake”, 12/20/17 at 7:30 pm at the Met Theatre. He wishes everyone the best of the season and thanks for the participation and indulgence and is very happy with what has been accomplished thus far hopes that all the hard work will continue into the new year. Season Greetings and best of the New Year.

ADJOURNMENT: There being no further business, motion by Wallace, second by Dulaney to adjourn at 9:35 p.m.

City Clerk ___________________________ Mayor _________________________

*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY*
Next Century Cities

lance@oldnumberseven.net

Sat 12/16/2017 5:08 AM

To: Rachel Fetty <rfetty@morgantownwv.gov>; 

Rachel Fetty,

I live over on Madison Ave. off Dorsey, in the first ward. We need community broadband that is not reliant on comcast or frontier. I think we should look into next century cities to see how communities are making broadband internet accessible for all. Our taxes have paid for the infrastructure but we do not seem to reap the rewards.

http://nextcenturycities.org/about/overview/
Across the country, innovative municipalities are recognizing the importance of leveraging gigabit level internet to attract new business and create jobs, improve health care and education, ensure civic participation, and connect residents to new opportunities. Next Century Cities is committed to celebrating these successes, demonstrating their value, and helping other cities to realize the full power of truly high-speed, affordable, and accessible broadband.

There are communities in Kentucky, Ohio, Tennessee, and Virginia that know that high-speed internet is a community-wide endeavor.

How do we get Morgantown onto that list?

thank you,
Lance Smith
Mark Brazaitis, deputy mayor, councilor from Ward 6

12-19-2017

Correspondence

I wish I'd known [discussion of earlier bar closing times] was going to be on the agenda -- I would have come and spoken up. I don't think many local residents who favor earlier bar closing times knew it was on the meeting agenda, although the private club and bar owners apparently did.

Alison Bass

Assistant Professor of Journalism
Reed College of Media, West Virginia University

The Honorable David McKinley
Congressman
1st District of West Virginia
2239 Rayburn HOB
Washington, D.C. 20515

Dear Congressman McKinley,

I hope this finds you well.

My daughter Annabel and I enjoyed meeting you and your wife at President Gee's holiday reception on December 8.

I appreciate your advice to me about what is most essential in a public servant: to listen to the people.

One issue that the people of Morgantown have certainly been outspoken about is heavy truck traffic downtown. While I know our downtown roads are a state, rather than a federal, concern, I hope you can use your influence with our governor and our state legislators to advocate for a solution that reroutes truck traffic around Morgantown. And I raise this issue specifically because it was something your wife mentioned to me during our pleasant conversation: Morgantown is burdened by too much traffic.
Our city is actively seeking to enhance our downtown, making it both prosperous for businesses and healthy for our residents. Re-routing trucks around our city would go a long way to achieving both these goals. Morgantown would appreciate your help in this effort.

I could go on about concerns that I, reflecting the voices in my community, have about other issues of consequence, including health care—please do not take away health insurance from thousands of West Virginians who have benefited from the Affordable Care Act—and net neutrality, whose abolishment would be a severe blow to poor and working-class West Virginians. But I will elaborate on these and other issues in a future correspondence.

In the meantime, I hope you and Mrs. McKinley have a wonderful holiday and a joyous 2018.

Sincerely,

Mark Brazaitis

I’ve continued to receive positive feedback on my suggestion that WVU support our efforts to revive the Morgantown Public Library—or, even better, support the building of a new, state-of-the-art facility.

One note of encouragement came from WVU itself.

I hope to have more to report on this in the near future, but I’m very much encouraged by the possibilities.

Access to education is one of the ways we’re going to revive our state. Every dollar that goes to WVU’s educational mission returns to the community as $10. A similar ratio surely applies to money spent toward a public library, which is in a position to reach very young learners and therefore have a decisive influence on them, their intellectual development, and, ultimately, their careers—and therefore have a profound impact on the revitalization of our state.
Special Committee Report:

Health and Wellness Commission:

A note on the possibility of bringing a YMCA to Morgantown and how this might affect BOPARC:

I decided to run for a position on city council in part because of my strong belief in what BOPARC does for our city. I believe in our wild-and-wonderful ethos, and BOPARC is essential in offering adults and children in our community an opportunity to connect in healthy ways with the outdoors—whether it be through sports or a walk in the woods—and also with indoor activities such as ice skating and square dancing—or whatever I’m not brave enough to try at the Wiles Hill Community Center.

The Y would only enhance what BOPARC is doing. It would not—repeat: not—seek to duplicate BOPARC services. For instance, BOPARC does a great job with the ice arena—with softball leagues—with dozens of other programs. The Y wouldn’t touch what BOPARC is doing. It would, however, fill programming needs that aren’t being met and that BOPARC might find difficult to meet. One example might be an indoor (emphasis on indoor) swimming pool that could offer winter swimming lessons and water aerobics classes.

Council Report:

I was impressed with Sara Anderson’s presentation on paid sick leave and how it is being implemented in Spokane, Washington, and Austin, Texas. I therefore ask Councilor Wallace to put it on the agenda of the Health and Wellness Commission.

Thank you to Delegates Barbara Evans Fleischauer, Rodney Pyles, Joe Statler, and John Williams and Senator Bob Beach for coming to speak with us today on key issues affecting Morgantown, including annexation and our airport.

It’s the season to be grateful, and I’m grateful to be a part of Morgantown and this council.
Good evening. I want to speak briefly about a matter that is of some concern to me as a mother and worker in the city of Morgantown— and that is paid sick leave. According to the Institute for Women’s Policy Research, a highly regarded think tank, approximately 44% of private-sector workers in WV lack access to paid sick days. This disproportionately affects those in service occupations, construction, and sales.

The benefits of paid sick leave are myriad. At the individual level, it enables workers to stay home and not infect others or to care for an ill child who may otherwise have to go to school or stay home alone. Obviously, workers who go to work when sick can make others ill. As a mother and wife to someone with a chronic disease, I worry about how illnesses are unnecessarily spread in our community. Healthy workers are better workers.

Moreover, studies show that paid sick leave can reduce healthcare costs. Workers with paid sick leave are less likely than those without to access emergency departments. It also helps families to care for sick relatives, potentially catching illnesses early on from becoming worse.

Women are more likely than men to lack paid sick leave. As a mother, I am very sympathetic to other moms who may not have paid time off to care for children. The tension between getting food on the table and wiping the brow of a sick child is unmanageable.

Are there laws regulating paid sick leave? Yes. States and cities have started to step up. States across the U.S. have passed such legislation including Arizona, Connecticut, and Rhode Island. Cities also have adopted these policies, including Spokane, WA a college town in the east of Washington with roots in agriculture. Austin, TX also has its own laws regarding paid sick leave.

How would such an ordinance be put in place? First of all, not without consultation with the business community. I am sensitive to the apparent conflicting needs of businesses and such an ordinance. However, given the benefits for productivity, I am confident that negotiations could be fruitful. Such ordinances often enable workers to earn paid sick leave with a number of hours worked and sometimes may only take the hours earned after having worked at the business for a certain number of months. In other words, cities and states have been flexible in how they have been defined.

In closing, I ask the council to consider the needs of workers and the health of our community. I am thrilled by the new Health and Wellness commission, and I see this proposal as one for that new body to consider.
"Good evening. Thank you for allowing me to speak. My name is Micah Weglinski, and I'm a board member with the Pantry Plus More. We are a 501(c)(3) nonprofit organization dedicated to ending childhood hunger in Monongalia County by bringing food, hygiene products, and other resources to children where THEY are, when they need them the most so they can focus on learning. We currently have food pantries in six schools in Monongalia County, with plans to open at least two more in 2018. With the long term goal of having a dedicated food pantry in every school.

In 2017, we worked in conjunction with the Mountaineer Food Bank to host a monthly food giveaway at different locations throughout the county. The food giveaways provide residents of Monongalia County access to fresh produce, bread, meat, desserts, milk and other food products at no cost. We are working to develop our schedule for 2018, which brings me to the purpose for me speaking tonight.

In order to serve all parts of the county, we are looking to secure a location for a food giveaway in downtown Morgantown during one of the summer months in 2018. The requirements for a location are enough parking for at least 40 vehicles, along with access for a tractor trailer to deliver the food. In order to minimize the impact on the downtown area, we are requesting the permission to use the parking area adjacent to the Hazel Ruby McQuain Park on Saturday, June 16th. Alternate dates would be either Saturday, July 21st, or August 18th.

Food delivery occurs at 9am. After setting up, the food giveaway will be between the hours of 11am and 1pm. Cleanup will be completed by 2pm.

Thank you again for the opportunity to speak tonight. I look forward to hearing from you in the future regarding this request, and I am happy to provide any follow up information that is required. Have a good evening."

Remind Ronk to keep Barbush Fleishauer in the loop re: Board meetings...
AN ORDINANCE AMENDING THE FY 2017-2018 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 2017-2018 Annual Budget of the General Fund of
the City of Morgantown is amended as shown in the Request for
Revision to Approved Budget (Revision 02) attached hereto and
made a part of this ordinance.

First Reading: ______________________________

Adopted: ______________________________ Mayor

Filed: ______________________________

Recorded: ______________________________ City Clerk
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**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

389 Spruce Street  
STREET OR PO BOX

Morgantown  
CITY

26505  
ZIP CODE

**REVENUES: (net each acct.)**

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

269,525

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

<table>
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<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
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<th>(DECREASE)</th>
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**NET INCREASE/(DECREASE) Expenditures**

269,525

**APPROVED BY THE STATE AUDITOR**

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

**AUTHORIZED SIGNATURE OF ENTITY**

APPROVAL DATE:  

Page 59 of 94
AN ORDINANCE AMENDING THE FY 2017-2018 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 2017-2018 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
369 Spruce Street
STREET OR PO BOX
Morgantown, 26505
CITY ZIP CODE

REVENUES: (net each acct.)

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

Explanation for Account # 378, Municipal Specific:

Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category)

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NET INCREASE/(DECREASE) Expenditures

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

Page 61 of 94
# Boards & Commissions Available Positions

<table>
<thead>
<tr>
<th>Board/Commission</th>
<th>Appt/reappt</th>
<th>Name of Applicants</th>
<th>Res./Non Res.</th>
<th>Ward</th>
<th>Code Sec.</th>
<th>Other</th>
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<tbody>
<tr>
<td>BZA-/New</td>
<td>Appt</td>
<td>Karen Kunz</td>
<td>Resident</td>
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<td>Spec Mtg Int</td>
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<tr>
<td>BZA</td>
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<td>Advertising</td>
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<td>Fire Code</td>
<td>Spec Mtg Int</td>
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<td>Health&amp; Wellness/New</td>
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<td>Res/WVU</td>
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<td>Sp.Mtg. 1-4-18</td>
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<td>Appt/reappt</td>
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<td>Sister Cities</td>
<td>Appt</td>
<td>Vacant</td>
<td>City Administration</td>
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<td>Spec Mtg Int</td>
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<td>Spec Mtg Int</td>
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<td></td>
<td>Appt</td>
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<td>Resident</td>
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<td></td>
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<td>Spec Mtg Int</td>
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<td>Spec Mtg Int</td>
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</table>

*Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, that they will not interview; the City Clerk will check with Council before scheduling a Special Meeting. *BZA and Planning Commission term expirations are advertised in October and interviews must be completed by December per State Law.

*Marti was just interviewed

1/3/2018

Council to interview all
**Application to Serve on City Boards and Commissions**

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<tr>
<th>Name</th>
<th>Karen Kunz</th>
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<td>Phone Number</td>
<td>217-899-9126</td>
</tr>
<tr>
<td>Address</td>
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</tr>
<tr>
<td>City</td>
<td>Morgantown</td>
</tr>
<tr>
<td>State</td>
<td>WV</td>
</tr>
<tr>
<td>Zip Code</td>
<td>26501</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:karen.kunz@mail.wvu.edu">karen.kunz@mail.wvu.edu</a></td>
</tr>
<tr>
<td>Fax Number</td>
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</tr>
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<tr>
<td>Ward</td>
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<tr>
<td>Who is your employer?</td>
<td>WVU</td>
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<tr>
<td>What type of business are (were) you employed in?</td>
<td>Higher Ed</td>
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<tr>
<td>Job Title or Job Description:</td>
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<tr>
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<tr>
<td>Special Interests:</td>
<td>public finance</td>
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<td>Please check the Boards and Commissions you are interested in serving:</td>
<td>BZA</td>
</tr>
</tbody>
</table>

*From: noreply@civicplus.com*

*Sent: Wednesday, November 15, 2017 1:16 PM*

*To: Heather Carl, Linda Tucker*

*Subject: Online Form Submittal: Application to Serve on City Boards and Commissions*
Application to Serve on City Boards and Commissions

Name: Oleg SSmirnov
Phone Number: 7868672928
Address: 600 N High Street
City: Morgantown
State: WV
Zip Code: 26505
Email Address: os0010@mix.wvu.edu
Fax Number: Field not completed.
City Resident?: Yes
Years of City Residency: 1
Ward: 3
Who is your employer?: WVU Student Rec Center
What type of business are (were) you employed in?: Public
Job Title or Job Description: Lifeguard
Professional Certification/License: Lifeguarding certification/CPR/AED
Special Interests: Event planning, fundraisers, working with law enforcement
Please check the Boards and Commissions you are interested in serving: Woodburn Redevelopment Commission
ARTICLE 1389
Board of Zoning Appeals

1389.01 Establishment.

1389.02 Powers and duties.

1389.03 Variances.

1389.04 Conditional uses.

1389.05 Judicial review.

CROSS REFERENCES
Charter provisions - see CHTR. 6.01
Statutory provisions - see W. Va. Code Art. 8A-8

1389.01 ESTABLISHMENT.

(A) The Board of Zoning Appeals is hereby established and shall consist of five (5) members to be appointed by City Council, all of whom shall be residents of the City and each of such members shall have been a resident of the City for at least three (3) years prior to the time of his or her appointment.

(B) No member of the Board of Zoning Appeals shall be a member of the Planning Commission nor shall any member hold any other elective or appointive office in the municipal government of the City of Morgantown.

(C) The members of the Board shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties. If a vacancy occurs by resignation or otherwise among the members of the Board of Zoning Appeals, City Council shall appoint a member for the unexpired term.

(D) City Council may appoint up to three additional members to serve as alternate members of the Board who shall meet the same eligibility requirements as regular Board members. The term for an alternate Board member shall be three years and Council may appoint alternate members on a staggered term schedule.

(E) An alternate Board member shall serve on the Board when one of the regular members is unable to serve. The alternate Board member shall serve until a final determination is made in the matter to which the alternate member was initially called on to serve.

(F) The Board of Zoning Appeals shall establish rules and procedures for designating an alternate member who shall have the same powers and duties as a regular Board member.
(G) City Council shall provide the Board of Zoning Appeals with suitable offices for
the holding of meetings and the preservation of plans, maps, documents and accounts; and
appropriate money to defray the reasonable expenses of the Board.
(Ord. 16-43. Passed 9-6-16.)

1389.02 POWERS AND DUTIES.
The Board shall have the following powers:
(A) Hear, review and determine appeals from any order, requirement, decision or
determination made by an administrative official or board charged with the
enforcement of the zoning ordinance or rules and regulations adopted pursuant
thereto;
(B) Authorize exceptions to the district rules and regulations only in the classes of
cases or in particular situations, as specified in this ordinance;
(C) Hear and decide conditional uses upon which the Board is required to act under
the zoning ordinance;
(D) Authorize, upon appeal in specific cases, a variance from the terms of the
zoning ordinance;
(E) Reverse, affirm or modify the order, requirement, decision or determination
appealed from and have all the powers and authority of the official or board
charged with enforcement of the zoning ordinance from which the appeal was
taken;
(F) Adopt rules and regulations concerning:
(1) The filing of appeals, including the process and forms for the appeal;
(2) Applications for variances and conditional uses;
(3) The giving of notice;
(4) The conduct of hearings necessary to carry out the Board’s duties as
authorized by State law;
(G) Keep minutes of its proceedings;
(H) Keep an accurate and complete audio record of all the Board’s proceedings and
official actions and keep the audio record in a safe manner, accessible within
twenty-four hours of demand, for three years;
(I) Record the vote on all actions taken;
(J) Take responsibility for the custody and preservation of all papers and documents
of the Board, which shall be filed in the Planning Office and made public
record;
(K) With consent from City Council, hire employees necessary to carry out the
duties and responsibilities of the Board, provided that Council sets the salaries;
and
(L) Supervise the fiscal affairs and responsibilities of the Board.
(Ord. 16-43. Passed 9-6-16.)

1389.03 VARIANCES.
(A) No variance in the application of the provisions of this ordinance shall be made
by the Board relating to buildings, land or premises now existing or to be constructed, unless
after a public hearing, the Board shall find that the variance:
(1) Will not adversely affect the public health, safety or welfare, or the
rights of adjacent property owners or residents;
(2) Arises from special conditions or attributes which pertain to the property
for which a variance is sought and which were not created by the person
seeking the variance;
FIRE CODE APPEALS PROCEDURE

Dear Citizen,

The following packet is intended to assist you with the process of filing an administrative appeal with the Fire Code Board of Appeals. In addition to the explanations listed below, attached you will find a copy of the entire code section governing the appeal process. If you have received a fire code violation as a Misdemeanor Complaint and Summons, commonly referred to as a “citation,” the violation is not subject to an administrative appeal, and you must appear in the Municipal Court on the date listed or make prior arrangements with the Municipal Court Clerk.

Pursuant to the West Virginia State Fire Code Title §87-1-2, and the National Fire Code (NFPA 1) §1.10.4; any person with standing shall be permitted to appeal a decision of the Authority Having Jurisdiction (Morgantown Fire Marshal) to the Fire Code Board of Appeals when it is claimed that any one or more of the following conditions exist:

1. The true intent of the Code has been incorrectly interpreted.
2. The provisions of the Code do not fully apply.
3. A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

An appeal must be submitted to the Morgantown Fire Marshal in writing within 30 calendar days of notification of violation. The appeal shall outline all of the following:

1. The Code provisions from which the relief is sought.
2. A statement indicating which of the three conditions listed above apply.
3. Justification as to the applicability of the conditions listed above.
4. A requested remedy.
5. Justification for the requested remedy stating specifically how the Code is complied with, public safety is secured, and firefighter safety is secured.

The chair of the Fire Code Board of Appeals shall call for a hearing within 30 calendar days of the filing of a notice to appeal. All hearings before the Fire Code Board of Appeals shall be open to the public. *Any additional documentation supporting an appeal shall be submitted at least 7 calendar days prior to a scheduled hearing.

The decision of the Fire Code Board of Appeals shall be final, subject to such remedy as any aggrieved party might have through legal, equity, or other avenues of appeal in the Circuit Court of Monongalia County.
153.04 COMPOSITION AND MEMBERSHIP.

The Human Rights Commission shall consist of seven members to be appointed by City Council. The members shall be residents of and in the City. The Commission may appoint, with the approval of City Council, ex-officio members who shall have the privilege of participation without the right to vote. Commissioners shall serve for two-year terms beginning with the first meeting after the beginning of the municipal fiscal year. Four of the first seven members shall be appointed to serve terms of two years, while three shall be appointed to serve terms of one year. Thereafter, terms of office for all commissioners will be staggered with two-year terms. Members may be reappointed to subsequent two-year terms.

(Ord. 12-34. Passed 7-17-12.)
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 - 3 years
Three members - 2 years
Three members - 1 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. 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.

(Ord. 13-03. Passed 2-19-13.)
917.03 MUNICIPAL TREE BOARD.

A Municipal Tree Board shall be appointed by City Council and shall consist of at least seven, but no more than ten members. Of the members, at least one shall have specialized knowledge and expertise regarding tree management and care. Tree Board members shall serve three-year terms without compensation.

The duties of the Municipal Tree Board shall be as follows:

(a) Advise and consult with the City Manager, or other staff designated by the City Manager, on any matter pertaining to this Article;

(b) Study the problems and determine the needs of the City in connection with its management of trees and shrubs and make specific recommendations to the City Manager;

(c) Work in collaboration with the City Urban Landscape Commission, the Board of Park and Recreation Commissioners, the Public Works Department, the Parking Authority, the Planning Commission, and other agencies and departments as needed;

(d) Review City plans and policies, when requested to do so by the City Manager, that contain matters relating to urban forestry, community values, and arboriculture;

(e) Recommend legislation regarding the community forest;

(f) Provide for the City Manager reports as requested and an analysis of annual budgets pertaining to the community forest;

(g) Develop a program for identifying and maintaining exceptional trees in the City and make recommendations to the City Manager and City Council for adopting such a program;

(h) Provide information regarding the selection, planting and maintenance of trees on public property;

(i) Facilitate the planning and implementation of public education addressing proper tree care and community forestry;

(j) Coordinate the City Arbor Day programs, grants, and other similar programs.

(Ord. 11-46. Passed 11-15-11.)
ARTICLE 162
Woodburn School Redevelopment Commission

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<td>162.02</td>
<td>Purpose.</td>
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<td>162.03</td>
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<tr>
<td>162.04</td>
<td>Vacancies.</td>
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<td>162.05</td>
<td>Officers.</td>
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<td>Meetings.</td>
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<td>Written reports.</td>
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<td>162.08</td>
<td>Freedom of Information Act applies.</td>
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162.01 ESTABLISHED.
There is hereby established a Woodburn School Redevelopment Commission.  
(Ord. 13-49. Passed 9-3-13.)

162.02 PURPOSE.
The function of the Woodburn School Redevelopment Commission is to watch over and advise the City Manager and City Council regarding present and future development of the former Woodburn School property, programming, financing of projects, and operations of the property as a whole.  
(Ord. 13-49. Passed 9-3-13.)

162.03 MEMBERSHIP.
(a) The Woodburn School Redevelopment Commission shall consist of seven members who shall be appointed by City Council. Each of the seven members shall serve for a three-year term. Upon the conclusion of that three-year period, subsequent reappointments or new appointments will be for terms as follows:

- Two members for a one-year term
- Two members for a two-year term
- Three members for a three-year term
(b) One member of the Commission shall be a member of the governing body of the
City and shall be elected by City Council. The term of the City Council member shall be
coextensive with the term of the office to which he or she has been elected or appointed. The
Commission will be administered by the City Manager’s Office. All members shall serve
without compensation.
(Ord. 13-49. Passed 9-3-13.)

162.04 VACANCIES.
Vacancies shall be filled in the same manner as for appointments to the Commission,
but for the unexpired portion of the term only. The office of a member of the Woodburn
School Redevelopment Commission shall become vacant upon his/her death, resignation,
removal from office, or failure to attend three consecutive regular meetings of the Commission
without being excused by the Commission either before or after such absence.
(Ord. 13-49. Passed 9-3-13.)

162.05 OFFICERS.
The Woodburn School Redevelopment Commission shall select from its own
membership a chairperson, vice-chairperson, and secretary.
(Ord. 13-49. Passed 9-3-13.)

162.06 MEETINGS.
The Woodburn School Redevelopment Commission shall meet as often as it may deem
necessary, upon call of the chairperson. All meetings will be subject to the West Virginia
(Ord. 13-49. Passed 9-3-13.)

162.07 WRITTEN REPORTS.
The Commission shall submit annual reports to the City Manager and City Council
summarizing its past year’s activities and recommendations for the ensuing year.
(Ord. 13-49. Passed 9-3-13.)

162.08 FREEDOM OF INFORMATION ACT APPLIES.
As a Commission of the City, the Woodburn School Redevelopment Commission shall
be subject to the West Virginia Freedom of Information Act.
(Ord. 13-49. Passed 9-3-13.)
CITY OF MORGANTOWN

AN ORDINANCE SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE WATERWORKS SYSTEM OF THE CITY OF MORGANTOWN.

THE COUNCIL OF THE CITY OF MORGANTOWN HEREBY ORDAINS: The following rules, rates and charges are hereby fixed, determined and established for municipal water services provided to all general domestic, commercial, and industrial users of the City of Morgantown’s Municipal Waterworks System, commencing upon the effective date as hereinafter provided, and in accordance with the following Rates and Schedules:

SECTION 1 – TARIFF

927.01 RATE SCHEDULES

The following schedules of rates, fees, charges, delayed payment penalty charges, service connection charges, reconnection charges and opening or transferring account charges are hereby fixed and determined as the rates, fees, charges, delayed payment penalty charges, service connection charges, reconnection charges and opening or transferring account charges to be charged to consumers of the waterworks system of the City throughout the entire territory served.

SCHEDULE NO. 1

APPLICABILITY
Applicable in entire territory served. Effective for bills rendered on or after July 1, 2016. May 21, 2018.

AVAILABILITY OF SERVICE
Available for general, domestic, commercial and industrial service.

RATE

<table>
<thead>
<tr>
<th>Gallons Used Per Month</th>
<th>Rate Per 1,000 Gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 60,000</td>
<td>$5.15</td>
</tr>
<tr>
<td>All Over 60,000</td>
<td>$3.37</td>
</tr>
</tbody>
</table>
MINIMUM CHARGE

No bill will be rendered for less than the following amounts, according to the size of the
meter installed, to wit:

<table>
<thead>
<tr>
<th>Meter (inches)</th>
<th>Rate Per Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 inch or less</td>
<td>$5.15</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>$7.76</td>
</tr>
<tr>
<td>1 inch</td>
<td>$12.88</td>
</tr>
<tr>
<td>1 1/2 inch</td>
<td>$25.74</td>
</tr>
<tr>
<td>2 inch</td>
<td>$41.18</td>
</tr>
<tr>
<td>3 inch</td>
<td>$77.21</td>
</tr>
<tr>
<td>4 inch</td>
<td>$128.68</td>
</tr>
<tr>
<td>6 inch</td>
<td>$257.36</td>
</tr>
<tr>
<td>8 inch</td>
<td>$411.77</td>
</tr>
</tbody>
</table>

DELAYED PAYMENT PENALTY

The above tariff is net. On all current usage billings not paid in full when due, ten
percent (10%) will be added to the net current amount unpaid. This delayed payment
penalty is not interest and is only to be collected once for each month where it is
appropriate.

TAP FEE

The following charges are to be made whenever the utility installs a new tap to serve an
applicant:

<table>
<thead>
<tr>
<th>Meter (inches)</th>
<th>Tap Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 inch or less</td>
<td>$700.00</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>$700.00</td>
</tr>
<tr>
<td>1 inch</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>1 1/2 inch</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>2 inch</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>&gt;2 inch</td>
<td>Actual Cost</td>
</tr>
</tbody>
</table>

RECONNECTION CHARGE

A fee of fifteen dollars ($15.00) during Utility Board regular working hours and twenty-
five dollars ($25.00) after hours shall be charged whenever the supply of water is turned
off for violation of rules, nonpayment of bills, or fraudulent use of water.

LEAK ADJUSTMENT

$0.615 per 1,000 gallons is to be used when the bill reflects unusual consumption which
can be attributed to eligible water leakage on the customer’s side of the meter. This rate
shall be applied to all such unusual consumption above the customer’s historical average
usage.

RETURNED CHECK CHARGE

A service charge of $20.00 will be imposed upon any customer whose check for
payment of charges is returned by the bank due to insufficient funds.
QUARRY RUN DEBT SERVICE SURCHARGE
Applicable only to customers in the Quarry Run area: $40.00 per month, per customer. This surcharge will be evaluated annually and in the event that a change in the number of customers results in a five percent (5%) change in the rate, the rate will be adjusted.

ROCKLEY ROAD DEBT SERVICE SURCHARGE
Applicable only to customers in the Rockley Road area: $57.25 per month, per customer. This surcharge will be evaluated annually and in the event that a change in the number of customers results in a five percent (5%) change in the rate, the rate will be adjusted.

SCHEDULE NO. 2

APPLICABILITY
Applicable in entire territory served. Effective for bills rendered on or after July 1, 2016.

May 21, 2018.

AVAILABILITY OF SERVICE
Available for general, domestic, commercial and industrial service.

RATE
<table>
<thead>
<tr>
<th>Gallons Used Bi-Monthly</th>
<th>Rate Per 1,000 Gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 120,000</td>
<td>$5.15</td>
</tr>
<tr>
<td>All Over 120,000</td>
<td>$3.37</td>
</tr>
</tbody>
</table>

MINIMUM CHARGE:
No bill will be rendered for less than the following amounts, according to the size of the meter installed, to wit:

<table>
<thead>
<tr>
<th>Meter (inches)</th>
<th>Rate Per (Bi-Monthly)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 inch or less</td>
<td>$10.30</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>$15.52</td>
</tr>
<tr>
<td>1 inch</td>
<td>$25.76</td>
</tr>
<tr>
<td>1 1/2 inch</td>
<td>$51.48</td>
</tr>
<tr>
<td>2 inch</td>
<td>$82.36</td>
</tr>
<tr>
<td>3 inch</td>
<td>$154.42</td>
</tr>
<tr>
<td>4 inch</td>
<td>$257.36</td>
</tr>
<tr>
<td>6 inch</td>
<td>$514.72</td>
</tr>
<tr>
<td>8 inch</td>
<td>$823.54</td>
</tr>
</tbody>
</table>
DELAYED PAYMENT PENALTY
The above tariff is net. On all current usage billings not paid in full when due, ten percent (10%) will be added to the net amount unpaid. This delayed payment penalty is not interest and is only to be collected once for each month where it is appropriate.

TAP FEE
The following charges are to be made whenever the utility installs a new tap to serve an applicant:

<table>
<thead>
<tr>
<th>Meter (inches)</th>
<th>Tap Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8 inch or less</td>
<td>$700.00</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>$700.00</td>
</tr>
<tr>
<td>1 inch</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>1 1/2 inch</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>2 inch</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>&gt;2 inch</td>
<td>Actual Cost</td>
</tr>
</tbody>
</table>

RECONNECTION CHARGE
A fee of fifteen dollars ($15.00) during Utility Board regular working hours and twenty-five dollars ($25.00) after hours shall be charged whenever the supply of water is turned off for violation of rules, nonpayment of bills, or fraudulent use of water.

LEAK ADJUSTMENT
$0.615 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible water leakage on the customer’s side of the meter. This rate shall be applied to all such unusual consumption above the customer’s historical average usage.

RETURNED CHECK CHARGE
A service charge of $20.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

QUARRY RUN DEBT SERVICE SURCHARGE
Applicable only to customers in the Quarry Run area: $80.00 bi-monthly, per customer. This surcharge will be evaluated annually and in the event that a change in the number of customers results in a five percent (5%) change in the rate, the rate will be adjusted.

ROCKLEY ROAD DEBT SERVICE SURCHARGE
Applicable only to customers in the Rockley Road area: $114.50 bi-monthly, per customer. This surcharge will be evaluated annually and in the event that a change in the number of customers results in a five percent (5%) change in the rate, the rate will be adjusted.
SCHEDULE NO. 3

APPLICABILITY
Applicable in the City of Morgantown.

AVAILABILITY OF SERVICE
Available for service to public fire hydrants.

RATE
The City of Morgantown shall pay as a public fire charge at the rate of $133.00 per hydrant per annum, payable in twelve equal monthly installments. This charge covers all water system facilities existing at Morgantown, West Virginia which are used in whole or in part for public fire service.

SCHEDULE NO. 4

APPLICABILITY
Applicable in the municipalities served by the Board excluding the City of Morgantown.

AVAILABILITY OF SERVICE
Available for service to public fire hydrants.

RATE
Any municipality shall pay as a public fire charge at the rate of $133.00 per hydrant per annum, payable in twelve equal monthly installments. This charge covers all water system facilities existing in any municipality which are used in whole or in part for public fire service.
SCHEDULE NO. 5

APPLICABILITY
Applicable in entire territory served (except municipalities).

AVAILABILITY OF SERVICE
Available for service to private fire protection facilities.

RATE

<table>
<thead>
<tr>
<th>Description</th>
<th>Per Annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Hydrants, each</td>
<td>$192.85</td>
</tr>
<tr>
<td>Sprinkler Heads, 3 1/2 or less</td>
<td>$192.85</td>
</tr>
<tr>
<td>Sprinkler Heads, each additional</td>
<td>$0.692</td>
</tr>
</tbody>
</table>

Hose Connections, for fire use only:

<table>
<thead>
<tr>
<th>Size</th>
<th>Per Annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 1/2 inch openings, each</td>
<td>$112.39</td>
</tr>
<tr>
<td>2 inch openings, each</td>
<td>$58.79</td>
</tr>
<tr>
<td>1 1/2 inch openings, each</td>
<td>$32.25</td>
</tr>
<tr>
<td>1 1/4 inch openings, each</td>
<td>$21.28</td>
</tr>
<tr>
<td>1 inch openings, each</td>
<td>$13.30</td>
</tr>
</tbody>
</table>

MINIMUM CHARGE
One hundred ninety two dollars and eighty five cents ($192.85) per annum.

DELAYED PAYMENT PENALTY
The above tariff is net. On all current usage billings not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is only to be collected once for each month where it is appropriate.

TERMS AND CONDITIONS OF SERVICE
Charges for service rendered under this schedule are billed bi-monthly in arrears, and bills are payable on or before the twentieth (20th) day following the date rendered.

RETURNED CHECK CHARGE
A service charge of $20.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.
SECTION 2 – EFFECTIVE DATE

The rates, charges and penalties provided herein shall become effective July 1, 2016. May 21, 2018.

SECTION 3 – SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are severable, and if any clause, provision or section hereof shall be held void or unenforceable by the Public Service Commission of West Virginia or any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date hereof, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflicts, hereby repealed, and to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION 4 – STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Clerk shall cause to be published a copy of this Ordinance in the Dominion Post, a qualified newspaper of general circulation in the City of Morgantown, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before the City Council on Tuesday, February 2, 2016, January 23, 2018, at 7:00 p.m., which date is not less than five (5) days after the date of the publication of the Ordinance and notice, and present any comment or protest thereto, following which hearing, Council shall take such action as it shall deem proper. Copies of this Ordinance shall be available to the public for inspection at the office of the City Clerk, City of Morgantown, Morgantown, West Virginia.

First Reading: January 9, 2018
Second Reading and Public Hearing: January 23, 2018

CITY OF MORGANTOWN, a municipal corporation

Mayor: __________________________
Clerk: __________________________
THE CITY OF MORGANTOWN

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WATER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN INCLUDING BUT NOT LIMITED TO A WATERLINE EXTENSION PROJECT IN THE ROCKLEY ROAD AREA

THE COUNCIL OF THE CITY OF MORGANTOWN HEREBY ORDAINS:

Section 1. Authority for this Ordinance. This Ordinance (together with any ordinance, order or resolution supplemental hereto or amendatory hereof) is enacted pursuant to the provisions of Chapter 24, Article 2 of the West Virginia Code of 1931, as amended (the “Code”), and other applicable provisions of law.

Section 2. Findings. It is hereby found, determined and declared:

A. The City of Morgantown (the “City”) is a municipal corporation and political subdivision of the State of West Virginia in Monongalia County of said State.

B. The City, by and through the Morgantown Utility Board, a municipal corporation of the City, presently owns and operates a public combined water, sewer and stormwater utility system. It is deemed necessary and desirable for the health and welfare of the inhabitants of the City and water utility service area that there be constructed certain extensions, additions, betterments and improvements for the existing water portion of that system, including, but not limited to, construction of water line extension to serve properties in the Rockley Road area of Monongalia County that are currently without public water service, and appurtenances related thereto (collectively, the “Project”) (the existing system of the Utility Board, the Project and any further extensions, additions, betterments and improvements thereto are herein called the “System”), in accordance with the plans and specifications prepared by the Utility Board.

C. The Project is in the best interests of the public and the Utility Board in that it will extend the Utility Board water distribution system and will provide public water service to an area currently without such service.

D. Adequate prior public notice of, and opportunity to comment upon, the contemplated construction has been provided by written notice to Utility Board customers, as required by West Virginia law (W.Va. Code 24-2-11(l)(1)).
E. The City intends to finance permanently, in whole or in part, the costs of acquisition and construction of the Project through the issuance of combined utility revenue bonds.

Section 3. Rates and Charges. The City has taken all action required by the Code to establish and impose such rates and charges for the System. The schedule of rates and charges for the services and facilities of the System shall be as set forth in the water rate ordinance of the City proposed to be enacted January 23, 2018, the sewer rate ordinance enacted February 2, 2016, and stormwater rate ordinance enacted December 6, 2011 which rates and charges are incorporated herein by reference as a part hereof.

Section 4. Amendment or Modification. This Ordinance may be amended or supplemented in any way by a supplemental resolution without any requirement of a further public hearing. No material modification or amendment of this Ordinance, or of any ordinance, resolution or order amending or supplemental hereto, that would materially alter the scope of the Project shall be made without the notice required by the Code.

Section 5. Severability of Invalid Provisions. If any section, paragraph, clause or provision of this Ordinance should be held invalid by any court of competent jurisdiction, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance or any supplemental resolution.

Section 6. Headings, Etc. The headings and catchlines of the articles, sections and subsections of this Ordinance are for convenience of reference only, and shall not affect in any way the meaning or interpretation of any provision hereof.

Section 7. Conflicting Provisions Repealed; Prior Ordinance. All ordinances, orders or resolutions and or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 8. Covenant of Due Procedure, Etc. The City covenants that all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in the adoption of this Ordinance do exist, have happened, have been performed and have been taken in regular and due time, form and manner as required by and in full compliance with the laws and Constitution of the State of West Virginia applicable thereto; and that the Mayor, the City Clerk and members of the City’s governing body were at all times when any actions in connection with this Ordinance occurred and are duly elected or appointed to such office.

Section 9. Statutory Notice and Public Hearing. In the month prior to the first reading of this Ordinance, the Utility Board has provided its customers written notice of the City’s intent to pursue a project that is not in the ordinary course of business. After the first reading of this Ordinance, public notice of this Ordinance shall be published once in the Dominion Post, a newspaper of general circulation in The City of Morgantown, together with a notice stating that any person interested may appear before the City’s governing body at 7:00 pm at Morgantown City Hall on January 23, 2018, and present protests, and that a
certified copy of this Ordinance is on file with the City for review by interested persons during office hours of the City. At such hearing, all objections and suggestions shall be heard and the Utility Board or the City’s governing body shall take such action as it shall deem proper.

Section 10. Effective Date. This Ordinance shall take effect upon enactment.

Passed on First Reading: January 9, 2018

Enacted on Second Reading Following Public Hearing: January 23, 2018

THE CITY OF MORGANTOWN

Mayor
CERTIFICATION

Certified a true copy of an Ordinance duly enacted by the Governing Body of THE CITY OF MORGANTOWN on the ____ day of ______________, 2018.

[SEAL]

City Clerk
RESOLUTION NO. 18-__________

A RESOLUTION AUTHORIZING AN INTERFUND LOAN BETWEEN THE CAPITAL ESCROW FUND AND THE MORGANTOWN MUNICIPAL AIRPORT FUND

The City of Morgantown hereby resolves that the City Manager is authorized to transfer an amount equal to $2,269,965.43 from the Capital Escrow Fund to the Morgantown Municipal Airport Fund as an Interfund Loan repayable on demand or upon such terms as may be determined by the City Manager, and that the City Manager is further authorized to prepare and have executed any documentation necessary or convenient to accounting for such Interfund Loan and providing for repayment of the funds transferred thereunder.

Adopted this ___ day of January, 2018.

William Kawecki, Mayor
City of Morgantown

Linda Tucker, Clerk
City of Morgantown
New Business:

1. **Morgantown Municipal Airport – T Hanger Project**
   Presented in new business is a resolution to establish a loan for approximately $2.2 million to complete the airport T Hanger project. The hangers consist of spaces for 45 single engine and light twin aircrafts. The original financial concept was structured from the sale of the former armory property (approximately $3.2 million). A portion of the proceeds paid for the roadway to WV National Guard Readiness Center (in the amount of $1.5 million). The remaining $1.6 million have paid for the construction of one of the hangers completed so far.

   Originally, staff and airport engineers estimated a total project cost of $2.5 million for the materials needed to construct the hangers, not including labor costs. Early on, the project anticipated the Department of Defense's Innovative Readiness Training (IRT) to cover costs associated with labor to construction, heavy equipment rentals and fuel costs. The construction did occur during late Spring and early Summer 2017. However, during the construction period, the Federal Government unilaterally scaled back the IRT program and did not allocation the promised manpower nor any support expenditures.

   The loan is necessary to complete the project as originally planned. At Tuesday’s meeting, I will give the historical background information about the project and how this impacts other expansion activities at the airport.

2. **Amending the FY 2017-2018 Capital Escrow Fund**
   Attached you will find a spreadsheet detailing the proposed amendments to expenditures for fire equipment, computer software, consulting fees, library vehicle, police cruisers and street department trucks. A motion approving the appropriation from the General Fund in the amount of $889,200 and amends to the fund in the amount of $2,559,965.
3. **Award Bid for Structural Firefighting Gear (Bunker Gear)**
   Attached you will find a copy of a memorandum from Chief Carvasos in response to RFP 2018-04 for equipment needed for the recently approved SAFER grant. The bid was advertised and forwarded to several vendors, only two were submitted. Out of the two bids, only one of the bids (Premier Safety) met the requirements of the RFP. Staff recommends a motion approving the bid from Premier Safety & Service, Inc in the amount of $31,243.80.

Paul J. Brake, ICMA-CM, CECd
City Manager, Morgantown, WV
T-Hangar Project

• T-Hangar Buildings
  - Constructing three new t-hangars
    • T-Hangar No. 1:
      - 13 Units
      - Light twin aircraft
    • T-Hangar No. 2:
      - 18 Units
      - Single engine aircraft
    • T-Hangar No. 3:
      - 14 Units
      - Single engine aircraft
T-Hangar Project

- Miscellaneous Site Work
  - Erosion and Sedimentation controls
  - Stormwater management
    - Trench drains
    - Inlets
    - Stormwater detention basin
  - Utilities
    - Fire Water/Hydrants
    - Domestic Water
    - Sanitary Sewer/Septic System
    - Electric Power Feed and Distribution
  - Bituminous taxilanes
  - Concrete access aprons
- Provides area for future corporate hangars
Example T-Hangar No. 1
### CITY OF MORGANTOWN

**CAPITAL ESCROW FUND - REVISION 01**

**FY 2017-2018**

<table>
<thead>
<tr>
<th>REVENUES</th>
<th>BUDGET FY18</th>
<th>PROPOSED REV 01</th>
<th>PROPOSED AMENDED BUDGET</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers from General Fund - Municipal Service Fee</td>
<td>1,059,200</td>
<td>889,200</td>
<td>1,948,400</td>
<td>General Fund transfer for Municipal Service Fee equipment allocations for the Police and Street Departments.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>BUDGET FY18</th>
<th>PROPOSED REV 01</th>
<th>PROPOSED AMENDED BUDGET</th>
<th>EXPLANATION OF EXPENDITURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>HR - Employee Tuition Assistance</td>
<td>24,496</td>
<td>25,000</td>
<td>49,496</td>
<td>Due to additional employee participation in the program</td>
</tr>
<tr>
<td>Fire - Equipment</td>
<td>350,690</td>
<td>120,000</td>
<td>470,690</td>
<td>FEMA SAFER Grant hire equipment cost ($10,000 per firefighter)</td>
</tr>
<tr>
<td>Airport - T-Hangar Construction</td>
<td>170,000</td>
<td>2,269,965</td>
<td>2,439,965</td>
<td>Loan to Airport Fund for completion of the T-Hangar Project</td>
</tr>
<tr>
<td>City Manager - Strategic City Boundary Study</td>
<td>99,174</td>
<td>35,000</td>
<td>134,174</td>
<td>To purchase, implement and train new HR/Payroll modules</td>
</tr>
<tr>
<td>Contributions - CNRC Sunnyside Up</td>
<td>50,000</td>
<td>50,000</td>
<td>100,000</td>
<td>Increase contribution to agreed upon amount to match WVU contribution</td>
</tr>
<tr>
<td>Contributions - Morgantown Public Library</td>
<td>50,000</td>
<td>50,000</td>
<td>30,000</td>
<td>Per library request for purchase of a van for operations</td>
</tr>
<tr>
<td>Police - MSF Equipment</td>
<td>-</td>
<td>468,000</td>
<td>468,000</td>
<td>FY 2018 Municipal Service Fee allocation for Police equipment</td>
</tr>
<tr>
<td>Street - MSF Equipment</td>
<td>-</td>
<td>421,200</td>
<td>421,200</td>
<td>FY 2018 Municipal Service Fee allocation for Street equipment</td>
</tr>
<tr>
<td>Contingencies</td>
<td>3,780,037</td>
<td>(2,559,965)</td>
<td>1,220,072</td>
<td></td>
</tr>
</tbody>
</table>

| Total                                                                    |             | 889,200         |                         |               |
To: Paul Brake, City Manager  
      Jim Goff, Finance Director  
From: Chief Caravasos  
RE: Bid proposal – Structural Firefighting Gear (Bunker Gear)  
Date: January 2, 2018

On December 15, 2017, a bid opening was conducted in response to RFP 2018-04 Structural Firefighting Protective Equipment. Two bids were received for this RFP.  
Bid One was received from Premier Safety & Service, Inc. of Irwin, Pa. Their bid met all requirements of the RFP. Total cost of Premier’s bid: $41,215.00  
Bid Two was received from Finley Fire Equipment of McConnelsville, Oh. Their bid listed eight exceptions to the specifications listed in the RFP. Additionally, the 5% bid bond was not provided as instructed in the RFP. Total cost of Finley’s bid: $31,243.80

Following a review of the bid packets, it was determined that Premier Safety & Service, Inc. of Irwin, Pa. was the only bidder that could comply with the standards put forth in the RFQ document. It is our recommendation that Premier Safety & Service be the recipient of the award.