1. CALL TO ORDER:

2. ROLL CALL:

3. PLEDGE TO THE FLAG:

4. APPROVAL OF MINUTES: September 4th, 2018 Special Meeting minutes, and September 4th, 2018 Regular Meeting minutes.  
   (Page 4) (Page 6)

5. CORRESPONDENCE: General Aviation Appreciation Month Proclamation  
   (Page 23)

6. PUBLIC HEARINGS:

7. UNFINISHED BUSINESS:
   A. BOARDS & COMMISSIONS: LIST OF AVAILABLE POSITIONS OPEN  
   (Page 25)

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

9. SPECIAL COMMITTEE REPORTS:

10. CONSENT AGENDA:
   A. MOUNTAIN MAMA’S TAVERN FLOOR PLAN EXTENSION REQUEST  
   (Page 57)
   B. ST. JOHN UNIVERSITY PARISH WAIVER FOR ABCA APPLICATION  
   (Page 59)
   C. SALT BID – BID CALL 2019-01  
   (Page 61)

11. NEW BUSINESS:
   A. Consideration of APPROVAL of A RESOLUTION SUPPORTING DOH IMPROVEMENTS TO ROUTE 7  
   (Page 65)

12. CITY MANAGER’S REPORT:
   1. AWARD ENGINEERING DESIGN SERVICES FOR THE REPAIR TO THE PUBLIC SAFETY BUILDING  
   (Page 70)
   2. FY 18 ANNUAL REPORTS OF POLICE & FIRE PENSIONS FUNDS  
   (Page 72)
   3. STATEMENT OF SUPPORT FOR THE PEDESTRIAN SAFETY INITIATIVES  
   (Page 79)
   4. SET HOURS FOR HALLOWEEN TRICK-OR-TREAT
   5. AUTHORIZE CITY MANAGER TO EXPENDED FUNDS ON POSSIBLE ONE-TIME COST FOR ITAC
   6. APPROVE LETTER OF SUPPORT FOR ACCESS H2O FOR A PASSENGER VESSEL CAPABLE OF SERVING THE UPPER MONONGAHELA RIVER

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:
15. **REPORT FROM COUNCIL MEMBERS:**

16. **ADJOURNMENT:**

   "If you need an accommodation contact us at (304) 284-7439"
Minutes
SPECIAL MEETING September 4, 2018:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, September 4, 2018 at 6:05p.m.

PRESENT: Deputy Clerk Heather Carl, Mayor Bill Kawecki, Council Members, Rachel Fety, Ryan Wallace, Deputy Mayor Selin, Ron Dulaney, Mark Brazaitis, and Barry Wendell.

The meeting was called to order by the Mayor.

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) motion by Wallace, second by Brazaitis, to go into Executive Session to discuss personnel matters in considering new appointments for the Board of Park and Recreation Center (BOPARC) Board. Motion carried by acclamation. Mayor, Council Members and Deputy Clerk present. Time: 6:06 p.m.

INTERVIEWS FOR BOARD OF PARKS AND RECREATION:

6:00 p.m. – William Hutchens

6:15 p.m. – Robert Jones

ADJOURNMENT:

There being no further business, motion by Dulaney, second by Wallace, to adjourn the Special Meeting at 7:25 p.m. by consensus.

______________________________________________  ________________________________
City Clerk                                           Mayor
REGULAR MEETING September 4, 2018: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, September 4, 2018 at 7:33 p.m.

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

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: 8/7/2018 Regular Meeting minutes, 8/28/2018 Special Meeting minutes was approved, by consensus, and 8/21/2018 Regular Meeting minutes was approved as amended, by consensus.

CORRESPONDENCE: Councilor Brazaitis mentioned that he had received some correspondence from many people about his mental illness and how they are in support of him. He stated he will continue fighting for the rights of everyone and himself. Councilor Wendell read part of a letter regarding the Mountainline Bus Line Change. Ex. A Councilor Wallace read a list of items from Roger Banks that he suggested we consider. Ex. B

PUBLIC HEARING: None

UNFINISHED BUSINESS: None

BOARDS AND COMMISSIONS:

Motion by Brazaitis, second by Wendell, to appoint Rick Landenberger by acclamation to the BOPARC Board for Seat # 2 a three-year term.

Motion by Dulaney, second by Fetty, to appoint Daniell Trumble by acclamation to the BOPARC Board for Seat #4 a one-year term.

Motion by Deputy Mayor Selin, second by Wallace, to appoint William Hutches by acclamation to the BOPARC Board for Seat #7 a five-year term.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Michael Clifford, 145 South High Street, voiced his opposition to the appointment of Dr. Landenberger to the BOPARC Board. He also voiced his opposition to the cost of a workshop called Novak Consulting Group between Monongalia County Commission and City Council.

There being no one else wishing to speak, Mayor Kawecki declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: Councilor Fetty discussed organizations that are working on mural projects in the downtown area. Councilor Selin discussed an upcoming event called “Try It” on September 16th from 1pm - 4pm the public can come and try out kayaks, paddleboards and/or canoes for free. The event will take place at the downtown riverfront. Councilor Wallace discussed the coordination and planning for the Blue Zone Project. Councilor Dulaney discussed the upcoming Planning Commission meeting and encouraged the public to attend.

CONSENT AGENDA:

A. WVU Alumni Beer Floor Plan Extension

City Manager explained, motion by Selin, second by Wallace, to pass the Extension plan. Motion carried 7-0.

NEW BUSINESS:

AN ORDINANCE PROVIDING ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE FIFTH WARD: The below entitled Ordinance was presented for first reading.

1
AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF
REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM B-1, NEIGHBORHOOD
BUSINESS DISTRICT TO B-4 GENERAL BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE
PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT
HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE
FULLY SET FORTH HEREIN

City Manager deferred to Chris Fletcher, Director of Planning, to explain. Council suspended the rules to have Chris
Fletcher answer questions. After discussion, motion by Wallace, second by Brazaitis, to approve the above entitled Ordinance to
second reading. Councilor Wallace amended the motion, second by Wendell, to move the Ordinance for the second reading, to
the October 16th meeting instead of October 2nd due to the Jewish Holiday. Motion carried 7-0.

AN ORDINANCE AMENDING THE CITY’S PLANNING AND ZONING CODE AS THE SAME APPLY TO
MEDICAL CANNABIS RELATED USES: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE CITY’S PLANNING AND ZONING CODE, SECTION 1329.02
AND TABLES 1331.05.01 AND 1365.04.01 AS THE SAME APPLY TO MEDICAL CANNABIS RELATED
USES

City Manager deferred to Chris Fletcher, Director of Planning, to explain. Council suspended the rules to have Chris
Fletcher answer questions. After discussion, motion by Wallace, second by Deputy Mayor Brazaitis, to approve the above
entitled Ordinance to second reading. Motion carried 7-0.

CITY MANAGER’S REPORT:

NEW BUSINESS:

1. Blue Zone – Proposed Consulting Services
The City of Morgantown’s Health and Wellness Commission is actively collaborating with the Blue Zone Project Team
and WVU on a 4-month assessment to determine the readiness and fit for Morgantown to become an accredited Blue
Zone Community. As outlined previously, the overall goal of this project is to improve quality of life and wellbeing for
the Morgantown community. The Blue Zone approach includes a social-ecological model that addresses people,
policy, and places. To effectively achieve this goal, the Health & Wellness Commission will need to recruit a sizeable
majority of stakeholders from the City, County and WVU to engage in this assessment process.

I have recently met with Colleen Harshbarger about the staff needs and logistics to accomplish the goals listed above.
Although we have the capacity to provide some assistance with many elements, we do not have the ability to oversee
the initiative. I am recommending the City enter into an agreement with Wellbeing Solutions for consulting service to
achieve a best possible scenario for the Blue Zone Assessment process. Ms. Harshbarger is the owner of this firm and
is uniquely qualified to take on this initiative. In my opinion, the tasks needed are administrative/operational and are
well beyond the expectations of a member of a volunteer commission.

The estimated time for the project assistance is 15-20 hours per week during September and October and 10-15 hours
per week in November. In addition to project tasks needed to carry this out, Ms. Harshbarger could be instrumental in
assisting with a potential grant application before the Robert Wood Johnson Foundation. The proposed fee for
Wellbeing Solutions consulting service is $4,000 per month for September, October, and November 2018. The
recommended amount is to not to exceed $12,000. A motion is recommended authorizing the City Manager to enter
into an agreement with Wellbeing Solutions for the scope of services and fee as detailed above.

City Manager explained, after discussion, motion by Wallace, second by Deputy Mayor Selin. After further discussion,
Councilor Brazaitis called for the question, motion by Wallace, second by Petty, to approve assisting with a potential
grant application before the Robert Wood Johnson Foundation with a fee of $4,000 a month. Not to exceed $12,000 for
all three months, September, October and November. Motion carried 6-1 with Brazaitis voting no.

2. Urban Archery Deer Hunt
Included in the packet is information about the rules and regulations pertaining to the City’s urban deer archery hunt.
This is long standing program that provides a venison donation program to deliver processed deer to City food kitchens
and organizations to help those in need. According to the hunt organizers, there have been no safety accidents or issues coming from the program. No action is needed; the rules and guidelines are provided for information purposes.

City Manager explained, no action taken at this time.

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: He mentioned the trial of the Zoning Amendment that was challenged by the Calvary Baptist Church. He wants to thank Chris Fletcher, City Planner and City Council in the work and consideration that was put in toward this trial. He will give an update to Council once the findings have been determined by the court. He mentions that at the upcoming Committee of the Whole meeting there will be several new Ordinances updating City Codes relating to street cuts and parking regulations. He noted that his second law intern, that is currently in law school at WVU Collage of Law, has started and hoped to provide them with some good experience.

REPORT FROM COUNCIL MEMBERS:

Councilor Fetty:

Councilor Fetty mentioned the 1st Ward had their last pot luck for the year and she wanted to thank Patrick Hathaway leading the group as it grows. She also mentioned the next Neighborhood association meeting will be September 25th at MTEC 6:30 p.m. Announcements: Morgantown Marathon September 15th and 16th and will be running through 1st Ward and she encourages everyone that is interested in supporting Operation Welcome Home to consider volunteering such as staff a water station for when the runners come by or be available to those who need any assistance as they cross the rolling miles; Downtown Task Force will be meeting on the 17th at Spruce Street United Methodist Church at 6:30 p.m.

Councilor Wallace:

Councilor Wallace announced the Land Reuse & Preservation Agency Board and that there are openings and if anyone is interested to go the City’s website or contact the City Clerk’s Office. He stated that BOPARC has such a great turnout to interview many applicants he would like to see that for the Land Reuse & Preservation Agency Board. He shared that WVU was rated #3 out of #101 as the best College town in the USA for 2018 (College specific factors and not for being a party school). He also mentioned that the College of Business and Economics is planning on starting up a Business Accelerator to start new business information. He noted items that he would like to be placed on an upcoming Committee of the Whole agenda; 1. He would like to present a Draft Ordinance on Animal Cruelty, 2. Update City Staff on Annexation, 3. WVU Open Checkbook/Mon County Commission, 4. Home Rule Amendment for the Campaign Report. Announcements: 1. Annual Community Baby Shower by Mon County Starting Point and the Shack Neighborhood House will be at the Morgantown Public Library September 24th at 10:00 a.m. and is open to the public; 2. Wiles Hill Harvest Fall Party Saturday, November 3rd 4:00 p.m. – 8:00 p.m. at the Wiles Hill Community Center and it is a potluck fundraiser; 3. 2nd Annual Wiles Hill Snowflake 2K fun run December 1st at 10 a.m.

Deputy Mayor Selin

Deputy Mayor Selin noted that a constituent mentions solar panels on the roof of the Farmer’s Market and possibly expanding those. There is a Solar Co-op that often brings together different property owners and they would get a good rate on solar panels and installation. If that is the way they want to extend them then the people to contact would be the Green Team. She mentions the matching and mini grants for sponsoring activities and stated that she would like to see more projects in the City to set get more people active in the parks, streets or art related, and this is something that would be of interest for her. She mentions the Municipal Judge about the progress he is making in his court
room on how modern it is and having the ability to talk back and forth on the computers with other employees in City Hall, so information entered does not have to be done more than one time. She mentions to the Mayor and Council that she would be glad to make contact and set it up. She mentioned a conversation at the ground-breaking ceremony for the new Reservoir that Morgantown Utility Board is putting in, about putting some walking trails on the property. She would like to see if a meeting be scheduled to talk with MUB representatives to discuss the possibility of putting some in. Mayor Kawecki stated that those conversations are ongoing at this time. She mentions that she would like to see it go on a Committee of the Whole Meeting sometime to discuss it further.

Councilor Dulaney:

To see Councilor Dulaney’s report reference attached Ex. D

Councilor Brazaitis:

Councilor Brazaitis asked the City Attorney of where they stand on the Home Rule and if they need to act before October 1st, 2018, and Sales Tax, which City Attorney explained that it is ongoing now, and all City Council would need to do is adopt an Ordinance. Councilor Brazaitis would like to move forward and ask that bar closing times be put on a Committee of the Whole meeting agenda. Motion by Brazaitis, second by Fetty to move the bar closing time up at least 2 hours to the next Committee of the Whole agenda. After discussion, motion failed 5-2. Councilor Brazaitis also asked about the paid sick leave. He wished the City Manager a Happy Birthday and thanked the Assistant City Manager Emily Muzzarelli for taking on the role while the City Manager was out of town and the Police and Fire Chief for also taking on that role. He announced that the Black Heritage Festival in Clarksburg, WV will be held on September 7th – 9th. He noted that he had to opportunity to attend the NAACP Meeting on August 25th here in Morgantown and was a wonderful gathering. Thanked Councilor Fetty in her delightful reference to Sherlock Holmes. He mentions interesting times for everyone and his students that crisis reveals character and he has learned a lot from individuals in the Community and has been enlightened by it.

Councilor Wendell:

To see Councilor Wendell’s report reference attached Ex. E

Mayor Kawecki:

Mayor Kawecki made some Announcements: 9/15 & 9/16 Morgantown Marathon and the Wine and Jazz Festival at Camp Muffy; 9/9 SPAN Block Party from 4pm – 7 pm; 9/16 Try It on the water at the Waterfront.

**ADJOURNMENT:** There being no further business, motion by Wallace, second by Wendell, to adjourn at 9:07 p.m.

City Clerk

Mayor

*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD IN THE CITY CLERKS OFFICE*
Heather Carl

From: Barry Wendell
Sent: Wednesday, September 05, 2018 7:29 AM
To: Paul Brake; Heather Carl; Emily Muzzarelli
Subject: Fw: Mountaineer Busline change - complaint

Re: Correspondence for 9/4/18 meeting

From: Barry Wendell
Sent: Tuesday, September 4, 2018 2:14 PM
To: Vaise Haas
Subject: Re: Mountaineer Busline change - complaint

I'm guessing the two questions you asked in the last paragraph would be answered "No." There was a short time frame to change the buses to Westover from downtown, and they did everything in a hurry. I will give this chain to the City Manager because you raise good questions about integrating class and bus schedules, especially since the University does subsidize the bus system.

Another good point you raise is how often the buses are late. As you know, this is not helpful for commuters.

Barry Wendell

From: Vaise Haas <Vaise.Haas@mail.wvu.edu>
Sent: Tuesday, September 4, 2018 10:09:36 AM
To: Barry Wendell
Subject: Re: Mountaineer Busline change - complaint

Barry,

Thanks for the follow up.

Requiring a PRT or bus transfer adds a whole other wrinkle in 'getting to work on time' that is difficult to accommodate with classes beginning at set times (my lecture's at 8:30 am, Suncrest before school drop off window is 7:30-8:30 am)... So the bus no longer works for me personally.

I wish that bus routes could plan to get folks to campus hubs (not peripheries) predictably 15-20 minutes before morning class times, 8:30 and 9:30, and depart 20 minutes after classes end; and have extra service during rush hour (say, every 20 minutes 8-10 and 4-6). WVU does subsidize the bus system, correct?

In my professional experience, people will consider alternative transport if it's quicker AND cheaper than driving. I normally bike because its 11-18 minutes (downhill or uphill) from campus to my front door; faster or equivalent to driving+parking. The bus with an immediate transfer took 45 minutes; I spent more than half of that time waiting on the curb. If I'm to allow the bus 30-60 minutes to be late, and allow 30 minutes for PRT
variability... and travel and walking time — that’s an allowance of 2 hours to commute two miles. My classes end at 4:45, and the end of after school pick up is 5:30 — it has to be a tight ship.

If I’m making the choice not to bus, you know something’s off— this is the first time since 2003 I’ve elected to commute to work by car regularly. Hence my kicking and screaming all the way!

I’ve attached from the Falling Run Master Plan a diagram of how students get to class on Evansdale campus. Notice that students drive from Sunnyside 10 minutes (white circles) rather than walk 15 minutes (green circles)... of the 100 or so students surveyed, only a couple took the bus (teal circles). A 1/4-mile walk is what most Americans find comfortable; any longer than that, car drivership goes up. I haven’t added here students polled last year, who said they drive from Van Voorhis and park at the church, even after Leah’s death, because there’s no safe or timely alternate route.

Was the bus route restructure data driven? Were residents polled, were current riders surveyed? I expect very few people will allow the bus-PRT 45 minutes - 2 hours to get them to campus instead of driving 10-15 minutes. I’m dedicated - but even I’m not that dedicated... I hope this info helps.

Vaike

Vaike Haas, PLA, ASLA, LEED-AP
Assistant Professor of Landscape Architecture
School of Design and Community Development
West Virginia University
4318 Agricultural Sciences Building
1194 Evansdale Drive
Morgantown, WV 26506-6108

PO Box 6108
Morgantown, WV 26506-6108

304.293.5661 (voicemail)
yahaas@mail.wvu.edu

On Sep 3, 2018, at 6:58 AM, Barry Wendell <bwendell@morgantownwv.gov> wrote:

Dear Professor Haas-

I don’t think my note to you about Mountain Line was adequate, and this might not help, either. But the intent of the changes in Mountain Line were a response to the move of the bus station to Westover from Hazel Ruby McQuain Park. The Gold Line bus that now serves Suncrest goes from Westover to Morgantown Mall and University Town Center, then through Star City and Suncrest to Mountaineer Station. The idea was that one could transfer to the PRT or another bus line to continue from Mountaineer Station to Towers or Downtown. It’s not the best solution, clearly.
Barry Wendell  
7th Ward Councilor  

From: Barry Wendell  
Sent: Wednesday, August 22, 2018 3:16:09 PM  
To: Vaike Haas; Emily Muzzarelli  
Subject: Re: Mountaineer Busline change - complaint  

Thanks for your note, Vaike-

The route changes were made by Mountain Line and presented to Council by Dave Bruffy. I have used the buses but don't typically. To get from my house off Colonial Drive to downtown, I would have to take the bus that goes to Mountaineer Station and then either the PRT or another bus. I'm going to send this also to Emily Muzzarelli, the assistant city manager, as Paul Brake is on vacation, and see if she can do anything. It would be great if we had a round trip bus from Star City/ Suncrest to downtown via Mountaineer Station and Towers. You might also contact Dave Bruffy at Mountain Line directly.

Barry Wendell  
7th Ward Councilor  

From: Vaike Haas <Vaike.Haas@mail.wvu.edu>  
Sent: Wednesday, August 22, 2018 10:44:47 AM  
To: Barry Wendell  
Subject: Mountaineer Busline change - complaint  

Hi Barry,

As a resident of your ward I wanted to voice a complaint about the change in route to the RED line bus. Now the North Circulator habitually runs through Suncrest neighborhood 30 minutes to 1 hour late (as driver informed me), and doesn't connect Suncrest Neighborhood to Towers / Evansdale campus any more; I'm sure I'm not the only person working or studying at the University who would prefer not to drive to campus. Taking the North Connector and transferring to Redline made my 2-mile commute take 45 minutes this morning. With a sprained ankle I am still unable to walk 35 minutes or bike 20 minutes to work. I wish the North Connector would loop to Towers to promote ridership. The route now must be a deterrent to many potential public transport commuters. One bus driver I spoke with about it admitted the route is too long to keep to the timetable, but said the boss is being stubborn about admitting it; other drivers said I could complain to their boss, but Morgantown City made the bus routes change. I'm puzzled, and wanted to draw it to your attention.

Thanks for being an advocate,

Vaike Haas, PLA, ASLA, LEED-AP  
Assistant Professor of Landscape Architecture  
School of Design and Community Development  
West Virginia University  
4318 Agricultural Sciences Building  
1194 Evansdale Drive  
Morgantown, WV 26506-6108

PO Box 6108  
Morgantown, WV 26506-6108

304.293.5661 (voicemail)  
vahaas@mail.wvu.edu
Hi Paul,

Here is the list of three items that Mr. Roger Banks suggested that we consider:

Communication from Mr. Roger Banks, Third Ward.

First, the solar panel array atop the Farmer's Market should be expanded to encompass the entirety of that side of the roof. The addition of a solar charging battery power unit to the solar panel array would allow for solar powered automobile charging. The automobile electric chargers could be expanded to include a permanent charging station for City vehicles. The City, in cooperation with local auto dealers, could replace one (or more) fossil fuel City vehicles with a battery or hybrid vehicle. Such a feasible expansion of existing infrastructure would be visible evidence to Council’s commitment to an environmentally and fiscally responsible future. This relatively small investment would save Morgantown money by increasing electricity credits and lowering fossil fuel bills. In essence, Morgantown would begin providing free fuel to the City’s automobile fleet. While reducing our carbon footprint. Such a win-win project brings together those who want to be environmentally responsible and those who want to be fiscally responsible.

Second, the Morgantown Locks and Dam offer an untapped inexpensive economic opportunity for the City. This project would excite young Morgantown voters and potential voters as well as tap into the ever expanding world of extreme sports. This link, [https://www.surfanywhere.ca/](https://www.surfanywhere.ca/)

Surf Anywhere

www.surfanywhere.ca

Empowering communities to build waves is the way forward. Surf Anywhere helps surfers form strong and effective communities so they can build better waves and build them faster.

, is an organization that works with communities to explore the options of “riversurfing” through creation of “artificial adjustable waves.” An adjustable artificial wave utilizing the flow of the Locks and Dam is an opportunity for Morgantown to become a destination for adventure and extreme sports, bringing with it positive
exposure and positive economic development. A relatively small investment could include community
crowdsourcing and matching grants. A great place to begin might be reaching out to interested citizens and
beginning a dialogue with the above organization.

Finally, I am excited by the establishment of the mural group. I have always wanted Morgantown to showcase
the talented artists it should nurture, while beautifying the City. I am very good friends with two artists, Brian
Pickens and Ian Bode, both accomplished mural artists. I worked with both of them as their academic adviser
when they attended WVU in a different life :) I cannot think of Charleston, WV without thinking of Ian's work, a
work well recognized statewide and regionally. Ian's art makes Charleston more vibrant and beautiful,
representing the uniqueness of Charleston. Brian, a local resident, has worked with Ian on a number of
projects. Brian has always desired to see a city supported mural project begin. As with all things, I am certain
money is the ultimate sticking point. I would urge the City to offer a challenge matching grant for a community
crowd-sourcing project. City building owners could be provided a small incentive from such a fund which could
also pay for supplies, equipment and artist commissions. As a supporter of Morgantown mural art, Richard and
I are willing to offer a seed donation to this effort. The sooner a mural appears in a high traffic area, the greater
the positive impact on the community. Artists are willing and ready, they only need the support of funding and a
visible location to begin what other WV cities already do.

Copying Heather Carl for inclusion in the meeting minutes under the "communications" section.

--Ryan

---------------------------------------------------------------
Ryan Wallace, J.D., MSA
Morgantown City Councilor for the Third Ward
rwallace@morgantownwv.gov
Cell (304) 777-6170

THE CITY OF
MORGANTOWN
WEST VIRGINIA

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June 29, 2018

Mr. Sean P. Sikora, CPCM, PMP
Commissioner
Monongalia County Commission
243 High Street, Room 202
Morgantown, West Virginia 26505

Commissioner Sikora:

I appreciated the time you and Morgantown Mayor Kawecki spent with me to discuss your interest in a workshop with the County and Monongalia municipalities. It would be an honor for The Novak Consulting Group to provide the necessary facilitation services.

Approach

The Novak Consulting Group believes in fully supporting the workshop from beginning to end, from collaboratively planning the agenda to providing a final deliverable that summarizes the results.

Pre-Workshop Planning
Prior to the workshop, we will distribute a pre-retreat survey to send to all the participants. We will use the information collected in the survey as well as follow-up calls with yourself and each of the Mayors to develop an agenda. The agenda will be distributed to the participants at least one week before the workshop.

Facilitation
The primary objective of this workshop is to develop a foundation for mutual collaboration and respect among the elected officials. We expect to accomplish this through a full-day (approximately 9:00 to 3:00) facilitated session that includes some full group discussions and break-out discussions. The session will be held on a mutually agreed upon date in late September or October.

During the session, the primary role of the facilitator is to ensure that the environment is respectful and conducive to open and constructive dialogue, so the established objective is ultimately met. While the agenda provides the structure to accomplish the tasks, we also know how important it is to pay attention to the group and make sure conversations that need to happen actually happen. Therefore, we are flexible and in tune with the group during the process.

Deliverables
Approximately one week after the workshop, we will provide a summary report documenting the results.
Lead Facilitator

Julia Novak will be the lead facilitator for this retreat. Julia has worked in and around local governments for more than 30 years – equally split between time in direct service to local governments and serving as a full-time consultant for local governments. She founded The Novak Consulting Group in 2009. As a professional consultant, she has led engagements in communities of all sizes covering the full spectrum of local government services. She has facilitated more than 100 retreats and strategic planning sessions with elected officials and is an established thought leader in the areas of governance and management. During her local government career, she worked in Fort Collins, Colorado; Lexington, Massachusetts; Rockville, Maryland; and was city manager of Rye, New York. Julia earned a bachelor’s degree in government and politics from George Mason University and a master’s degree in public administration from the University of Kansas. Julia was in the first class of individuals certified by ICMA as Credentialed Local Government Managers and maintains that designation. Julia will be accompanied by a team to support and document the facilitation.

Julia’s full resume is attached.

References

**Westminster, Colorado** initially engaged The Novak Consulting Group to conduct a strategic planning retreat with the City Council. Subsequently, Julia worked with the management team to develop implementation plans for the Council’s key focus areas. Repeat engagements with the Council and with staff have been conducted annually for the past several years.

Barbara Opie, Assistant City Manager  
(303) 658-2009 Bopie@CityofWestminster.us

**Morgantown, West Virginia** retained the services of The Novak Consulting Group to conduct a retreat with members of the governing body and the City’s department directors. The purpose of the retreat was to identify priorities for the next 12-24 months.

Paul Brake, City Manager  
(304) 284-7405 pbrake@morgantownwv.gov

**League City, Texas** retained the services of The Novak Consulting Group in 2018 to assist in the development of a strategic plan which included a vision, mission, values, critical success factors, and priority initiatives. The process allowed for a collaborative effort among City staff and the City Council to establish a clear vision for the community and provide a roadmap for policy decisions in the coming years. To help inform the process, an environmental scan was developed composed of key demographic, financial, and regional trends as well as input from a City employee survey. Following the development of the strategic plan, implementation plans and performance measures were developed for each of the plan's priority initiatives.

Kylie Wilson, Assistant to the City Manager  
(281) 554-1039 Kylie.Wilson@leaguecitytx.gov
Fee

The total fixed fee to complete the scope of work outlined in this proposal is $12,500. This includes all professional fees and expenses. To hold the date, $5,000 is due upon agreement. It is our practice to invoice clients monthly based on work completed.

We look forward to the opportunity to serve the Monongalia County. Please contact me at (513) 309-0444 or jnovak@thenovakconsultinggroup.com should you have any questions.

Sincerely,

[Signature]

Julia D. Novak
President

Accepted for the County:

Name, Title: ________________________________

Signature: ________________________________

Date: ________________________________
Julia D. Novak, President

Julia established The Novak Consulting Group in September 2009 when she acquired Public Management Partners. From 2003 to 2009, she served as a vice president for a local government consulting firm. Julia has 30 years of experience working with and for local governments. She is a consultant, trainer, and facilitator who worked with numerous organizations and community groups. During her local government career, she worked in Fort Collins, Colorado; Lexington, Massachusetts; Rockville, Maryland; and was city manager of Rye, New York.

Julia has extensive experience as a facilitator and trainer. She has worked with both elected and appointed officials across the country to conduct goal setting, develop strategic plans, and prioritize service delivery. She has conducted training for elected officials as an individual trainer and through the National League of Cities and a consortium of cities in California. Topics included leadership style and evaluating appointed officials.

Julia has also established herself as a thought leader in the areas of governance and administration. In April 2002, Julia was one of 20 practitioners who participated in the ICMA-sponsored symposium on the future of local government administration. Her response to Dr. James Svara’s paper, “City Council, Roles, Performance, and the Form of Government,” is included in the ICMA-published book, “The Future of Local Government Administration.” Public Management Magazine has published multiple articles which she authored and co-authored, including “Preparing Councils for Their Work,” co-authored with Dr. John Nalbandian; “Permission to Manage” which discusses the importance of using data to manage local governments; “Dreams That Make a Difference” on the value of community based strategic planning; “Civility” and most recently “Using Data in Police Management.” In 2010, Julia served as a trainer for a USAID Initiative in Baghdad, Iraq to develop the capacity of local advisors and councils in Iraq to engage in strategic planning, project management, policy analysis, and policy advocacy.

In 2000, the International City/County Management Association (ICMA) awarded Julia its Assistant’s Excellence in Leadership Award for her work in building community and increasing organizational capacity as deputy city manager of Rockville, Maryland.

Julia has been a speaker at national conferences for the ICMA, National League of Cities, and American Society of Public Administrators. She has been a featured speaker/trainer for many state associations, including Ohio, Vermont, Connecticut, New Hampshire, Pennsylvania, North Carolina, the Metropolitan (D.C.) Association of Local Government Administrators and the Illinois Assistant Municipal Managers Association.

Julia earned a bachelor’s degree in government and politics from George Mason University and a master’s degree in public administration from the University of Kansas. Julia was in the first class of individuals certified by ICMA as Credentialed Local Government Managers and maintains that designation. Julia is a Master Facilitator of the popular Myers-Briggs Personality Type Indicator and is certified to administer several other Level B psychological assessments, Apter Motivational Styles Profile, and the Strength Deployment Inventory. She also is trained in popular Level-A assessments, including the Thomas-Killman Conflict Modes Inventory and the Human Element-B.
Façade Improvement Program
Forgivable loan – matching up to $10k (a promotional piece for distribution on our website and for property/business owners). MSM has the application and if anyone in the downtown business district is interested they can contact the Main Street Morgantown office by phone at (304) 292-0168.

Downtown Parking Zones
Request that a presentation on regulation and enforcement of parking in the two hour daily limit zones be placed on a Committee of the Whole meeting in the near future. The purpose of the presentation would be to provide information to the public and correct any potential misperceptions.

In Touch and Concerned
The closure of ITAC affects many residents in our community (older residents and people with disabilities; and participants in programs at Pace, Bartlett House, and Caritas House, to name a few). ITAC also provided well-being phone calls to homebound citizens;

A meeting is being organized (with participation by the United Way, County Commission, Pace, MountainLine, and a former ITAC board member) to better understand the impact of the ITAC closing and to develop a community-wide plan to address the unmet needs.

Funding for ITAC has historically been provided by the county and the United Way, and the city has not recently provided ongoing operations funding (although ITAC requested a $5000 grant from the city for the current fiscal year which was not granted).

I would like to ask that Council support city participation in the upcoming meeting in order to learn how our citizens are being adversely impacted by ITAC’s sudden shutdown and to consider how the city might be able to contribute to responding to the immediate crises. Understanding that the city should be cautious about taking on a new long-term operating fund obligation, this is a request to consider how the city may and can appropriately contribute to a temporary response to this crisis.

I understand that our process for taking up an issue is to place it on the COW agenda first, but due to the urgency of this matter, I ask if it would be appropriate to make a motion of support tonight. Specifically, would it be appropriate to move that the city participate in this process and, if appropriate, consider even a modest financial contribution to stop gapping the problem?
Thanks to Tim Povroznik and Heather Carl for helping me set up my laptop so that I wouldn’t need to buy a tablet. Thanks also to people at the library for advising me about tablets and laptops.

My sister Robin and I visited Naples, Florida the weekend before last to celebrate our “Aunt” Shirley’s 95th birthday. She is, as they say in Spanish, our “comadre,” our second mother, and our late mother’s best friend. She lives in a large garden apartment complex with a golf course, and a clubhouse, where the entire community turns up for a weekly buffet dinner. There was a woman there who was celebrating her 101st birthday. On the table at the entrance to the clubhouse, where the party was held, was a sign saying that this community had done the work to be a “Blue Zone.” It works well there, but that is a homogeneous community of mostly older people, financially secure if not wealthy. I’m not sure that will work in a larger, more heterogeneous community like Morgantown.

I am concerned about what is going on in the state and at the Federal level about the courts, that the nominees in West Virginia and for the Supreme Court do not believe in individual rights, and the methodology being used by Governor Justice and the national Republican administration are immoral, if not illegal.

Congratulations to Councilor Brazaitis on his run for United States Senate. I think he would make a good Senator for West Virginia.

Thursday night is the annual Pi Lambda Phi Jewish Studies Lecture, featuring Professor Dariusz Stola, Director of the Polin Museum of the History of Polish Jews in Warsaw. The lecture is at 7 P.M. in White Hall at WVU, Room G09.

Sunday night begins Rosh Hashana on the Jewish calendar, the start of the ten Days of Repentance, culminating in Yom Kippur, Tuesday night and Wednesday September 18th and 19th. During this time, we ask God for forgiveness and promise to do better. For our inter-human relations, we must ask forgiveness of people we have wronged. With that in mind, I ask forgiveness of anyone I have wronged here and promise to do better.
Correspondence
Office of the Mayor

Proclamation

Whereas, West Virginia General Aviation and local airports play a critical role in the lives of our citizens, businesses, communities, and the State of West Virginia; and

Whereas, General Aviation benefits West Virginia through corporate, private, charter, and air taxi travel; shipping and express air freight services; firefighting; public safety and law enforcement; weather and traffic reporting; and recreation and tourism; and

Whereas, General Aviation plays a vital role in the State’s response to natural disasters, medical emergencies, search and rescue operations, and a wide range of critical resources; and

Whereas, West Virginia has a significant interest in the continued vitality of General Aviation, the aerospace industry, West Virginia airports, aircraft manufacturing and repair station, and aviation education; and

Whereas, West Virginia provide access for businesses and tourists to isolated area, enabling businesses to remain part of the Nation’s Air Transportation System and connected to the world’s global marketplace; and

Whereas, the nation’s aviation infrastructure represents an important public benefit, and Congressional oversight should be in place to ensure stable funding of this system; and

Whereas, the use of General Aviation by businesses and farms in West Virginia is directly tied to the future growth and prosperity of the State.

Now therefore, Be it Resolved that, I, William Kawecki, Mayor of the City of Morgantown, West Virginia do hereby proclaim October 2018 as:

General Aviation Appreciation Month

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

Seal:

[Signature]
William Kawecki, Mayor
Boards & Commissions
## Boards & Commissions Available Positions

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**BAZ - Advertised**

**Fire Code Board of Appeals - Advertised**

**Land Reuse & Preservation Agency Board - Advertised**

**Museum - 1 applicant that is on the commission has never been interviewed**

**Traffic - Terms expired: 4th Ward, Resident at large bicycle, and Resident at large walking**

**Transit - Advertised**

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_Council decided on 3/21/06 by unanimous consent that if there is only one candidate for Boards and Commissions, that they will not interview; the City Clerk will check with Council before scheduling a Special Meeting._

_Board of Zoning and Planning Commission term expirations are advertised in Octoner and interviews must be completed by December per State Law._
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.)
1.7.15 Imminent Dangers and Evacuation.
1.7.15.1 When, in the opinion of the AHJ, an imminent danger exists, the AHJ shall be authorized to order the occupants to evacuate, or temporarily close for use or occupancy, a building, the right-of-way, sidewalks, streets, or adjacent buildings or nearby areas.
1.7.15.2 The AHJ shall be authorized to employ the necessary resources to perform the required work in order to mitigate the imminent danger.
1.7.15.3 Costs incurred by the AHJ in the performance of emergency work shall be the responsibility of the property owner or any other responsible party creating such imminent danger.

1.7.16 Standby Fire Personnel.
1.7.16.1 The AHJ shall have the authority to require standby fire personnel or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contest or activity, an impairment to a fire protection feature, or the number of persons present.
1.7.16.2 The owner, agent, or lessee shall employ one or more qualified persons, as required and approved, to be on duty.
1.7.16.2.1 The cost of standby fire personnel shall be at no cost to the AHJ.
1.7.16.3* Such standby fire personnel or fire watch personnel shall be subject to the AHJ’s orders at all times and shall be identifiable and remain on duty during the times such places are open to the public, when such activity is being conducted, or as required by the AHJ.

1.7.17 Public Fire Education.
1.7.17.1 The AHJ shall have the authority to develop and implement a public fire safety education program as deemed necessary for the general welfare with respect to the potential fire hazards within the jurisdiction.
1.7.17.2 The AHJ shall have the authority to ensure duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public.

1.8 Duties and Powers of the Incident Commander.
1.8.1 Authority. The incident commander conducting operations in connection with the extinguishment and control of any fire, explosion, hazardous materials incident, natural disaster, rescue, and/or other emergency shall have authority to direct all operations of fire extinguishment, mitigation of a hazardous materials incident, natural disaster, rescue, and/or control and to take necessary precautions to save life, protect property, and prevent further injury or damage.
1.8.2 Controlling Scene. During any emergency described in 1.8.1, including the investigation of the cause of such emergency, the incident commander or authorized representative shall be permitted to control or prohibit the approach to the scene of such emergency by any vehicle, vessel, or person.
1.8.3 Obstruction of Operations. Persons shall not obstruct the operations of the fire department or disobey any command of the incident commander or authorized representative or any part thereof, or any order of a police officer assisting the fire department.
1.8.4 Scene Barrier. The incident commander or authorized representative in charge of an emergency scene shall have the authority to establish barriers to control access in the vicinity of such emergency and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such emergency scene barrier.

1.8.5 Persons, except as authorized by the incident commander in charge of the emergency, shall not be permitted to cross barriers established in accordance with 1.8.4.

1.9 Liability.
1.9.1 The AHJ, and other individuals charged by the AHJ, or the incident commander of emergency operations, charged with the enforcement of this Code or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties.
1.9.2 The fire department and AHJ, acting in good faith and without malice in the discharge of the organizations’ public duty, shall not thereby be rendered liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of such duties.
1.9.3 Any suit brought against the AHJ, the incident commander, or any individuals because of such act or omission performed in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.
1.9.4 This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code.

1.10 Fire Code Board of Appeals.
1.10.1 Establishment of Fire Code Board of Appeals. A Board of Appeals shall be established to rule on matters relating to the fire code and its enforcement.
1.10.1.1 Membership.
1.10.1.1.1 The members of the Board of Appeals shall be appointed by the governing body of the jurisdiction.
1.10.1.1.2 The Board of Appeals shall consist of five or seven principal members and one ex officio member representative of the AHJ. Each principal member shall be permitted to have an alternate with similar experience to serve in his or her stead when necessary.
1.10.1.1.2.1 The jurisdiction governing body shall have the authority to appoint alternates who shall serve when a principal member is unable to fulfill their obligations. Alternates shall have the full authority and responsibility of principal members when serving in place of a principal member.
1.10.1.1.3 Members and alternate members shall be appointed based on their education, experience, and knowledge.
1.10.1.1.4 Members and alternates shall be appointed to a 3-year term.
1.10.1.5 Members and alternates shall be composed of individuals experienced in the following fields or professions:

(1) Engineering or architectural design
(2) General contracting
(3) Fire protection contracting
(4) Fire department operations or fire code enforcement
(5) Building code enforcement
(6) Legal
(7) General public

1.10.1.5.1 Members and alternates shall not be employees, agents, or officers of the jurisdiction.

1.10.1.5.2 Members and alternates shall be residents of the jurisdiction.

1.10.1.5.3 No more than one member shall represent the same field or provision listed in 1.10.1.5.

1.10.1.5.6 The representative of the AHJ shall be an ex officio member and shall be entitled to participate in all discussions. The ex officio member shall not be entitled to a vote.

1.10.1.5.7 A member of the Board of Appeals shall sit in judgment on any case in which the member holds a direct or indirect property or financial interest in the case.

1.10.1.5.8 The board shall select one of its members to serve as chair and one member to serve as vice chair.

1.10.2 Rules and Procedures of the Board of Appeals. The Board of Appeals shall have the authority to establish rules and regulations for conducting its business that are consistent with the provisions of this Code.

1.10.3 Authority of the Board of Appeals.

1.10.3.1 The Board of Appeals shall provide for the reasonable interpretation of the provisions of this Code and issue rulings on appeals of the decisions of the AHJ.

1.10.3.2 The ruling of the Board of Appeals shall be consistent with the letter of the Code or when involving issues of clarity, ensuring that the intent of the Code is met with due consideration for public safety and fire fighter safety.

1.10.3.3 The Board of Appeals shall have the authority to grant alternatives or modifications through procedures outlined in Section 1.4 of the Code.

1.10.3.4 The Board of Appeals shall not have the authority to waive the requirements of the Code.

1.10.3.5 The Board of Appeals decisions shall not be precedent setting.

1.10.4 Means of Appeals.

1.10.4.1 Any person with standing shall be permitted to appeal a decision of the AHJ to the 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.

1.10.4.2 An appeal shall be submitted to the AHJ in writing within 30 calendar days of notification of violation. The appeal shall outline all of the following:

(1) The Code provision(s) from which relief is sought
(2) A statement indicating which provisions of 1.10.4.1 apply
(3) Justification as to the applicability of the provision(s) cited in 1.10.4.1
(4) A requested remedy
(5) Justification for the requested remedy stating specifically how the Code is complied with, public safety is secured, and fire fighter safety is secured.

1.10.4.3* Documentation supporting an appeal shall be submitted to the AHJ at least 7 calendar days prior to the Board of Appeals hearing.

1.10.5 Meetings and Records.

1.10.5.1 Meetings of the Board of Appeals shall be held at the call of the chair, at such other times as the board determines, and within 30 calendar days of the filing of a notice of appeal.

1.10.5.2 A member of the Board of Appeals shall be open to the public.

1.10.5.3 The Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question or, if the member is absent or fails to vote, these actions shall be recorded.

1.10.5.4 The Board of Appeals shall keep records of its examinations and other official actions.

1.10.5.5 Minutes and records of the Board of Appeals shall be public record.

1.10.5.6 A quorum shall consist of not less than 5 members or alternates.

1.10.5.7 In varying the application of any provision of this Code, or in modifying an order of the AHJ, a two-thirds vote of the quorum shall be required.

1.10.6 Decisions.

1.10.6.1 Every decision of the Board of Appeals shall be entered in the minutes of the board meeting.

1.10.6.2 A decision of the Board of Appeals to modify an order of the AHJ shall be in writing and shall specify the manner in which such modification is made, the conditions upon which it is made, the reasons therefore, and justification linked to specific code sections.

1.10.6.3 Every decision shall be promptly filed in the office of the AHJ and shall be open for public inspection.

1.10.6.4 A certified copy shall be sent by mail or delivered in person to the appellant, and a copy shall be publicly posted in the office of the AHJ for 2 weeks after filing.

1.10.6.5 The decision of the Board of Appeals shall be final, subject to such remedy as any aggrieved party might have through legal, equity, or other avenues of appeal or petition.

1.10.6.6 If a decision of the Board of Appeals reverses or modifies a refusal, order, or disallowance of the AHJ, or varies the application of any provision of this Code, the AHJ shall take action immediately in accordance with such decision.

1.11 Records and Reports.

1.11.1 A record of examinations, approvals, equivalencies, and alternates shall be maintained by the AHJ and shall be available for public inspection during business hours in accordance with applicable laws.
ARTICLE 153
Human Rights

153.01 Declaration of policy.
153.02 Definitions.
153.03 Unlawful discriminatory practices.
153.04 City Human Rights Commission established.
153.05 Composition and membership.
153.06 Officers.

153.07 Meetings, bylaws and rules.
153.08 Commission status and objectives.
153.09 Powers; functions; services.
153.10 Complaints; procedures.
153.11 Exemptions, conflicts; savings clause.

CROSS REFERENCES
Authority to prohibit housing discrimination - see
W.Va. Code 8-12-9
State Human Rights Commission - see W.Va. Code Art. 5-11
Local human relation commission - see W.Va. Code 5-11-1

153.01 DECLARATION OF POLICY.
(a) In order to build an inclusive community, the City will dedicate deliberate and continuous attention to the human relations and human rights of its residents and visitors.

(b) It is the public policy of the City to provide all of its residents and visitors equal opportunity for participation in local governance, employment, equal access to places of public accommodations and equal opportunity in the sale, purchase, lease, rental and financing of housing accommodations or real property. Equal opportunity in the areas of employment, public accommodations, housing accommodations or real property is hereby declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation, gender identity, familiar status, or veteran status.

(c) The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation, gender identity, familial status, or veteran status is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.
(i) “Familial status” means one or more individuals (who have not attained the age of eighteen years) being domiciled with:

(1) A parent or another person having legal custody of such individual or individuals; or

(2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall also apply to any person with care and legal custody of such individual, any person who is pregnant, or any person who is in the process of securing legal custody of any individual who has not attained the age of eighteen years. Nothing in this definition restricts advertisements of dwellings which are intended or operated for occupancy by older persons and which constitute housing for older persons as defined by Title 42, United States Code, Section 3607(b)(2).

(j) “Gender identity” means the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s designated sex at birth.

(k) “Housing accommodations” means any building or portion thereof which is used or intended for use as the residence or sleeping place of one or more persons.

(l) “Inclusive City” and “Inclusive Community” as used in this article, shall mean the same thing, e.g., a city that helps people thrive by: supporting hospitality; welcoming diversity; promoting civility; promoting safe, affordable dwellings; enabling participation in community, services, and local government; supporting fairness in access to opportunities and services; reducing violence; supporting social justice; encouraging awareness and understanding of opportunities/limitations; making residents aware of the West Virginia Human Rights Commission; and working for a more sustainable community for present and future citizens.

(m) “Labor organization” includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or for other mutual aid or protection in relation to employment.

(n) “Owner” means the owner, lessee, sub-lessee, assignee, manager, agent or other person having the right to sell, rent, lease or transfer any housing accommodation or real property within the City or any agent of any of such persons.

(o) “Place of public accommodations” means any establishment or person, as defined herein, including the City, which offers its services, goods, facilities or accommodations to the general public or which is supported directly or indirectly by government funds, but shall not include any accommodations which are in their nature private and which are not in fact open to the public.

(p) “Purchaser” includes any occupant, prospective occupant, lessee, prospective lessee, renter, prospective renter, buyer or prospective buyer.
(q) "Real estate broker" includes any person, firm, or corporation who, for a fee, commission or other valuable consideration, or by reason of a promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys, or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of real estate or an interest therein, or collects or offers or attempts to collect rent for the use of real estate or solicits for a prospective purchaser, or assists or desists in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate, or negotiates, offers, or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon transfer of any real estate for others, or any person who, for pecuniary gain or expectation of pecuniary gain, conducts a public or private competitive sale of lands or any interest in land. In the sale of lots, the term "real estate broker" also includes any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange of any such lot or parcel of real estate. A newspaper engaged in the activity of advertising in the normal course of its business shall not be deemed to be a real estate broker.

(r) "Real estate salesman" includes any person who, for compensation, valuable consideration, or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of real estate broker to sell, buy or offer to buy or negotiate the purchase, sale, or exchange of real estate, offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate for others, or to collect rents for the use of real estate, or to solicit for prospective or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell real estate, or any parts thereof, in lots or other parcels.

(s) "Real property" includes real estate, lands, leaseholds, commercial or industrial buildings, and any vacant land offered for sale or for rent on which the construction of a housing accommodation, commercial or industrial building is intended, and any land operated as a trailer camp or rented or leased for the use, parking or storage of mobile homes or house trailers.

(t) "Sexual orientation" means actual or perceived homosexuality, heterosexuality, or bisexuality.

(u) "Veteran status" means a person who has served in active military, naval or air service, and who was discharged or released under conditions other than dishonorable. (Ord. 17-40. Passed 10-17-17.)

153.03 UNLAWFUL DISCRIMINATORY PRACTICES.
It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualifications, or except where based upon lawful and acceptable security regulations established by the United States or the State of West Virginia or its agencies or political subdivisions:
(a) For any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment on the basis of race, religion, color, national origin, ancestry, sex, age, blindness, disability, veteran status, sexual orientation or gender identity. Provided, that it shall not be an unlawful discriminatory practice of an employer to observe the provisions of any bona fide pension, retirement, group or employee insurance or welfare benefit plan or system not adopted as a subterfuge to evade the provisions of this subsection.

(b) For any employer, employment agency, or labor organization, prior to employment or admission to membership, to:

1. Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation, or gender identity of any applicant for employment or membership, except for such forms which shall be kept separate from the application blanks for the administration of any bona-fide affirmative action plan, that is in accordance with state and federal laws and regulations, or for the purpose of complying with any state or federal statute, rule or regulation issued by any agency or the state or federal government, or for the purpose of making reports required by agencies of the state or federal government;

2. Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation or gender identity; or

3. Deny or limit, through a quota system, employment or membership because of race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation or gender identity.

(c) For any labor organization because of race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation, or gender identity of any individual to deny full and equal membership rights to any individual or otherwise to discriminate against such individuals with respect to hire, tenure, terms, conditions or privileges of employment, or any other matter directly or indirectly related to employment.

(d) For an employee, labor organization, employment agency, or any joint labor-management committee controlling apprentice training program to:

1. Select individuals for an apprentice training program on any basis other than their qualifications as determined by objective criteria which permit review;

2. Discriminate against any individual with respect to his right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training, or retaining program;

3. Discriminate against any individual in his pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs; or

4. Print or circulate or cause to be printed or circulated any statement, advertisement or publication; or to use any form of application of such programs; or to make any inquiry in connection with such program which expresses, directly or indirectly, discrimination or any intent to discriminate, unless based upon a bona fide occupational qualification.
For any employment agency to fail or refuse to classify properly, refer for employment, or otherwise to discriminate against any individual because of his race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation or gender identity.

For any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodations:

1. Refuse, withhold from, or deny to any individual because of his race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation or gender identity, either directly or indirectly, any of the accommodations, advantages, facilities, privileges or services of such place of public accommodations; or

2. Publish, circulate, issue, display, post, or mail, either directly or indirectly, any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, privileges, or services of such place shall be refused, withheld from, or denied to any individual on account of race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation, or gender identity or that the patronage or custom thereat of any individual belonging to or purporting to be of any particular race, religion, color, national origin, ancestry, sex, age, veteran status, sexual orientation, or gender identity or who is blind or disabled is unwelcome, objectionable, not acceptable, undesired, or not solicited.

For any person, employer, employment agency, labor organization, owner, real estate broker, real estate salesman, or financial institution to:

1. Engage in any form of threats or reprisal, or to engage in, or hire, or conspire with others to commit acts, or activities of any nature, the purpose of which is to harass, degrade, embarrass, or cause physical harm or economic loss or to aid, abet, incite, compel or coerce any person to engage in any of the unlawful discriminatory practices defined in this section;

2. Willfully obstruct or prevent any person from complying with the provisions of this article, or to resist, prevent, impede, or interfere with the Commission or any of its members or representatives in the performance of a duty under this article; or

3. Engage in any form of reprisal or otherwise discriminate against any person who has opposed any practices or acts forbidden under this article or because the person has filed a complaint, testified or assisted in any proceeding under this article.

For any person to coerce, threaten, discharge, expel, blacklist or otherwise retaliate against another person for opposing any practices prohibited by this article, making a complaint under this article, or assisting in an investigation or proceeding regarding an alleged violation of this article.

For any person to discriminate against another person based on the classifications identified in this article even if such discrimination is not specifically identified within this section.

(Ord. 17-40. Passed 10-17-17.)
153.04 CITY HUMAN RIGHTS COMMISSION ESTABLISHED.
There is hereby established in the City a Human Rights Commission.
(Ord. 17-40. Passed 10-17-17.)

153.05 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. 17-40. Passed 10-17-17.)

153.06 OFFICERS.
(a) Officers: The officers of the Human Rights Commission shall be a Chairperson,
Vice Chairperson, and Secretary. The Chairperson shall serve as the liaison to the City
administration.

(b) Appropriation of Funds: City Council may appropriate any funds that it deems
necessary to carry out any of the proposals set forth by the Human Rights Commission. The
Commission, with the approval of Council, may apply for State and Federal financial aid in
grants or other forms of financial assistance through the City Administration to assist in
carrying out any approved plans or projects.

(c) Fiscal Responsibilities: The Human Rights Commission shall not have the
authority to maintain any independent banking or other financial account. Any such account, if
requested, shall be maintained by the City Manager.
(Ord. 17-40. Passed 10-17-17.)

153.07 MEETINGS, BYLAWS AND RULES.
The Human Rights Commission shall meet as often as is deemed necessary by its
members, upon call of the chairman. The Commission shall adopt its own bylaws and rules,
which shall not be inconsistent with the provisions of this Code.
(Ord. 17-40. Passed 10-17-17.)

153.08 COMMISSION STATUS AND OBJECTIVES.
The Commission shall encourage and endeavor to bring about mutual understanding
and respect among all racial, religious and ethnic groups within the City; and shall strive to
eliminate all discrimination in employment and places of public accommodations, and in the
sale, purchase, lease, rental or financing of housing and other real property, by virtue of actual
or perceived race, religion, color, national origin, ancestry, sex, age, blindness, sexual
orientation, disability, gender identity, familial status, or veteran status.
In addition, the purpose of the Commission shall be to:
(a) Work to make Morgantown an inclusive city.
(b) Collaborate with the National League of Cities, West Virginia University, Monongalia County Commission and other partners as appropriate to encourage leadership in helping attain inclusivity in the City and its larger community.
(c) Assess needs and identify barriers towards becoming a more inclusive community. Establish goals and objectives for sustaining welcoming environments, enhancing global awareness, and promoting optimum opportunities for supporting safe housing and thriving people.
(d) Support as well as plan, publicize, implement, and evaluate programs, services and activities which promote appreciation for all peoples and the personal worth of every individual.
(e) Enlist the cooperation of civic, community, corporate, educational, ethnic, health care, labor, racial, religious, social justice or other identifiable groups of the City in programs and services devoted to the advancement of tolerance, communication and understanding, and equal protection of the laws of all groups and people.
(f) Enforce the provisions of this article of the City Code prohibiting discrimination in employment, housing, and public accommodations on account of actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, familial status or veteran status. 
(Ord. 17-40. Passed 10-17-17.)

153.08 POWERS; FUNCTIONS; SERVICES.
The Commission has the right and duty to communicate with City Council and to present to Council any issues that it has investigated pursuant to this article.

The Commission is hereby authorized and empowered:
(a) To cooperate and work with federal, state and local government officers, units, activities and agencies in the promotion and attainment of more harmonious understanding and greater equality of rights between and among all racial religious and ethnic groups in this City.
(b) To enlist the cooperation of racial, religious and ethnic units, community and civic organizations, industrial and labor organizations and other identifiable groups of the City in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws of all groups and people.
(c) To hold and conduct public hearings or meetings relating to any and all types of discrimination. Except in accordance with the provisions of Section 153.10 governing complaints and investigations, these hearings shall be of a non-adjudicatory nature and shall not constitute investigations or adjudication of individual complaints regarding unlawful discrimination under the West Virginia Human Rights Act.
(d) To refer any individual or group complaint regarding alleged acts of unlawful discrimination to the West Virginia Human Rights Commission for investigation and adjudication.
(e) To recommend to Council policies, procedures, practices and legislation in matters and questions affecting human rights. Study problems and needs related to inclusivity in the City and make specific recommendations to the City Manager and to the City Council and other partners as pertinent.
(f) To prepare a written report on its work, functions and services for each year ending on June 30 and to deliver copies thereof to Council on or before December 1 next thereafter.

(g) To do all other acts and deeds necessary and proper to carry out and accomplish effectively the objectives, functions and services contemplated by the provisions of this article, including the promulgation of rules and regulations implementing the powers and authority hereby vested in the Commission.

(h) To create such advisory agencies within the City as in its judgment will aid in effectuating the purpose of this article; to study the problem of discrimination in all or specific fields or instances of discrimination because of race, religion, color, national origin, ancestry, sex, age, blindness, handicap, sexual orientation, gender identity, or veteran status; to foster, through community effort or otherwise, goodwill, cooperation and conciliation among the groups and elements of the population of the City and to make the recommendations to the Commission for the development of policies and procedures, and for programs of formal and informal education, which the Commission may recommend to the appropriate City agency. Such advisory agencies shall be composed of representative residents serving without pay. The Commission may itself make the studies and perform the acts authorized by this subsection. It may, by voluntary conferences with parties in interest, endeavor to eliminate discrimination in all stated fields and to foster goodwill and cooperation among all elements of the population of the City.

(i) To accept contributions from any person to assist in the effectuation of the purposes of this article and to see and enlist the cooperation of private, charitable, religious, labor and civic and benevolent organizations for the purposes of this section.

(j) To issue such publications and such results of investigation and research as in its judgment will tend to promote goodwill and minimize or eliminate discrimination; however, the identity of the parties involved shall not be disclosed.

(k) To advise, consult with, and inform the City Manager on any matter pertaining to inclusivity in the City.

(l) To support and develop program initiatives to promote residents’ awareness and knowledge of both opportunities to increase inclusivity and current barriers which limit community inclusiveness and long-term sustainability.

(m) To learn about best practices for addressing issues.

(n) To create and implement an inclusive community plan for the City which increases public awareness of issues; promotes education and understanding, provides, enables, or enhances services; articulates planned collaboration; and promotes public participation.

(o) To review City plans and policies which contain matters relating to inclusivity.

(p) To use media and the Internet to frame and convey information about issues, public programs, and service opportunities.

(Ord. 17-40. Passed 10-17-17.)
153.10 COMPLAINTS; PROCEDURES.

(a) Any individual claiming to be aggrieved by an alleged unlawful discriminatory practice may make, sign, and file with the Commission a verified complaint, which shall state the name and address of the person, employer, labor organization, employment agency, owner, real estate broker, real estate salesman, or financial institution alleged to have committed the unlawful discriminatory practice complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the Commission's rules and regulations. The Commission upon its own initiative may, in like manner, make, sign and file such complaint. Any employer, whose employees, or some of them, hinder or threaten to hinder compliance with the provisions of this article, may file with the commission a verified complaint, asking for assistance by conciliation or other remedial action, and in such event no hearings, orders or other actions shall be held, made or taken by the commission against such employer on the basis of the actions set forth in the employer's complaint. Any complaint filed pursuant to this article must be filed within 365 days after the alleged act of discrimination. No provision of this section shall prohibit the Commission from accepting complaints in a manner other than a verified writing and referring such complaints without prior investigation to the West Virginia Human Rights Commission.

(b) After the filing of any complaint, or whenever there is reason to believe that an unlawful discriminatory practice has been committed, the Commission shall make a prompt investigation in connection therewith; provided, however, that the Commission may at any time elect to refer a complaint to the West Virginia Human Rights Commission and that the Commission shall, at any time the complaint or a subsequent investigation indicates that only acts prohibited by West Virginia Code Section 5-11-9 are alleged, refer such complaint to the West Virginia Human Rights Commission. Upon referral to the West Virginia Human Rights Commission, the Commission shall notify the complainant and cease its investigation. Upon a determination by the Commission in accordance with its applicable rules, any investigation may be conducted by an individual member or special committee of the Commission as authorized by the Commission.

(c) If it is determined after such investigation that no probable cause exists for substantiating the allegations of the complaint, the Commission shall, within ten days from such determination, cause to be issued to the complainant written notice of such determination; and the complainant may, within ten days after such service, file with the Commission a written request for a meeting with the Commission to show probable cause for substantiating the allegations of the complaint. If it is determined after such investigation or meeting that probable cause exists for substantiating the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful discriminatory practices complained of by conference, conciliation, and persuasion. Neither the members of the Commission nor any administrative personnel shall disclose what has transpired in the course of the conference, conciliation and persuasion process; provided, that the Commission may publish or release the terms of settlement or conciliation when the complaint has been conciliated or settled.

(d) In case of a failure to eliminate such practice, or in advance thereof, if in the judgment of the Commission circumstances warrant, the Commission shall cause to be issued and served a written notice, together with a copy of such complaint as the same may have been amended, in the manner provided by law for the service of summons in civil actions, directing the person, employer, labor organization, employment agency, owner, real estate broker, real estate salesman, or other institution named in such complaint, hereinafter referred to as
respondent, to answer the charges of such complaint at a public or private hearing before the
Commission in the county where the respondent resides or transacts business at a time and
place specified in such notice; provided, however, that such written notice shall be served at
least thirty days prior to the time set for the hearing. The Commission or its chair shall
delegate the power and authority to conduct the hearing to a hearing examiner, who may be an
individual commissioner; a panel of commissioners; or a third-party hearing examiner, who
shall be an attorney duly licensed to practice law in West Virginia, provided that funding has
been allocated to the Commission for retention of such hearing commissioner.

(e) The hearing shall be conducted in accordance with this section and the rules and
regulations of the Commission and shall be designed to create a sufficient record to permit
review in any court of competent jurisdiction. The respondent may file a written, verified
answer to the complaint and appear at such hearing in person or otherwise, with or without
counsel, and submit testimony and evidence. The complainant may appear at such hearing in
person or otherwise, with or without counsel, and submit testimony and evidence. In addition
to any other testimony and evidence received, the hearing examiner may consider the record of
the investigation of the complaint and include such record in the record of the hearing.
Following the hearing, the hearing examiner shall prepare or cause to be prepared a copy of
the record of the hearing and the written findings and conclusions of the hearing examiner and
transmit the same to the Commission.

(f) If, after such hearing and consideration of all of the testimony, evidence and
record in the case, the Commission finds that a respondent has engaged in or is engaging in
any unlawful discriminatory practice as defined in this article, the Commission shall issue and
cause to be served on such respondent an order to cease and desist from such unlawful
discriminatory practice and to take such affirmative action, including but not limited to, hiring,
reinstatement or upgrading of employees, with or without back pay, admission or restoration to
membership in any respondent labor organization, or the admission to full and equal enjoyment
of the services, goods, facilities, or accommodations offered by any respondent place of public
accommodation, and the sale, purchase, lease, rental or financial assistance to any complaint
otherwise qualified for the housing accommodation or real property denied in violation of this
article, as in the judgment of the Commission will effectuate the purposes of this article, and
including a requirement for reporting of the manner of compliance, payment of expenses and
lost wages of any witness called by the complainant or Commission, payment to the
complainant of reasonable attorney fees, expert witness fees, and legal costs, and payment to
the Commission of its costs in conducting the hearing; and any other legal or equitable relief as
the Commission deems appropriate. Such order shall be accompanied by findings of fact and
conclusions of law sufficient to permit review by any court of competent jurisdiction.

(g) Nothing in this section shall be construed to prohibit the filing of a private
lawsuit or other cause of action at any time.

(h) The Commission may adopt rules and regulations implementing the procedures
set forth in this section, so long as such rules and regulations are consistent with the provisions
of this article. Any such rules and regulations adopted by the Commission shall be filed with
the City Clerk and made available for public inspection.
(Ord. 17-40. Passed 10-17-17.)
153.11 EXEMPTIONS; CONFLICTS; SAVINGS CLAUSE.

(a) Notwithstanding anything to the contrary set forth within this ordinance, nothing in this ordinance shall be construed to violate the rights of freedom of speech or religion guaranteed by the First Amendment to the United States Constitution or Article III, Section 7 of the West Virginia Constitution. This ordinance shall not pertain to a religious organization, association, educational institution, or society employing individuals whose primary duties consist of teaching, or spreading doctrine or belief, religious governance, supervision of a religious order, supervision of persons teaching or spreading religious doctrine or belief, or supervision or participation in religious ritual or worship. Nothing in this ordinance shall prevent a religious organization, association, educational institution, or society from restricting membership or access to any of its religious services or activities to those who are members of the same religion. These exemptions are intended, and shall be construed, to protect rights established by the United States and West Virginia Constitutions as determined by applicable judicial decisions.

(b) In the event of a conflict between the interpretation of a provision of West Virginia Code Chapter 5, Article 11, and the interpretation of a similar provision contained in any part of this article, the interpretation of the provision in West Virginia Code shall apply. Until such time as the legislation of the State provides equal or broader protections for the classifications of veteran status, sexual orientation, or gender identity, the provisions contained herein control the application of this ordinance to those classifications.

(c) If any provision of this article is finally determined to be unconstitutional or otherwise unenforceable, it is the intent of the City Council that the remaining provisions remain in force and apply without regard to the unenforceable provision, which shall be treated as though it is omitted in the application of this article.

(Ord. 17-40. Passed 10-17-17.)
ARTICLE 159
Library Board

159.01 Established; appointment and term of members; vacancies. 159.05 Donations of cash, property or real estate.
159.02 Compensation. 159.06 Library to be free service.
159.03 Duties. 159.07 Withdrawal of State or federal funds.
159.04 Annual report to be made.

CROSS REFERENCES
State law provisions - see W. Va. Code Art. 10-1

159.01 ESTABLISHED; APPOINTMENT AND TERM OF MEMBERS; VACANCIES.
There is hereby established a Board of five directors who shall be chosen from the residents of the City, with reference to their fitness for such office, and who shall be appointed by the Mayor with approval of Council. The directors shall hold office for five years from the 1st day of July following their appointment, and until their successors are appointed and qualified; provided, that upon their first appointment under this article, a proportionate number shall be appointed for one year, for two years, for three years, for four years and for five years. Vacancies in the Board shall be immediately reported to the Board of the governing authority and filled by appointment in like manner, and, if an unexpired term for the remainder of the term only. A director may be removed by just cause in the manner provided by the by-laws of the Library Board. Council may remove any director for just cause. (1967 Code Sec. 2-129.)

159.02 COMPENSATION.
No compensation shall be paid or allowed any director.
(1967 Code Sec. 2-130.)

159.03 DUTIES.
The Board of Directors of the library shall:
(a) Immediately after their appointment, meet and organize by electing one member as president, one member as treasurer and one member as secretary and such other officers as may be necessary. All officers shall hold office for one year and shall be eligible for re-election. The treasurer before entering upon his duties shall give bond to the governing authority in an amount fixed by Council and shall, if requested, give bond to the Library Board in an amount fixed by such Board, which bonds shall be conditioned for the faithful discharge of his official fiscal duties. The cost of such bonds shall be paid from the Library Fund.
(b) Adopt such by-laws, rules and regulations as are necessary for its guidance and for the administration, supervision and protection of the library and all property belonging thereto as may not be inconsistent with the provisions of the laws of the State.
(c) Supervise the expenditures of all money credited to the Library Fund. All money appropriated or collected for public library purposes shall be deposited in the treasury of the library directors fund as the library's Board of Directors shall direct, and shall be paid out on the certified requisition of the Library Board, in the manner provided for in the by-laws of the Board.

(d) Employ a head librarian, and upon his or her recommendation employ such other assistants as may be necessary for the efficient operation of the library. (1967 Code Sec. 2-131.)

159.04 ANNUAL REPORT TO BE MADE.
The Board of Directors shall make an annual report at the end of each fiscal year to the City Manager stating the condition of the library property, the various sums of money received from the Library Fund and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added during the year, the number withdrawn from circulation, the number of books lent, the number of registered users of such library, with such other statistics, information and suggestions as may be deemed of general interest. A copy of this report shall be sent to the State Library Commission. (1967 Code Sec. 2-132.)

159.05 DONATIONS OF CASH, PROPERTY OR REAL ESTATE.
The Board of Library Directors shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be implicated and shall have and use a common seal.
The title in the future to all bequests or donations of cash or other personal property or real estate for the benefit of such library shall be vested in the Board of Library Directors to be held in trust and controlled by such Board according to the terms and for the purposes set forth in the deed, gift, devise or bequest; provided, however, that the person making the bequest or donation of cash or of her personal property or real estate for the benefit of such library shall have the right and privilege to vest the title thereto in a trustee, or trustees, of his own selection, and to provide for the selection of successor trustees and to designate the manner in which such fund or property shall be invested and used.
Should the Library Board be dissolved, all assets of such Board shall revert to and become the property of the City. (1967 Code Sec. 2-133.)

159.06 LIBRARY TO BE FREE SERVICE.
The library shall be free for the use of all persons living within the City, subject to reasonable rules and regulations adopted by the Library Board. The Board may extend the privilege and use of the library to nonresidents upon such terms and conditions as it may prescribe. The Board may exclude from the use of the library under its charge any person who willfully or persistently violates any rule or regulations prescribed for the use of the library or its facilities. (1967 Code Sec. 2-134.)

159.07 WITHDRAWAL OF STATE OR FEDERAL FUNDS.
In the event State or federal funds are withdrawn from the Municipal Library, such Library will revert to the method of operation prior to adoption of this article. (1967 Code Sec. 2-135.)
ARTICLE 156
Metropolitan Theatre Commission

156.01 Established.
156.02 Purpose.
156.03 Membership.
156.04 Vacancies.
156.05 Officers.
156.06 Meetings.
156.07 Written reports.
156.08 Freedom of Information Act applies.

CROSS REFERENCES
Authority to establish - see CHTR. 4.02

156.01  ESTABLISHED.
There is hereby established a Metropolitan Theatre Commission for the City.
(Ord. 03-13. Passed 3-18-03.)

156.02  PURPOSE.
The function of the Metropolitan Theatre Commission is to over watch and advise the
City Manager and City Council regarding present and future development of the theater,
programming, financing of theater projects, and operations of the theater as a whole.
(Ord. 03-13. Passed 3-18-03.)

156.03  MEMBERSHIP.
The Metropolitan Theatre Commission shall consist of nine members. Seven of the
members shall be residents of the City who shall be appointed by City Council from those
members comprising the Commission of the Metropolitan Theatre Preservation Foundation at
the date of adoption of this article. Each of the seven members shall serve a term of four
years. Upon the conclusion of that four-year period, subsequent reappointments or new
appointments will be for terms as follows:

Two members for a one-year term
and
Two members for a two-year term
and
Three members for a three-year term.

City Council shall determine at the conclusion of the initial four-year term which
members of the Commission shall be assigned to the terms indicated above.

Upon the expiration of the terms specified above, all subsequent appointments shall be
for a term of three years each.
An eighth 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 office to which he or she has been elected or appointed.

A ninth member of the Commission shall be a member of the Monongalia County Commission, and shall be appointed thereto by the County Commission. The term of the County Commission member shall be at the will and pleasure of the Monongalia County Commission.

All members shall serve without compensation.
(Ord. 03-13. Passed 3-18-03.)

156.04 VACANCIES.
Vacancies shall be filled in the same manner as for appointments to the Commission, but for the unexpired term only. The office of a member of the Metropolitan Theatre 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. 03-13. Passed 3-18-03.)

156.05 OFFICERS.
The Metropolitan Theatre Commission shall select from its own membership a chairperson, vice-chairperson and secretary.
(Ord. 03-13. Passed 3-18-03.)

156.06 MEETINGS.
The Metropolitan Theatre Commission shall meet as often as it may deem necessary, upon call of the chairperson. All meetings will be subject to the West Virginia Open Governmental Proceedings Act.
(Ord. 03-13. Passed 3-18-03.)

156.07 WRITTEN REPORTS.
The Commission shall submit annual reports to the City Manager and Council summarizing its past year’s activities and recommendations for the ensuing year.
(Ord. 03-13. Passed 3-18-03.)

156.08 FREEDOM OF INFORMATION ACT APPLIES.
As a board of the City, the Metropolitan Theatre Commission shall be subject to the West Virginia Freedom of Information Act.
(Ord. 03-13. Passed 3-18-03.)
AN ORDINANCE ESTABLISHING A LAND REUSE AND PRESERVATION AGENCY FOR THE CITY OF MORGANTOWN

WHEREAS, West Virginia Code Chapter 31, Article 18E authorizes municipalities to establish land reuse agencies for the purchase, rehabilitation, improvement, or sale of real property and to promote the productive use of property within the municipality; and

WHEREAS, The City of Morgantown is the present owner of various properties that may be best utilized by the management of such a land reuse agency; and

WHEREAS, the corporate boundaries of The City of Morgantown contain numerous properties suitable for acquisition, rehabilitation, improvement, and future use as public space, affordable housing, conservation areas, and commercial use areas; and

WHEREAS, state authorizing legislation permits land reuse agencies to acquire, manage, and dispose of properties for the above-designated purposes; and

WHEREAS, the City is entitled by the same legislation to establish priorities for the use of real property conveyed by a land reuse agency, including use for purely public spaces and places; affordable housing; conservation areas; and retail, commercial, and industrial activities; and

WHEREAS, the City intends to promote the productive use of property by identifying available properties suitable for commercial, housing, public space, and conservation areas and directing its land reuse agency to prioritize the acquisition, management, and disposition of those properties according to the priorities set forth in this Ordinance;

NOW, THEREFORE, The City of Morgantown hereby ordains that a new Article 147, entitled “Land Reuse and Preservation Agency,” is established as follows:

147.01. Land Reuse and Preservation Agency established; Purposes.

(a) **Name.** The City of Morgantown hereby establishes a land reuse agency, in accordance with the West Virginia Land Reuse Agency Authorizing Act, Chapter 31, Article 18E of the West Virginia Code, as it may be amended, to be known as the “**Morgantown Land Reuse and Preservation Agency**” (hereinafter the “Agency”).

(b) **Purposes.** The Agency shall promote the productive use of property by identifying available properties suitable for public space, conservation, affordable housing, and commercial uses and pursuing the acquisition, management, and disposition of those properties according to the priorities set forth in this Article. The Agency may exercise all powers granted by this Code and the West Virginia Land Reuse Agency Authorizing Act.
147.02. Members, qualifications, and terms.

(a) **Board established.** The Agency shall operate under the control of a board of directors.

(b) **Membership.** The board shall consist of seven members who shall be appointed and serve pursuant to the terms of this Article.

(c) **Qualifications.**

1. Each member of the board shall have experience in one of the following areas: (A) real estate transactions or financing, (B) development of commercial or residential property, (C) establishment or use of public lands, (D) land conservation or preservation, (E) development or management of programs promoting access to public lands or conservation areas. At least three members shall have the qualifications in Subsections (A) or (B), and at least three members shall have the qualifications in Subsections (C), (D), or (E).

2. The board shall include at least one voting member who (A) is a resident of the City, (B) is not a public official or municipal employee, and (C) maintains membership with a recognized civic organization within the City.

3. A majority of the members of the board shall be residents of the city.

(d) **Appointment.** Each member of the board shall be appointed by Council.

(e) **Removal.** A member may be removed from office in accordance with the rules established by the board pursuant to Section 147.03.

(f) **Terms.** Each member shall serve a term of three years, beginning on January 1 and ending on December 31, except that the terms of the initial members shall be as follows:

1. From the effective date of this ordinance until December 31, 2019
2. From the effective date of this ordinance until December 31, 2019
3. From the effective date of this ordinance until December 31, 2020
4. From the effective date of this ordinance until December 31, 2020
5. From the effective date of this ordinance until December 31, 2021
6. From the effective date of this ordinance until December 31, 2021
7. From the effective date of this ordinance until December 31, 2021
(g) **Vacancies.** Each member shall continue in office until a successor is duly appointed except in the event of the member's removal, death, or delivery of written resignation to Council. A vacancy on the board shall be filled in the same manner as the original appointment.

(h) **Initial Members.** The initial members of the board shall be appointed by Council to serve the term identified in Paragraph (f) of this Section corresponding to the number assigned to such member.

(i) **Officers.** Officers. -- The members of the board shall select annually from among their members a chair, vice chair, secretary, treasurer, and other officers as the board determines.

**147.03. Powers and duties.**

The Agency shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Article and the West Virginia Land Reuse Agency Authorizing Act, including but not limited to the following:

1. To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
2. To sue and be sued in its own name and be a party in a civil action. This paragraph includes an action to clear title to property of the Agency;
3. To adopt a seal and to alter the same at pleasure;
4. To borrow from federal government funds, from the state, from private lenders, or from municipalities or counties, as necessary, for the operation and work of the Agency;
5. To issue negotiable revenue bonds and notes according to the provisions of the West Virginia Land Reuse Agency Authorizing Act;
6. To procure insurance or guarantees from the federal government or the state of the payment of debt incurred by the Agency and to pay premiums in connection with the insurance or guarantee;
7. To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers;
8. To enter into contracts and intergovernmental cooperation agreements with municipalities or counties for the performance of functions by municipalities or counties on behalf of the Agency or by the Agency on behalf of the City;
9. To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Agency. Any contract or instrument signed shall be executed by and for the Agency if the contract or instrument is signed, including an authorized facsimile signature, by:
   A. The chair or vice chair of the Agency; and
   B. Either:
      i. The secretary or assistant secretary of the Agency; or
      ii. The treasurer or assistant treasurer of the Agency;
10. To procure insurance against losses in connection with the real property, assets, or activities of the Agency;
(11) To invest money of the Agency at the discretion of the board in instruments, obligations, securities, or property determined proper by the board and to name and use depositories for its money;

(12) To enter into contracts for the management of, the collection of rent from, or the sale of real property of the Agency;

(13) To design, develop, construct, demolish, reconstruct, deconstruct, rehabilitate, renovate, relocate, and otherwise improve real property or rights or interests in real property;

(14) To fix, charge, and collect rents, fees, and charges for the use of real property of the Agency and for services provided by the Agency;

(15) To grant or acquire licenses, easements, leases, or options with respect to real property of the Agency;

(16) To enter into partnerships, joint ventures, and other collaborative relationships with municipalities, counties, and other public and private entities for the ownership, management, development, and disposition of real property;

(17) To organize and reorganize the executive, administrative, clerical, and other departments of the Agency and to fix the duties, powers, and compensation of employees, agents, and consultants of the Agency; and

(18) To do all other things necessary or convenient to achieve the objectives and purposes of the Agency;

(19) To administer the City’s Land Preservation Program, as established by Resolution No. 2018-____ and any successors thereto or policies adopted thereunder

(20) To adopt rules governing the following matters: (1) duties of officers; (2) attendance and participation of members at regular and special meetings; (3) a procedure to remove a member by a majority vote of the other members for failure to comply with a rule; and (4) other matters necessary to govern the conduct of a land reuse agency.

(21) To initiate expedited quiet title actions as authorized by West Virginia Code section 31-18E-16, as it may be amended.

147.04. Priorities; Land Use Plans.

(a) The Agency shall exercise the powers and duties conferred upon it by this Article in accordance with the priorities established in this Section.

(b) The following hierarchical ranking of priorities of the Agency is established by the City in accordance with West Virginia Code Chapter 31, Article 18E, Section 10. The Agency shall prioritize acquisition, disposition, and use of property in accordance with the numerical ranking of priorities:

(1) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a component in the City’s Land Preservation Program, as established by Resolution No. 2018-____ and any successors thereto or policies adopted thereunder. In addition to any other factors considered, the Agency shall specifically consider (A) any factor required for consideration by the Land Preservation Program, and (B) whether a property is designated as “Reserve,” “Preserve,” or “Limited Growth/Conservation Development” in the City’s Comprehensive Plan then in effect, or any similar or successor designation in such Comprehensive Plan.
(2) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a purely public space or place. In addition to any other factors considered, the Agency shall specifically consider (A) any factor required for consideration by the Land Preservation Program, and (B) the relation of the property to the Master Plan of the Morgantown Board of Park and Recreation Commissioners then in effect.

(3) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a site for affordable housing.

(4) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a site for retail or commercial activities.

(5) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a site for industrial activity.

(c) In addition to pursuit of the priorities established in this Section, the Agency shall consider all duly adopted land use plans of the City and make reasonable efforts to coordinate the disposition of land use agency real property with those land use plans.

147.05. Compensation and Expenses of Members.

Members of the land use agency shall serve without compensation. The board may reimburse a member for expenses actually incurred in the performance of duties on behalf of the land use Agency.

147.06. Meetings; Quorum.

(a) **Regular Meetings.** The Agency shall meet in regular session according to the schedule adopted by the board.

(b) **Special Meetings.** A special meeting may be convened by the chair or upon written notice signed by a majority of the members.

(c) **Quorum.** The Agency must have a quorum to conduct a meeting. A majority of the board, excluding vacancies, constitutes a quorum. A member must be physically present at a meeting for purposes of establishing the quorum required by this paragraph.

(d) **Voting.**

(1) Except as otherwise specified by law, action of the board must be approved by the affirmative vote of a majority of the board present and voting.

(2) Action of the board on the following matters must be approved by a majority of the entire board membership:
    (A) Adoption of bylaws;
    (B) Adoption of rules under West Virginia Code section 31-18E-5(d);
(C) Hiring or firing of an employee or contractor of the Agency; provided that this function may, by majority vote of the entire board membership, be delegated by the board to a specified officer or committee of the Agency;
(D) Incurring of debt;
(E) Adoption or amendment of the annual budget; and
(F) Sale, lease, encumbrance, or alienation of real property or personal property with a value of more than $50,000.00.

(3) A resolution under West Virginia Code section 31-18E-14, relating to dissolution of the Agency, must be approved by two thirds of the entire board membership.

(4) A member of the board may not vote by proxy.

(5) A member may request a recorded vote on any resolution or action of the land reuse agency.

147.07. Resident Input.

The Agency shall provide residents an opportunity to offer input into its decisions. The following procedures are adopted to solicit resident input:

(a) The Agency shall provide public notice of the Agency’s meetings pursuant to the West Virginia Open Governmental Proceedings Act.

(b) The Agency shall offer a public portion at each regular meeting during which residents may speak about any item on the meeting agenda.

(c) The Agency may request input from other public bodies when the Agency determines that those bodies will be affected.

This ordinance shall be effective upon adoption.

FIRST READING: July 24, 2018
ADOPTED: August 7, 2018
FILED: August 13, 2018
RECORDED: August 13, 2018
ARTICLE 168
Museum Commission

168.01 Established.
168.02 Members.
168.03 Officers.
168.04 Meetings.
168.05 Voting.
168.06 Compensation and reimbursement for expenses.

168.07 Appropriation of funds.
168.08 Powers and duties.
168.09 Cooperation with State agencies.
168.10 Annual report.

CROSS REFERENCES
Authority to establish - see W. Va. Code 8-12-5(38)

168.01 ESTABLISHED.
There is hereby formed, created and established a municipal museum commission
known as the Morgantown Museum Commission (the “Commission”). The Commission is
established pursuant to authority granted to the Municipality by Sections 7-11A-1 et seq. of the
West Virginia Code. (Ord. 05-06. Passed 3-15-05.)

168.02 MEMBERS.
The Commission shall consist of ten members who shall be appointed by City Council.
The terms of the individual Commission members first appointed shall be as follows:
  Two members - 5 years
  Two members - 4 years
  Two members - 3 years
  Two members - 2 years
  Two members - 1 year.

All vacancies shall be filled for the unexpired term only and all other appointments
shall be for a term of five years, to commence on the date following the scheduled expiration
date of the previous term. At all times one of the ten members of the Commission shall be a
member of City Council. All members of the Commission shall be residents of the City.
(Ord. 05-06. Passed 3-15-05.)

168.03 OFFICERS.
The Commission shall select from its own membership a chairperson, vice-chairperson
and secretary. (Ord. 05-06. Passed 3-15-05.)
168.04 MEETINGS.
The Commission shall meet on a monthly basis. Special meetings may be held as deemed necessary by the Chairperson. Such meetings shall be subject to the requirements of the West Virginia Open Governmental Proceedings Act. A quorum of members must be present before a meeting of the Commission can be held at which any official action of the Commission is to take place.
(Ord. 05-06. Passed 3-15-05.)

168.05 VOTING.
Every member of the Commission present, when a question is put, shall vote unless he/she is interested therein other than as a resident of the City. To be successful, an issue shall require six affirmative votes.
(Ord. 05-06. Passed 3-15-05.)

168.06 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.
The members of the Commission shall receive no compensation for their services, but shall be entitled to reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties as a Commission member, if said Commission member has received approval from the City’s Finance Director to make such expenditure prior to incurring said expense.
(Ord. 05-06. Passed 3-15-05.)

168.07 APPROPRIATION OF FUNDS.
City Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Commission, so long as said proposal complies with the authority granted to the Commission by this article. The Commission, on behalf of the City, may receive gifts, grants, donations, bequests or devises from sources other than public funds.
(Ord. 05-06. Passed 3-15-05.)

168.08 POWERS AND DUTIES.
It shall be the duty of the Commission to advise and recommend to the City Manager and/or City Council museum programs or projects within the City’s corporate limits. The Commission shall not have the authority to contractually bind the City on any matter.
Should the Commission so desire, it has the authority to recommend to City Council that a specific admission fee be approved by Council for entrance into a designated museum of the City. (Ord. 05-06. Passed 3-15-05.)

168.09 COOPERATION WITH STATE AGENCIES.
The Commission shall cooperate and coordinate its activities with the West Virginia Department of Archives and History, the West Virginia Historical Society and the West Virginia Antiquities Commission. (Ord. 05-06. Passed 3-15-05.)

168.10 ANNUAL REPORT.
On December 1st of each calendar year, the Commission shall file an annual report with the City Manager describing its activities for the previous twelve months. The City Manager shall present the Commission’s report to City Council.
(Ord. 05-06. Passed 3-15-05.)
ARTICLE 172
Morgantown Sister Cities Commission

172.01 Established.
172.02 Members.
172.03 Officers.
172.04 Meetings.
172.05 Voting.
172.06 Compensation and reimbursement for expenses.
172.07 Appropriation of funds.
172.08 Purpose, powers, and duties.

172.01 ESTABLISHED.
There is hereby formed, created and established a municipal Sister Cities Commission, known as the Morgantown Sister Cities Commission (the “Commission”). (Ord. 10-10. Passed 3-2-10.)

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.)

172.03 OFFICERS.
The Commission shall select from its own membership a chairperson, vice-chairperson, and secretary. (Ord. 10-10. Passed 3-2-10.)
172.04 MEETINGS.
The Commission shall meet on a monthly basis. Special meetings may be held as deemed necessary by the Chairperson. Such meetings shall be subject to the requirements of the West Virginia Open Governmental Proceedings Act. A quorum of members must be present before a meeting of the Commission can be held at which any official action of the Commission is to take place.  
(Ord. 10-10. Passed 3-2-10.)

172.05 VOTING.
Every member of the Commission present, when a question is put, shall vote unless he/she is interested therein other than as a resident of the City. To be successful, an issue shall require five affirmative votes.  
(Ord. 10-10. Passed 3-2-10.)

172.06 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.
The members of the Commission shall receive no compensation for their services, but shall be entitled to reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties as a Commission member, if said Commission member has received approval from the City’s Finance Director to make such expenditure prior to incurring said expense.  
(Ord. 10-10. Passed 3-2-10.)

172.07 APPROPRIATION OF FUNDS.
City Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Commission, so long as said proposal meets the purpose and intent of this article.  
(Ord. 10-10. Passed 3-2-10.)

172.08 PURPOSE, POWERS, AND DUTIES.
It shall be the duty of the Commission to advise and recommend to the City Manager and/or City Council means of creating or advancing inter-cultural, educational, social and economic exchanges between the City and the State of West Virginia with other cities with which the City of Morgantown has established not only sister cities formal relationships guided by the organization known as Sister Cities International, but also, informal friendship cities relationships formed under the guidance of the Commission.  
(Ord. 11-18. Passed 5-17-11.)
ARTICLE 151
Traffic Commission

151.01 Established.
151.02 Composition and membership.

CROSS REFERENCES
Authority to establish - see CHTR. Sec. 4.02

151.01 ESTABLISHED.
There is hereby established and created a Traffic Commission for the City, the official
name of which shall be "The Morgantown Traffic Commission".
(Ord. 15-09. Passed 2-17-15.)

151.02 COMPOSITION AND MEMBERSHIP.
(a) The Traffic Commission shall be composed of: a member of Council; one
resident from each of the City wards; one resident at-large to represent bicycling; one resident
at-large to represent walking; and one Planning Commission member. All ward, at-large and
Planning Commission members shall be appointed by Council. Ex-officio Commission
members of the Traffic Commission shall include the Police Chief, or his/her designee; the
City Engineer, or his/her designee; the WVU Parking Director/Planner or his/her designee;
the Director of the Morgantown Board of Park and Recreation Commissioners (BOPARC) or
his/her designee; the Director of the Mountain Line Transit Authority or his/her designee; and
the Director of the Morgantown Monongalia Metropolitan Planning Organization (MMMPO)
or his/her designee.

(b) The ex-officio members shall serve without any specific term and shall serve by
virtue of their office, enjoying all rights of membership except a vote. Each Council and
Planning Commission members shall serve until his or her current respective term on Council
or Planning Commission expires.

(c) The members appointed by ward residency, and the at-large members shall each
serve for a term of three years. (Ord. 15-09. Passed 2-17-15.)

151.03 OFFICERS AND RULES OF PROCEDURE.
(a) The City Engineer shall call the first meeting of the Traffic Commission. The
Commission shall meet at least once a month, and shall select from its own membership a
chairperson.

(b) The Commission shall adopt its own rules of procedure and shall keep minutes
of regular and special meetings.
(Ord. 15-09. Passed 2-17-15.)

2015 Replacement
151.04 DUTIES.

The duties of the Traffic Commission shall be to receive citizen input pertaining to traffic issues and to act as an advisory to City Council on matters relating to:

(a) The movement and regulation of motor vehicles, bicycles and pedestrians within the City.
(b) The coordination of traffic activities.
(c) Educational activities in traffic matters.
(d) The ways, means and methods of improving traffic conditions within the City; and
(e) The administration and enforcement of traffic regulation. The Commission shall receive such reports and information as deemed necessary by City Administration. The Commission may request the assistance and advice of any other department or official of the City. The City Engineer shall provide primary services for agendas, minutes, studies and implementation of tasks resulting from Commission actions.

(Ord. 15-09. Passed 2-17-15.)
Consent Agenda
MEMORANDUM

TO: Mayor and City Council

FROM: Paul J. Brake, ICMA-CM, CEcD
       City Manager

DATE: September 14, 2018

RE: Mountain Mamas Floor Plan Extension Request

The City has received a request from Mountain Mamas Tavern to secure a nonintoxicating beer floor plan to serve as tailgate events before the remaining five (5) home WVU football games. The bar/restaurant is located at 1137 Van Voorhis Road.

One of the requirements is to apply to the West Virginia Alcohol Beverage Control Administration (ABCA) with a letter of endorsement to be attached to the application (as submitted by the Alumni Association). The dates of the activity would be September 22, October 6, October 25, November 11, and November 23.

Attached you will find a copy of the application making the request, instructions for completing the extension and the Association’s application. Staff recommends approval and City Council motion to approve the required letter.

A recommended motion is prepared for your consideration:

MOVE APPROVAL OF THE REQUEST FROM MOUNTAIN MAMAS TAVERN
NONINTOXICATING BEER FLOOR PLAN EXTENSION. THIS AUTHORIZATION INCLUDES THE
NECESSARY ABCA LETTER OF ENDORSEMENT AS RECOMMEND BY THE CITY MANAGER IN
THE MEMORANDUM DATED SEPTEMBER 14, 2018.

Attach.
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION
REQUEST FOR NONINTOXICATING BEER FLOOR PLAN EXTENSION
CONSUMPTION “ON PREMISE”

Name of Establishment (DBA): Mountain Mamas Tavern
County: Monongalia
License Number: 01-A-212-018197

1. Name of Event: Tailgate


3. Distance to nearest residence 300 ft Distance to nearest church 1/2 mile

Operation days and times must be listed below. Please provide details and information regarding the event.

Sept 8 from 11am to 10pm, Sept 9 10am to 10pm
Oct 6 10am to 10pm, Oct 28 10am to 10pm,
Nov 10 10am to 10pm, Nov 23 10am to 10pm

4. Licensed Area To Be Extended:
List complete information in the form of a diagram (on the second page), giving measured dimensions of the proposed area for extension and a description of how the area is to be designated as a containment area (fenced area) for patrons of the establishment. Please provide details and information regarding the event.

5. County and/or Municipal Consent:
Licensees must obtain a letter of endorsement on official letterhead for the “Nonintoxicating Beer Floor Plan Extension” from one of the following:
   a. If held outside of a municipality, the letter must be signed by at least one County Commissioner.
   b. If held within a municipality, the letter must be signed by the Mayor or City Manager.

6. Special Rules: (See attached “Nonintoxicating Beer Floor Plan Extension” Requirements)

[Signature] [Signature] have received a copy of Rules & Requirements for the “Nonintoxicating Beer Floor Plan Extension”

* Must submit plan detailing the addition of staff/security for each event.

ABCA-192FP.EXT
MEMORANDUM

TO: Mayor and City Council

FROM: Paul J. Brake, ICMA-CM, CردD
       City Manager

DATE: September 14, 2018

RE: St. John University Parish Waiver for ABCA Application

The City has received a request from St. John University Parish Mountaineer Catholic to secure a Non-Profit Event Permit from the Alcohol Beverage Control Administration to sell and serve wine. One of the requirements is to apply to the West Virginia Alcohol Beverage Control Administration (ABCA) with a Waive for Open Container from the City.

Attached you will find a copy of the letter making the request for a Waiver for Open Container for one-time event, October 27, 2018, in the parish hall. Staff recommends approval and City Council motion to approve the required letter.

A recommended motion is prepared for your consideration:


Attach.
September 5, 2018

Mr. Paul Brake  
City of Morgantown  
389 Spruce Street  
Morgantown, WV  26505

Dear Sir,

St. John’s University Parish is holding its second annual parish dinner Saturday, October 27, 2018. The event is a parish get together evening for parishioners and fundraising for our church.

We are applying for a Non-Profit Event Permit from the Alcohol Beverage Control Administration, State of West Virginia Department of Revenue, to sell and serve wine. One of the documents required with permit submission is a Waiver for Open Container from the City of Morgantown.

This letter is our request asking City of Morgantown for a Waiver for Open Container for one-time event, October 27, 2018 in our parish hall.

If you have any questions, please contact me at 304-598-7234 or mkoenn@comcast.net.

Thank you for your consideration,

Mary Ellen Koenn  
St. John Parish Dinner Committee
MEMORANDUM

TO: Mayor and City Council

FROM: Paul J. Brake, ICMA-CM, CEcD
City Manager

DATE: September 14, 2018

RE: Salt Bid – Bid Call 2019-01

Salt bids were opened on September 6, 2018 and the City tabulated three bids. After analyzing the proposals, staff recommends selecting bulk rock salt treated with corrosion inhibited liquid magnesium chloride.

Cargill Salt is the recommended vendor the treated salt at the price of $95.32/ton. Attached you will find a memorandum from Director Kenny Holloway showing the tabulated amounts and bids sought.

A recommended motion is prepared for your consideration:

MOVE APPROVAL OF THE RECOMMENDATION TO APPROVE THE BID FOR THE SALT TREATED WITH MAGNESIUM CHLORIDE BY CARGILL SALT AS RECOMMENDED BY THE CITY MANAGER IN THE MEMORANDUM DATED SEPTEMBER 14, 2018.

Attach.
Memo
City of Morgantown
Public Works Department

To: Paul Brake, City Manager

From: Kenny Holloway, Public Works Director

Subject: Salt Bid – Bid Call 2019-01

Date: September 10, 2018

Salt bids were opened at 2:00pm on September 6, 2018. The results are as follows: (the total cost is based on 1,000 tons for the City of Morgantown)

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>UNIT PRICE (Option 1)</th>
<th>UNIT PRICE (Option 2)</th>
<th>COST (Option 1)</th>
<th>COST (Option 2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cargill Salt</td>
<td>No Bid</td>
<td>$95.32/ton</td>
<td>No Bid</td>
<td>$95,320.00</td>
</tr>
<tr>
<td>Compass Minerals</td>
<td>$93.22/ton</td>
<td>No Bid</td>
<td>$93,220.00</td>
<td>No Bid</td>
</tr>
<tr>
<td>Morton Salt</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
</tr>
</tbody>
</table>

Option 1 is for BULK ROCK SALT and Option 2 is for BULK ROCK SALT TREATED WITH CORROSION INHIBITED LIQUID MAGNESIUM CHLORIDE.

Salt treated with Magnesium Chloride allows for use at lower temperatures than regular salt. This permits the City to be more affective at clearing the roadways. Also with treated salt less salt is needed in order to maintain the roadway surface.

Last year's price for treated salt was $78.28/ton. Currently the City has roughly 2000 tons of treated salt on hand. An additional 1000 tons will fill our supply and prepare us for the coming winter.

Given this, I would recommend that the City award the contract to Cargill Salt for the treated salt (Option 2) for the upcoming winter.
New Business
RESOLUTION

WHEREAS, City Council recognizes that State Route 7 is an important route for travel through the City of Morgantown and constitutes a part of the State Road System by designation of the Commissioner of Highways in accordance with West Virginia Code Chapter 17, Article 4; and

WHEREAS, the West Virginia Department of Transportation, Division of Highways has proposed to complete certain improvements to State Route 7 within the boundaries of the City of Morgantown; and

WHEREAS, these proposed improvements are intended to provide a better experience for road users and nearby residents by managing access to Route 7 appropriately, by improving the accessibility of Greenbag Road from Route 7, and improving the road surface; and

WHEREAS, by improving the accessibility of Greenbag Road from Route 7, City Council expects that the proposed improvements will facilitate the use of Greenbag Road by large motor vehicles and allow those vehicles to avoid the narrower, pedestrian-oriented streets of downtown Morgantown; and

WHEREAS, City Council supports the goals of providing a corridor for appropriate access by large motor vehicles while preserving the City’s downtown area as a useable space for residents, pedestrians, and local businesses; and

WHEREAS, City Council believes that its support of this project by the Division of Highways will aid in accomplishing those goals;

NOW, THEREFORE, be it resolved by The City of Morgantown that City Council supports the Route 7 improvement project proposed by the West Virginia Department of Transportation Division of Highways.

Adopted this ___ day of September, 2018.

William Kawecki, Mayor
City of Morgantown
City Manager's Report
City Manager’s Report for City Council Meeting on September 18, 2018

New Business:

1. **Award Engineering Design Services for the Repair to the Public Safety Building**
   The City sought bids for the engineering design services for the Public Safety Building to develop construction plans and specifications, bid documents, and provide construction administration. The needed repairs include the replacement and repair of the roof, generator replacement, HVAC replacement and VAC Box updates and electric repairs. The analysis of the proposals included relevant experience, staff capability, equipment & safety capability, price and understanding the project. After tabulating the bids and interviewing the prospective bidders, staff recommends award the bid to Thrasher Engineering in the amount of $80,045.00. Please see the attached memorandum from Assistant City Engineer Alexandra Stockdale in reference to this bidding process.

2. **FY 18 Annual Reports of Police & Fire Pension Funds**
   Attached you will a copy of the annual report for both the Morgantown Police and Fire Pension Funds as required by the WV Municipal Pensions Oversight Board. City Council motion is needed (for approval) to request the State insurance tax allocations for these purposes.

3. **Statement of Support for the Pedestrian Safety Initiatives**
   Attached you will find a copy of the signed Statement of Support for the Pedestrian Safety Initiatives. The City has been actively working with WVU and the West Virginia Department of Highways on practical immediate and near-term objectives to improve safety measures for pedestrians at or near the university’s campus. This document was signed during a ceremony at Stewart Hall on Tuesday, September 11, 2018. I am providing this for information purposes and provide additional background information at Tuesday’s meeting.

4. **Set Hours for Halloween Trick-or-Treat**
   Halloween falls on a Wednesday this year and we have previously established the Trick-or-Treat hours in the City of Morgantown be from 6:30 pm to 8:00 pm. Starting at 6:30 pm on Wednesday will allow everyone time to enjoy the Halloween celebration and ensure children have some daylight for trick-or-treating. Halloween hours will end at 8:00 pm and trick-or-treaters are encouraged to return home at that time. Staff recommends City Council approval of the Halloween set hours.
5. **Authorize City Manager to Expended Funds on Possible One-Time Cost for ITAC**
City officials have been actively working with Monongalia County Commission to re-establish services through the former agency, In Touch and Concerned. This included services benefiting elderly citizens, disabled citizens, Pace participants, Barlett House participants and Caritas House participant. At the time of writing this memorandum, no final resolution has been reached. I am placing this on agenda to provide additional information and recommendation at Tuesday’s meeting.

6. **Approve Letter of Support for Access H2O for a Passenger Vessel Capable of Serving the Upper Monongahela River**
The boat owner of Access H2O has asked for a new letter of support to be include in the operator’s effort to move the project forward. This letter of support will boost the boat operation’s opportunity for grants, funding and matching fund partners.

For background information, the Committee of the Whole meeting (January 20, 2017), City Council heard a presentation from Michael Hughes, Access H2O, to bring a boat to Morgantown that would provide a venue for an outdoor recreational shuttle service. This proposed boat will accommodate 320 casual cruise passengers and 220 formal dining passengers. The vessel service will partner with local restaurants and businesses to provide catering for each service.

Following this meeting, Council took official action allowing Mr. Hughes to dock along the Monongahela River within the City of Morgantown. Although the details have not been finalized, a large boat dock structure facility and possible parking will be necessary as a public investment to accommodate the new service.

We have been actively working with Mr. Hughes as part of the Monongahela River Revitalization Task Force to bring the passenger boat to Morgantown. Staff recommends approving the letter of support for Access H2O.

Paul J. Brake, ICMA-CM, CECd
City Manager, Morgantown, WV
Memorandum

To: Paul Brake  
City Manager

From: Alexandra P. Stockdale  
Assistant City Engineer, City of Morgantown

Date: September 12th, 2018

Re: Selection for RFP Repairs to the Public Safety Building Engineering Design Services

Mr. Brake,

To address some maintenance and roofing concerns with the Public Safety Building we released a Request for Proposals. This request contained the following introduction to the project:

The City of Morgantown Public Safety Building, also known as City Police Station and frequently abbreviated as PSB was built in 1990 on the corner of Walnut and Spruce Street. It provides space for the City’s Police Department, Fire Department Administration, and Parking Authority along with the Municipal Court and training rooms and is conjoined with the Spruce Street Parking Garage. The City of Morgantown is in search of an engineering firm to develop construction plans and specifications, bid documents, and provide construction administration and inspection services that include the replacement and repair of the roof, generator replacement, HVAC replacement and VAC Box updates, and electrical upgrades. The location of the building is 300 Spruce Street, Morgantown, WV 26505. The PSB is a 24/7 operation and has three floors: a basement, first floor, and second floor.

Four design teams submitted proposals and after reviewing the selections based on price, point matrix, references and an interview the selection committee concluded to hire Thrasher. The selection committee consisted of the Assistant City Manager, City Engineer, and Assistant City Engineer. The pricing breakdown is shown below and the point matrix for grading is attached.

<table>
<thead>
<tr>
<th>Item</th>
<th>Miller</th>
<th>Thrasher</th>
<th>CIL</th>
<th>Henry Adams</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigation and</td>
<td>$ 69,129.50</td>
<td>$ 19,810.00</td>
<td>$ 27,500.00</td>
<td>$ 23,005.00</td>
</tr>
<tr>
<td>Replacement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AC and Remove Gen</td>
<td>$ 46,498.50</td>
<td>$ 16,370.00</td>
<td>$ 72,000.00</td>
<td>$ 21,330.00</td>
</tr>
<tr>
<td>HVAC Control</td>
<td>$ 56,312.50</td>
<td>$ 17,160.00</td>
<td>$ 16,000.00</td>
<td>$ 18,860.00</td>
</tr>
<tr>
<td>GEN REP and Energy Ass</td>
<td>$ 56,509.00</td>
<td>$ 17,875.00</td>
<td>$ 21,500.00</td>
<td>$ 17,600.00</td>
</tr>
<tr>
<td>Elec Upgrades</td>
<td>$ -</td>
<td>$ 8,830.00</td>
<td>$ 12,500.00</td>
<td>$ 6,440.00</td>
</tr>
<tr>
<td>Total:</td>
<td>$ 228,449.50</td>
<td>$ 80,045.00</td>
<td>$ 149,500.00</td>
<td>$ 87,235.00</td>
</tr>
<tr>
<td>Evaluation Criteria</td>
<td>Excellent (20 points)</td>
<td>Good (15 points)</td>
<td>Average (10 points)</td>
<td>Poor (5 points)</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>-----------------------</td>
<td>------------------</td>
<td>---------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>1 Relative Experience</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completion of Similar Projects, Comfort Working in a Secure Building</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Staff Capability and Availability</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capable Engineer &amp; Architect are experts in respective fields, are responsive to providing support, coordination, and communicate effectively. Must have the ability to meet deadlines effectively and keep the project on the timeline throughout construction administration. Location of firm will also be a factor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Equipment and Software Capability</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Must be able to troubleshoot Control Systems and Electrical pathways. Must also be able to identify air quality/quantity problems, must be able to identify standing columns of water in roof drains and trace leaks or blockages</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Price</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Costs are identified by service, the more specific the better, extra costs are justified and prices are competitive, Refer to Section 3.0 Fees and Fee schedule</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Understanding of Project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Firm Addresses the RFP components and realizes the flexibility of the project, long-term usefulness of project, investigative nature of project and the codes, criteria and standards dictated by industry that are needed for project completion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total (100 points Maximum):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
City of Morgantown  
Finance Department  
389 Spruce Street  
Morgantown, WV 26505  
Phone (304) 284-7407/Fax 7418  
jgoff@morgantownwv.gov

MEMO

DATE: September 11, 2018

TO: Paul Brake, City Manager

FROM: James Goff, Finance Director

RE: FY18 Annual Reports of Police & Fire Pension Funds

Attached are copies of the Annual Reports for the fiscal year ended June 30, 2018 for the Morgantown Police and Fire Pension Funds required by the WV Municipal Pensions Oversight Board. Please include this item on the agenda for the September 18th City Council meeting as part of your City Manager’s report. Once Council approves the reports, we will be able to make requests for the State’s insurance tax allocations. These fiscal year 2019 State allocations amount to approximately $706,000 for the Police Pension Fund and $548,000 for the Fire Pension Fund.

The pension fund balances have changed as follows:

<table>
<thead>
<tr>
<th></th>
<th>FY16</th>
<th>FY17</th>
<th>Unaudited FY18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policemen’s Pension</td>
<td>$13,826,768</td>
<td>$15,181,765</td>
<td>$15,731,259</td>
</tr>
<tr>
<td>Firemen’s Pension</td>
<td>$11,138,652</td>
<td>$12,233,107</td>
<td>$12,718,148</td>
</tr>
</tbody>
</table>

From previous actuarial valuations currently utilizing an investment rate of return of 4.5%, the funded ratios and unfunded accrued liabilities are as follows:

<table>
<thead>
<tr>
<th></th>
<th>7/1/15</th>
<th>7/1/16</th>
<th>7/1/17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policemen’s Pension</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funded Ratio</td>
<td>25.29%</td>
<td>23.36%</td>
<td>24.18%</td>
</tr>
<tr>
<td>Unfunded Liability</td>
<td>$42.7mm</td>
<td>$45.4mm</td>
<td>$47.6mm</td>
</tr>
<tr>
<td>Firemen’s Pension</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funded Ratio</td>
<td>26.89%</td>
<td>25.24%</td>
<td>26.73%</td>
</tr>
<tr>
<td>Unfunded Liability</td>
<td>$31.3mm</td>
<td>$33.0mm</td>
<td>$33.5mm</td>
</tr>
</tbody>
</table>

Please let me know if you have any questions or need additional information.
Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)

Pension Fund
Morgantown Firemen's Pension & Relief Fund

Treasurer
James Golf, Finance Director

Municipality
City of Morgantown, West Virginia

Fiscal Year (July 1 - June 30)
July 1, 2017 - June 30, 2018

Actuarial Funding Method
Standard Funding Method
Optional Funding Method
Alternative Funding Method (107%)
% Necessary to Maintain Plan Solvency for 15 Years
Conservation Funding Method

<table>
<thead>
<tr>
<th>PART I</th>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Beginning Fair Value of Pension Plan</td>
</tr>
<tr>
<td>I. Revenue During Fiscal Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Employee Contributions for employees hired prior to Jan. 1, 2010</td>
<td>Percent of Gross Salary</td>
<td>7.00%</td>
</tr>
<tr>
<td>2. Employee Contributions for employees hired on or after Jan. 1, 2010</td>
<td>Percent of Gross Salary</td>
<td>9.50%</td>
</tr>
<tr>
<td>3. Employee Contributions for Plans utilizing the Conservation Funding Method</td>
<td>Percent of Gross Salary</td>
<td>1.50%</td>
</tr>
<tr>
<td>4. Government Contributions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. From Parent Local Government</td>
<td></td>
<td>$715,820.84</td>
</tr>
<tr>
<td>b. Additional employer contributions from your municipality</td>
<td></td>
<td>$270,009.16</td>
</tr>
<tr>
<td>c. From State Government</td>
<td>Municipal Pensions Oversight Board (premium surcharges on fire and casualty insurance)</td>
<td>$507,845.71</td>
</tr>
<tr>
<td>5. Earnings on Investments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Net Appreciation/(Depreciation) of Fair Value of Investments</td>
<td></td>
<td>$205,375.79</td>
</tr>
<tr>
<td>b. Short Term &amp; Fixed income Interest</td>
<td></td>
<td>$111,216.42</td>
</tr>
<tr>
<td>c. Dividends</td>
<td></td>
<td>$201,839.69</td>
</tr>
<tr>
<td>d. Net Realized Gain (Loss) on Sale or Exchange of Assets</td>
<td></td>
<td>$341,459.18</td>
</tr>
<tr>
<td>e. Other</td>
<td></td>
<td>$ -</td>
</tr>
<tr>
<td>f. Less Investment Expense</td>
<td></td>
<td>$(97,199.39)</td>
</tr>
<tr>
<td>Net Investment Income</td>
<td></td>
<td>$351,940.11</td>
</tr>
<tr>
<td>6. All Other Revenues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Please Specify</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>The sum of Items I.1 through I.6</td>
<td>$2,104,862.30</td>
</tr>
<tr>
<td>II. Expenditures During Fiscal Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does not include Investment Expenses, see I.B. on last page.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Benefits Paid</td>
<td>Retirement, disability, survivor and any other benefits</td>
<td>$1,584,296.13</td>
</tr>
</tbody>
</table>
## 2. Withdrawals

Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment: $33,056.08

## 3. Other Payments

Administrative expenses and other costs or payments not representing benefits payments or withdrawals:

<table>
<thead>
<tr>
<th>Administrative expenses</th>
<th>Municipal administration fees</th>
</tr>
</thead>
</table>
| b. Other                | Example: Pension Secretary expenses | $2,469.00

### Total Expenditures

The sum of items 2.1 through 2.3b: $1,619,821.21

### Net Income/(Loss)

$485,041.09

### Ending Fair Value of the Pension Plan - June 30

$12,718,147.86

### III. Asset Allocation at End of Fiscal Year

#### 1. Cash and Cash Equivalents - Short Term

<table>
<thead>
<tr>
<th>Financial Institution or Money Manager</th>
<th>Type of Account</th>
<th>Fair Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. United Bank</td>
<td>Checking</td>
<td>$3,067.96</td>
</tr>
<tr>
<td>b.</td>
<td>Treasury Bills</td>
<td>$5</td>
</tr>
<tr>
<td>c. Graystone</td>
<td>Savings or Money Market Account</td>
<td>$849,736.71</td>
</tr>
<tr>
<td>d.</td>
<td>Short Term Investment Funds</td>
<td>$1</td>
</tr>
<tr>
<td>e.</td>
<td>Re-Purchase Agreements</td>
<td>$39</td>
</tr>
<tr>
<td>f.</td>
<td>Commercial Paper</td>
<td>$3</td>
</tr>
<tr>
<td>g.</td>
<td>CDs and Bankers' Acceptances</td>
<td>$1</td>
</tr>
</tbody>
</table>

Total Cash and Cash Equivalents: $852,806.67 (Percent of Total Assets: 6.71%)

#### 2. Fixed Income - Long Term

<table>
<thead>
<tr>
<th>Financial Institution or Money Manager</th>
<th>Type of Account</th>
<th>Fair Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Graystone</td>
<td>US Govt Agencies &amp; Instruments</td>
<td>$1,084,857.82</td>
</tr>
<tr>
<td>b.</td>
<td>Foreign Govt., Subdivisions, Agencies or Enterprise</td>
<td>$3</td>
</tr>
<tr>
<td>c.</td>
<td>International agencies or supranational entities</td>
<td>$1499.00</td>
</tr>
<tr>
<td>d.</td>
<td>Mortgage-related or others asset back securities</td>
<td>$1,159,996.16</td>
</tr>
<tr>
<td>e. Graystone</td>
<td>Corporate Debt Securities</td>
<td>$1,159,996.16</td>
</tr>
<tr>
<td>f.</td>
<td>Corporate inflation-index bonds</td>
<td>$1</td>
</tr>
<tr>
<td>g.</td>
<td>Bank CD's, fixed time deposits, Bankers Acceptance</td>
<td>$3</td>
</tr>
<tr>
<td>h.</td>
<td>State &amp; Local Govt Debt Securities</td>
<td>$1</td>
</tr>
<tr>
<td>i. Graystone</td>
<td>Mutual Funds (Bonds)</td>
<td>$824,071.25</td>
</tr>
<tr>
<td>j.</td>
<td>International Mutual Funds - Bonds</td>
<td>$3</td>
</tr>
<tr>
<td>k.</td>
<td>Exchange Traded Funds (ETF) - Bonds</td>
<td>$3</td>
</tr>
<tr>
<td>l.</td>
<td>International Exchange Traded Funds (ETF) - Bonds</td>
<td>$33,313.32</td>
</tr>
</tbody>
</table>

Total Fixed Income (at fair value): $3,068,755.23 (Percent of Total Assets: 24.13%)

#### 3. Equity Investments

<table>
<thead>
<tr>
<th>Financial Institution or Money Manager</th>
<th>Type of Account</th>
<th>Fair Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Graystone</td>
<td>Individual Stocks Held</td>
<td>$790,248.64</td>
</tr>
<tr>
<td>b.</td>
<td>Mutual Fund Shares (Equities)</td>
<td>$3</td>
</tr>
<tr>
<td>c. Graystone</td>
<td>Exchange Traded Funds (ETF)</td>
<td>$3,093,364.01</td>
</tr>
<tr>
<td>d. Graystone</td>
<td>International Stocks Held</td>
<td>$2,933,819.74</td>
</tr>
<tr>
<td>e.</td>
<td>International Mutual Funds - Equities</td>
<td>$3</td>
</tr>
<tr>
<td>f. Graystone</td>
<td>International Exchange Traded Funds (ETF)</td>
<td>$33,313.32</td>
</tr>
</tbody>
</table>

Total Equity Investments (at fair value): $6,850,765.71 (Percent of Total Assets: 53.87%)
### Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)

#### 4. Alternative Investments

<table>
<thead>
<tr>
<th>Financial Institution or Money Manager</th>
<th>Type of Account</th>
<th>Fair Value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Real Estate Investment Trust</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>Private Equity Fund</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>Hedge Funds</td>
<td>$</td>
</tr>
<tr>
<td>d. Graystone</td>
<td>Other Alternative Investments</td>
<td>$1,945,850.25</td>
</tr>
</tbody>
</table>

Fair Value: $1,945,850.25

Total Alternative Investments (at fair value)
The sum of Items 4.a. through 4.d.:
$1,945,850.25

Total Assets
Sum of III.1. through III.4.: $12,718,347.86

#### II.5 Total return on investments for the period of July 1 thru June 30

Obtain from financial institution or money manager: 2.95%

#### PART II

**Membership and Beneficiaries**

* Please report the figures requested below, for the fiscal year reported on page 1. To figure the Average Monthly Number of Persons, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 160 hours in any month to be included in that month.

** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipients to the total number of active members of the fund. This requirement articulates §8-22-22a(e) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to August 1st of each year.

<table>
<thead>
<tr>
<th>Item</th>
<th>Avg. Monthly #</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Members of your Pension Fund</td>
<td></td>
</tr>
<tr>
<td>1. Active Members</td>
<td>53.58</td>
</tr>
<tr>
<td>2. Inactive Members</td>
<td>0.00</td>
</tr>
<tr>
<td>2. Disability Retirees</td>
<td>36.75</td>
</tr>
<tr>
<td>a. Number of Disability Applications received during the fiscal year</td>
<td>2.00</td>
</tr>
<tr>
<td>b. Status of each Disability Application at end of fiscal year</td>
<td>0.00</td>
</tr>
<tr>
<td>(1.) Disability Applications Approved during Fiscal Year</td>
<td>0.00</td>
</tr>
<tr>
<td>(2.) Disability Applications Denied during Fiscal Year</td>
<td>0.00</td>
</tr>
<tr>
<td>3. Percentage of Disability Benefit Recipients to the Total of Active Members in the fund</td>
<td>3.73%</td>
</tr>
<tr>
<td>4. Survivors (of Deceased Members) Drawing Benefits</td>
<td>17.00</td>
</tr>
</tbody>
</table>

#### PART III

**Legal Thresholds for Investments**

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td>Maximum</td>
<td>(Over)</td>
</tr>
<tr>
<td>Equity Investments</td>
<td>54%</td>
<td>75%</td>
</tr>
<tr>
<td>International Securities</td>
<td>23%</td>
<td>30%</td>
</tr>
<tr>
<td>Alternative investments</td>
<td>15%</td>
<td>25%</td>
</tr>
<tr>
<td>Cash/Cash Equivalents and Fixed Income (Low 25%; High 75%)</td>
<td>31%</td>
<td>75%</td>
</tr>
</tbody>
</table>

**Short Term Investment (30 days of expenses)** $404,955.30 $(447,851.37)
# Annual Report of Policemen's and Firemen's Pension and Relief Funds to the Municipal Pensions Oversight Board

as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)

**Pension Fund**
- Morgantown Policemen's Pension & Relief Fund

**Treasurer**
- James Goff, Finance Director

**Municipality**
- City of Morgantown, West Virginia

**Fiscal Year (July 1 - June 30)**
- July 1, 2017 - June 30, 2018

**Actuarial Funding Method**
- Standard Funding Method
- Optional Funding Method
- Alternative Funding Method (107%)
- % Necessary to Maintain Plan Solvency for 15 Years
- Conservation Funding Method

## PART I

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Beginning Fair Value of Pension Plan July 1</strong></td>
<td><strong>$ 25,181,765.35</strong></td>
</tr>
</tbody>
</table>

### I. Revenue During Fiscal Year

1. **Employee Contributions for employees hired prior to Jan. 1, 2010**
   - Percent of Gross Salary: 9.50%
   - Amount: **$ 291,265.51**

2. **Employee Contributions for employees hired on or after Jan. 1, 2010**
   - Percent of Gross Salary: 9.50%
   - Amount: **$ 146,322.54**

3. **Employee Contributions for Plans utilizing the Conservation Funding Method**
   - Percent of Gross Salary: 1.50%
   - Amount: **$ -**

4. **Government Contributions**
   - a. From Parent Local Government
     - Amount: **$ 882,983.21**
   - b. Additional employer contributions from your municipality
     - Amount: **$ 380,006.79**
   - c. From State Government
     - Amount: **$ 691,787.96**

5. **Earnings on Investments**
   - a. Net Appreciation/(Depreciation) of Fair Value of Investments
     - Amount: **$ (264,892.57)**
   - b. Short Term & Fixed Income Interest
     - Amount: **$ 138,327.13**
   - c. Dividends
     - Amount: **$ 258,580.73**
   - d. Net Realized Gain (Loss) on Sale or Exchange of Assets
     - Amount: **$ 461,279.20**
   - e. Other
     - Amount: **$ -**
   - f. Less Investment Expense
     - Amount: **$ (121,530.15)**

6. **Net Investment Income**
   - Amount: **$ 466,764.34**

## II. Expenditures During Fiscal Year

1. **Benefits Paid**
   - Settlement, disability, survivor and any other benefits.
   - Amount: **$ 2,221,070.43**

**Total Revenues**

- The sum of Items I.1. through I.6.
- **$ 2,809,140.35**

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Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board

as required by WV Code §117-20(d)(1)(B) and §117-22a(a)

2. Withdrawals
Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$36,956.29</td>
</tr>
</tbody>
</table>

3. Other Payments
Administrative expenses and other costs or payments not representing benefit payments or withdrawal.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>$1,620.00</td>
</tr>
</tbody>
</table>

Total Expenditures
The sum of items 1.1, through 1.3.b.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Expenditures</td>
<td>$2,259,646.72</td>
</tr>
</tbody>
</table>

Net Income/(Loss)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Income/(Loss)</td>
<td>$549,493.63</td>
</tr>
</tbody>
</table>

Ending Fair Value of the Pension Plan
June 30

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ending Fair Value of Pension Plan</td>
<td>$15,731,258.98</td>
</tr>
</tbody>
</table>

II. Asset Allocation at End of Fiscal Year

1. Cash and Cash Equivalents - Short Term

<table>
<thead>
<tr>
<th>Financial Institution or Money Manager</th>
<th>Type of Account</th>
<th>Percent of Total Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. United Bank</td>
<td>Checking</td>
<td>6.23%</td>
</tr>
<tr>
<td>b.</td>
<td>Treasury Bills</td>
<td></td>
</tr>
<tr>
<td>c. Graystone</td>
<td>Savings or Money Market Account</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>Short Term Investment Funds</td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td>Re-Purchase Agreements</td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td>Commercial Paper</td>
<td></td>
</tr>
<tr>
<td>g.</td>
<td>CDs and Bankers' Acceptances</td>
<td></td>
</tr>
</tbody>
</table>

Total Cash and Cash Equivalents
The sum of items 1.a through 1.g.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Cash and Cash Equivalents</td>
<td>$980,110.54</td>
</tr>
</tbody>
</table>

2. Fixed Income - Long Term

<table>
<thead>
<tr>
<th>Financial Institution or Money Manager</th>
<th>Type of Account</th>
<th>Percent of Total Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Graystone</td>
<td>US Govt Agencies &amp; Instruments</td>
<td>24.23%</td>
</tr>
<tr>
<td>b.</td>
<td>Foreign Govt, Subdivisions, Agencies or Enterprise</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td>International agencies or supranational entities</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>Mortgage-related or other asset back securities</td>
<td></td>
</tr>
<tr>
<td>e. Graystone</td>
<td>Corporate Debt Securities</td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td>Corporate Inflation-Index bonds</td>
<td></td>
</tr>
<tr>
<td>g.</td>
<td>Bank CD's, fixed time deposits, Bankers Acceptance</td>
<td></td>
</tr>
<tr>
<td>h.</td>
<td>State &amp; Local Govt Debt Securities</td>
<td></td>
</tr>
<tr>
<td>i. Graystone</td>
<td>Mutual Funds (Bonds)</td>
<td></td>
</tr>
<tr>
<td>j.</td>
<td>International Mutual Funds - Bonds</td>
<td></td>
</tr>
<tr>
<td>k.</td>
<td>Exchange Traded Funds (ETF) - Bonds</td>
<td></td>
</tr>
<tr>
<td>l.</td>
<td>International Exchange Traded Funds (ETF) - Bonds</td>
<td></td>
</tr>
</tbody>
</table>

Total Fixed Income (at fair value)
The sum of items 2.a through 2.l.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fixed Income (at fair value)</td>
<td>$3,812,244.24</td>
</tr>
</tbody>
</table>

3. Equity Investments

<table>
<thead>
<tr>
<th>Financial Institution or Money Manager</th>
<th>Type of Account</th>
<th>Percent of Total Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Graystone</td>
<td>Individual Stocks Held</td>
<td>54.19%</td>
</tr>
<tr>
<td>b.</td>
<td>Mutual Fund Shares (Equities)</td>
<td></td>
</tr>
<tr>
<td>c. Graystone</td>
<td>Exchange Traded Funds (ETF)</td>
<td></td>
</tr>
<tr>
<td>d. Graystone</td>
<td>International Stocks Held</td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td>International Mutual Funds - Equities</td>
<td></td>
</tr>
<tr>
<td>f. Graystone</td>
<td>International Exchange Traded Funds (ETF)</td>
<td></td>
</tr>
</tbody>
</table>

Total Equity Investments (at fair value)
The sum of items 3.a through 3.f.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Equity Investments (at fair value)</td>
<td>$8,525,244.98</td>
</tr>
</tbody>
</table>
Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)

4. Alternative Investments

<table>
<thead>
<tr>
<th>Financial Institution or Money Manager</th>
<th>Type of Account</th>
<th>Fair Value</th>
<th>Percent of Total Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Estate Investment Trust</td>
<td>$</td>
<td></td>
<td>15.34%</td>
</tr>
<tr>
<td>Private Equity Fund</td>
<td>$</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hedge Funds</td>
<td>$</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Graystone</td>
<td>Other Alternative Investments</td>
<td>$ 2,413,659.22</td>
<td></td>
</tr>
</tbody>
</table>

Total Alternative Investments (at fair value)  
The sum of Items 4.a. through 4.d.  
Fair Value  
$ 2,413,659.22

Total Assets  
Sum of III.1. through III.4.  
$ 15,731,258.98

III.5 Total return on investments for the period of July 1 thru June 30  
(Obtained from financial institution or money manager)  
3.18%

PART II
Membership and Beneficiaries

* Please report the figures requested below for the fiscal year reported on page 1. To figure the average monthly number of members, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 100 hours in any month to be included in that month.
** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipients to the total number of active members of the fund. This requirement satisfies §8-22-23(a) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to August 1st of each year.

<table>
<thead>
<tr>
<th>Item</th>
<th>Avg. Monthly #</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Members your Pension Fund</td>
<td>Exclude Beneficiaries</td>
</tr>
<tr>
<td>2. Active Members</td>
<td>Current number of employees contributing to the pension fund</td>
</tr>
<tr>
<td>3. Inactive Members</td>
<td>Non-active vested members and employees on extended leave without pay</td>
</tr>
<tr>
<td>4. Beneficiaries Receiving Periodic Benefit Payments During Fiscal Year</td>
<td></td>
</tr>
<tr>
<td>5. Retirees</td>
<td>46.08</td>
</tr>
<tr>
<td>6. Disability Retirees</td>
<td>Includes the new applications approved during reporting period</td>
</tr>
<tr>
<td>a. Number of Disability Applications received during the fiscal year</td>
<td>7.00</td>
</tr>
<tr>
<td>b. Status of each Disability Application at end of fiscal year - please attach separate sheet with details</td>
<td></td>
</tr>
<tr>
<td>(1.) Disability Applications Approved during Fiscal Year</td>
<td>0.00</td>
</tr>
<tr>
<td>(2.) Disability Applications Denied during Fiscal Year</td>
<td>0.00</td>
</tr>
<tr>
<td>3. Percentage of Disability Benefit Recipients to the Total of Active Members in the fund</td>
<td>9.87%</td>
</tr>
<tr>
<td>4. Survivors (of Deceased Members) Drawing Benefits</td>
<td>12.00</td>
</tr>
</tbody>
</table>

PART III
Legal Thresholds for Investments

<table>
<thead>
<tr>
<th></th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum</td>
<td>% and $</td>
<td>(Over) Under</td>
</tr>
<tr>
<td>Equity Investments</td>
<td>54%</td>
<td>75%</td>
<td>21%</td>
</tr>
<tr>
<td>International Securities</td>
<td>23%</td>
<td>30%</td>
<td>7%</td>
</tr>
<tr>
<td>Alternative Investments</td>
<td>15%</td>
<td>25%</td>
<td>10%</td>
</tr>
<tr>
<td>Cash/Cash Equivalents and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed Income (Low 25%; High 75%)</td>
<td>25%</td>
<td>75%</td>
<td>45%</td>
</tr>
<tr>
<td>Short Term Investment - (90 days of expenses)</td>
<td>$ 564,911.68</td>
<td>$ (415,198.86)</td>
<td></td>
</tr>
</tbody>
</table>
STATEMENT OF SUPPORT FOR THE PEDESTRIAN SAFETY INITIATIVE

Whereas, the safety of pedestrians is a growing concern in the Morgantown area community after a pedestrian fatality and serious pedestrian injury early in 2018; and

Whereas, the community responded collectively to improve the environment for pedestrians and forged a partnership between West Virginia University, West Virginia Division of Highways, Federal Highway Administration, Monongalia Metropolitan Planning Organization and the City of Morgantown; and

Whereas, the result is a pedestrian safety initiative and corresponding action plan.

Now therefore, we support the ongoing efforts of the Pedestrian Safety Initiative including the proposed action plan and encourage continued development of this plan for further evaluation.

SIGNED THE 11TH DAY OF SEPTEMBER 2018

THOMAS J. SMITH, PE
SECRETARY, WV DEPARTMENT OF TRANSPORTATION

E. GORDON GEE
PRESIDENT, WEST VIRGINIA UNIVERSITY

PAUL J. BRAKE
CITY MANAGER, CITY OF MORGANTOWN