



Office of the City Clerk

# The City of Morgantown

Linda L. Little, CMC  
389 Spruce Street, Room 10  
Morgantown, West Virginia 26505  
(304) 284-7439 Fax: (304) 284-7525  
llittle@cityofmorgantown.org

**AGENDA  
MORGANTOWN CITY COUNCIL  
REGULAR MEETING  
April 16, 2013  
7:00 p.m.**

1. CALL TO ORDER
2. ROLL CALL BY CITY CLERK
3. PLEDGE TO THE FLAG
4. APPROVAL OF MINUTES: Regular Meeting – April 2, 2013  
Special Meeting – April 2, 2013
5. CORRESPONDENCE:
6. PUBLIC HEARING:
  - A. AN ORDINANCE BY THE CITY OF MORGANTOWN WHICH AMENDS THE EFFECTIVE DATE OF AN ORDINANCE PREVIOUSLY ADOPTED BY IT ON FEBRUARY 19, 2013, ADDRESSING SECTION 1512.05 OF ITS FIRE PREVENTION CODE AND MALICIOUS BURNING.
7. UNFINISHED BUSINESS:
  - A. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE BY THE CITY OF MORGANTOWN WHICH AMENDS THE EFFECTIVE DATE OF AN ORDINANCE PREVIOUSLY ADOPTED BY IT ON FEBRUARY 19, 2013, ADDRESSING SECTION 1512.05 OF ITS FIRE PREVENTION CODE AND MALICIOUS BURNING. (First Reading April 2, 2013)
  - B. BOARDS AND COMMISSIONS

8. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION
9. SPECIAL COMMITTEE REPORTS
10. NEW BUSINESS:
  - A. Consideration of APPROVAL of THE RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 IN ACCORDANCE WITH CHAPTER 11 ARTICLE 8 OF THE WEST VIRGINIA CODE.
  - B. SELECTION OF CITY MANAGER.
11. CITY MANAGER'S REPORT:

NEW BUSINESS:

  1. Bid Results for Fifth Phase of High Street Streetscape Improvement Project.
  2. Letter to Army Corps of Engineers for Creek Mitigation due to Airport Access Road Project.
12. REPORT FROM CITY CLERK
13. REPORT FROM CITY ATTORNEY
14. REPORT FROM COUNCIL MEMBERS
15. ADJOURNMENT

\*If you need an accommodation contact us at 284-7439\*

**SPECIAL MEETING APRIL 2, 2013:**

The special meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, April 2, 2013 at 6:05 p.m.

**PRESENT:** Mayor Jim Manilla, Council Members Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger, and Linda Herbst. (Bill Byrne Absent).

The meeting was called to order by Mayor Manilla.

**EXECUTIVE SESSION:**

Motion by Councilor Nugent, second by Councilor Bane, to go into executive session pursuant to Section 6-9A-4(b)-2(A) of the West Virginia Code in order to discuss personnel matters with the following persons present; Mayor Manilla, Council Members and Interim City Manager Jeff Mikorski upon Council's request.

**ADJOURNMENT:**

There being no further business, Council adjourned the special meeting at 6:55 pm.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**\*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON CD AT THE MORGANTOWN CITY LIBRARY.**

**REGULAR MEETING, APRIL 2, 2013:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, April 2, 2013 at 7:09 P.M.

**PRESENT:** Interim City Manager Jeff Mikorski, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Jim Manilla and Council Members: Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger, and Linda Herbst. (Bill Byrne Absent).

**APPROVAL OF MINUTES:** The minutes of the Regular Meeting of March 19<sup>th</sup>, 2013 and the Special Meeting of March 26<sup>th</sup>, 2013, were approved as printed.

Deputy Mayor Nugent suspended the rules to add a Resolution to Support the University Town Centre TIF as Item C. on the Agenda. Council approved adding Resolution to agenda by unanimous consent.

**CORRESPONDENCE:** Mayor Manilla read a proclamation joining Mayors across the country by recognizing volunteers to the community in celebrating April 9<sup>th</sup>, 2013 as “National Service Recognition Day”.

**PUBLIC HEARING – AN ORDINANCE AMENDING A NOVEMBER 16, 2011, INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY AS THE SAME APPLIES TO THE JOINT EFFORT OF BOTH PARTIES TO DEVELOP AND ACCESS ROAD TO THE NEW NATIONAL GUARD READINESS CENTER AND BUSINESS PARK.**

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

**PUBLIC HEARING – AN ORDINANCE AMENDING A FEBRUARY 22, 2012, REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY (MCDA) AS THE SAME APPLIES TO THE CITY OF MORGANTOWN TRANSFERRING 95.7 ACRES AT THE MORGANTOWN MUNICIPAL AIRPORT TO THE MCDA, AND THE MCDA TRANSFERRING 13 ACRES, MORE OR LESS, LOCATED ALONG HARTMAN RUN ROAD, TO THE CITY OF MORGANTOWN.**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING AN INTERGOVERNMENTAL AGREEMENT WITH THE MCDA:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING A NOVEMBER 16, 2011, INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY AS THE SAME APPLIES TO THE JOINT EFFORT OF BOTH PARTIES TO DEVELOP AND ACCESS ROAD TO THE NEW NATIONAL GUARD READINESS CENTER AND BUSINESS PARK.

Motion by Nugent, second by Bane, to adopt the above entitled Ordinance. Motion carried 6-0.

**AN ORDINANCE AMENDING A REAL ESTATE PURCHASE AGREEMENT WITH THE MCDA:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING A FEBRUARY 22, 2012, REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY (MCDA) AS THE SAME APPLIES TO THE CITY OF MORGANTOWN TRANSFERRING 95.7 ACRES AT THE MORGANTOWN MUNICIPAL AIRPORT TO THE MCDA, AND THE MCDA TRANSFERRING 13 ACRES, MORE OR LESS, LOCATED ALONG HARTMAN RUN ROAD, TO THE CITY OF MORGANTOWN.

Motion by Nugent, second by Bane, to adopt the above entitled Ordinance. After clarification from the City Attorney, motion carried 6-0.

**BOARDS AND COMMISSIONS:** City Clerk Linda Little updated Council on the Sister Cities Commission applications. She also asked that Hugh Kierig, City Transit Authority Appointment be accepted so she can send a letter to the County Commission for interviews as requested by the County. Council approved Clerk's request by acclamation.

**PUBLIC PORTION:**

Randy Jones, WVU, SGA Liaison invited Council to the Morgantown Community Think Tank Event on April 17, 2013. Mayor Manilla advised him that the same evening the League of Women Voters is having their Candidate Forum. Mr. Jones indicated that they will consider rescheduling the event so that all can attend.

George Papandreas, Main Street Morgantown, commented on remarks that Councilor Byrne made at the March 19, 2013 meeting regarding Main Street not working with the downtown bars. He then presented a written statement to be made part of the record, as attached hereto and declared to be a part of the minutes.

There being no other appearances, Mayor Manilla declared the public portion closed.

**SPECIAL COMMITTEE REPORTS:** None

**NEW BUSINESS:**

**AN ORDINANCE AMENDING A PREVIOUS ORDINANCE ADDRESSING MALICIOUS BURNING:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN WHICH AMENDS THE EFFECTIVE DATE OF AN ORDINANCE PREVIOUSLY ADOPTED BY IT ON FEBRUARY 19, 2013, ADDRESSING SECTION 1512.05 OF ITS FIRE PREVENTION CODE AND MALICIOUS BURNING.

Motion by Bane, second by Byrne, to pass the above entitled Ordinance to second reading. After explanation from the City Manager, motion carried 6-0.

**A RESOLUTION TO APPLY FOR AND ADMINISTER A GOVERNOR'S COMMUNITY PARTICIPATION GRANT FUNDS FOR USE BY THE MORGANTOWN THEATRE COMPANY:**

The above entitled Resolution was presented for approval:

Motion by Bane, second by Selin, to approve the above entitled Resolution. Motion carried 6-0.

**A RESOLUTION TO SUPPORT THE UNIVERSITY TOWN CENTRE TIF:** The above entitled Resolution was presented for approval:

Motion by Bane, second by Nugent, to approve the above entitled Resolution. After discussion, motion carried 6-0.

Mayor Manilla welcomed a WVU Political Science class 220 in attendance.

**CITY MANAGERS REPORT:**

**INFORMATION:**

1. April 2013 Committee of the Whole

Mr. Mikorski requested that in light of the upcoming Municipal Election date, an abbreviated Committee of the Whole Meeting take place at 6:30 pm on April 16<sup>th</sup> in order to discuss two matters of pertinent concern, which need to be acted on by Council in May. Council approved the request by unanimous consent.

**REPORT FROM CITY CLERK:** City Clerk, Linda Little reported that residents still have time to get Absentee Ballots, that April 9<sup>th</sup> is the last day to register to vote for the April 30, 2013 Election. She also noted that Early Voting starts on April 16, 2013, and that Poll Workers are needed to work the Election.

**REPORT FROM CITY ATTORNEY:** No Report.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: No Report.

Councilor Nugent: Councilor Nugent announced a fundraiser event for the Colonel Zackquill Morgan statue, as well as the Wiles Hill-Highland Park Neighborhood Association meeting and pot-luck dinner.

Councilor Selin: Councilor Selin announced the Year of the Tree film showing and an upcoming film festival, along with the last Winter Farmer's Market of the season. She also announced the next meeting of the Evansdale Neighborhood Association meeting. She then relayed that several of her constituents have asked about spring street sweeping. She noted that a recycling sticker or magnet detailing which materials are recyclable is in the works to augment the recycling program.

Councilor Shamberger: Councilor Shamberger thanked the many citizen volunteers that serve on City boards and commissions in conjunction with the National Service Day Proclamation. She then relayed her condolences for the passing of Marca Paparozzi, a long-time City volunteer.

Councilor Byrne: Absent.

Councilor Herbst:

Councilor Herbst announced the annual Holocaust Memorial Program and encouraged anyone who is interested to participate in, and help with the event.

Mayor Manilla:

Mayor Manilla announced the upcoming Main Street Morgantown event, Chocolate Lover's Day and then enumerated the grant monies Main Street has recently obtained along with their plans to modify their non-profit status. He then announced the latest production of the MT Pockets Theatre.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 7:40 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**\*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY.**

From: "George Papandreas" <gpapandreas@gmail.com>  
To: llittle@cityofmorgantown.org  
Sent: Tuesday, April 2, 2013 9:58:40 PM  
Subject: Papandreas presentation to Council, 4-2-13

On behalf of Main Street Morgantown, I'd like to thank City Manager Jeff Mikorski, Mayor Manilla, and councillors Bane, Nugent, Selin, Shamberger and Herbst for the opportunity last meeting to bring you all up to date on the vital work done by our organization. We very much appreciate your partnership, support, and your thoughtful and courteous questions and comments.

During that presentation, a number of blatantly inaccurate statements were made by, and several questions posed by councilman Byrne concerning crime and under aged drinking in Morgantown. This is the second time councilman Byrne has done this. I was not allowed to address the questions, and was silenced when I attempted to offer a factual timeline relevant to the statements.

His was not a dialogue whose goal was to better our community or brainstorm a challenge, but rather a political agenda with no regard for facts, the truth, or any sense of personal responsibility.

I found the tone, message and attitude of his statements to be rude, unprofessional, and disrespectful not only to me, but to the members, visiting students, and this body as a whole.

One of the statements made implied that MSM had not done enough to engage evening business owners into the downtown business community.

In 2008, a consultant was hired to help rebrand our downtown as a boutique shopping, dining and entertainment district. This was a partnership between MSM, the city and WVU. The primary goal was to focus on the "best practices" in use by cities similar to ours regarding safety, security, quality of life issues and business practices.

MSM successfully contacted and engaged members from every demographic in Morgantown, including management from every club.

During the course of the consultancy, all opened their businesses to study participants for tours. With no exceptions, every participant was surprised with the level of professionalism and attention to the safety and security of their patrons.

The final recommendations of this study regarding safety, quality of life, and best practices became the backbone of the City of Morgantown Downtown Strategic Plan adopted in 2010, and has remained largely unfunded.

Not long after the study was completed, the city, with no input from either MSM or the business community, proposed a special fee to be levied almost exclusively against downtown bars. This

irrational act, ultimately unsuccessful, effectively destroyed the relationship that had taken over a year to build.

MSM has been trying to undo the damage, and re-build the relationships ever since.

Regarding underage drinking...

How serious is Morgantown about the issue of underage drinking?

It is a documented fact that much of the underage problem occurs at house parties where there is no oversight whatsoever. This is where the probability for binge behavior, assault, overcrowding and fire is the greatest.

Merriam-Webster Dictionary defines "crime" as

"an act or the commission of an act that is forbidden" .... "that makes the offender liable to punishment".

Underage drinking is a crime. So is creating or possession of a fraudulent ID. Those who knowingly drink under the age of 21 or possess and use fake IDs are, therefore, criminals.

Included in a recent daily report were the alcohol related dispositions from Magistrate Court. In eight of the ten reported cases, the fine for underage drinking was either \$5 or \$25,

Municipal court is a bit different. Fines for underage drinking range from \$ 200 to \$ 500 with an additional \$ 35 in court costs. As in Magistrate court, the fines are discretionary, but are usually on the lower end of the range for a first offense. Many times, there are other charges...disorderly conduct, public intoxication, etc.

The use of a fake drivers license in WV is a misdemeanor whose punishment can be a 90 day suspension, or in some instances, a fine of up to \$500 or 6 months imprisonment. In Municipal court, if a fine is charged for a fake ID, the cost may be \$125.

Fines and costs are too low to act as a deterrent to this behavior. By not doing enough to deter improper behavior, it could be argued that Morgantowns policy actually enables repeat behavior.

This council is well aware that while arrests are up, the number of victims of crime...the best gauge of criminal behavior...is decidedly down.

An attempt has been made to depict Morgantown as "lawless and violent". How sad it is that three members of this council would use those words in a blatant attempt to mislead the citizens of our wonderful community to further a petty, political agenda.

You should be ashamed of yourselves.

Sent from my iPad



**Office of the City Manager**

# The City of Morgantown

Interim City Manager  
Jeff Mikorski, ICMA-CM  
389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7405 FAX: (304) 284-7430  
[www.morgantownwv.gov](http://www.morgantownwv.gov)

## City Manager's Report for City Council April 16, 2013

### New Business:

1. Please find the attached memo from Terry Hough, City Engineer, recommending the contractor for the fifth phase of the High Street Streetscape Improvement Project. I concur and request City Council to award A. Merante Contracting, Inc. the construction project for a total cost of \$399,620.73.
2. Approval of letter to the Army Corps of Engineers regarding mitigation of a creek due to airport access road project. In order for permits to be approved, the Army Corps of Engineers requires City Council to approve a new letter that clarifies one sent by former City Manager Terrance Moore on the City's responsibility for maintenance of the mitigation solution.

Jeff Mikorski, Interim City Manager

# Memo

## City of Morgantown Department of Public Works and Engineering

**To:** Jeff Mikorski, Interim City Manager   
**From:** Terry Hough, Director   
**Subject:** Bid Call 2013-06  
High Street Streetscape Improvement Project (Phase V)  
**Date:** April 12, 2013

Bids were opened April 10, 2013 at 2:00 p.m. for Bid Call 2013-06 High Street Streetscape Improvement Project (Phase V). The results are as follows:

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<u>NAME</u>	<u>COST</u>
Tony Baiano Construction	\$404,900.00
Maccabee Industrial, Inc.	\$466,078.20
A. Merante Contracting, Inc.	\$399,620.73

The engineer's estimate for the job was \$486,883.65, including a 10% contingency. Given the above, I recommend that A. Merante Contracting, Inc. be awarded the High Street Streetscape Improvement Project (Phase V) for \$399,620.73.

If you have any questions or need any additional information, please do not hesitate to contact me.

## **BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES**

### **BUILDING CODE APPEALS BOARD:**

**PAT ESPOSITO CHAIR TERM EXPIRES ON 4/30/2013. AMY FROM CODE IS CHECKING TO SEE IF HE WISHES TO CONTINUE TO SERVE. PAT WISHES TO CONTINUE TO SERVE. COUNCIL CAN VOTE ON THAT POSITION APRIL 16, 2013 AT THE REGULAR MEETING.** Qualified by experience and training, appointed by Council- 5 members.

### **MON RIVER TRAIL CONSERVANCY BOARD:**

**THERE IS A CITY VACANCY ON THE MRTC BOARD. ATTACHED IS BIO. FOR KATY MORAN WHO WISHES TO SERVE ON THIS BOARD. COUNCIL CAN VOTE ON THIS APPOINTMENT AT THE REGULAR MEETING ON APRIL 16, 2013.**

### **POLICE CIVIL SERVICE:**

**CHARLIE CHICO'S TERM EXPIRES ON 5/31/13. MR. CHICO WISHES TO CONTINUE TO SERVE. COUNCIL CAN VOTE ON THAT APPOINTMENT AT IT'S REGULAR MEETING MAY 21, 2013.** City Manager Appt.

### **SISTER CITIES COMMISSION:**

**THERE IS A VACANCY ON THE SISTER CITY COMMISSION. PAM HODGE HAS RESIGNED. The Commission is suggesting Helene Friedberg serve on the commission to replace that vacancy. Council will vote on that at the April 16, 2013 Regular Meeting.**

### **TRAFFIC COMMISSION:**

**Margaret Roberts and Paul Steel terms expire on 4/26/13. Damien Davis is checking to see if they wish to continue to serve. Margaret Roberts First Ward representative wishes not to continue to serve. First Ward Councilor will check to see if there are representatives in their ward that are interested in serving. Paul Steel wishes to continue to serve. Council can approve that second ward appointment at the April 16, 2013 Regular Meeting. Residents appointed by Council, must represent specific categories.**

**\*POLICE & FIRE CIVIL SERVICE COMMISSIONS: NEW PRESIDENTS APPOINTED IN JANUARY.**

***\*Information for Boards and Commissions vacancies are placed in the Dominion Post, are advertised on the City's Government Station Channel 15, and are posted at the Library and also information is on the City's Web Page.***

***\*Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, the City Clerk will check with Council before scheduling a Special Meeting.***

***\*BZA and Planning Commission term expirations are advertised in October and interviews must be completed by December per State Law.***

**4/8/13**

Zimbra

[llittle@cityofmorgantown.org](mailto:llittle@cityofmorgantown.org)

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**serving on MRTC Board**

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**From :** Katherine Moran <[kmmoran@mix.wvu.edu](mailto:kmmoran@mix.wvu.edu)>

Thu, Mar 28, 2013 11:42 PM

**Subject :** serving on MRTC Board**To :** [llittle@cityofmorgantown.org](mailto:llittle@cityofmorgantown.org)

Ms. Little,

I am interested in becoming a board member with the Mon River Trails Conservancy. I am a current graduate student in Public Administration at WVU. I am an active user of the rail trail and I am participating in a comprehensive plan for the Moundsville, WV local government, so I have become passionate about working together with community members to achieve goals.

As a relatively new Morgantown resident, I feel as though I can provide fresh perspective and ideas to meetings that happen once a month. The exchanging of information and addressing the current needs are all things I enjoy to participate in during meetings, and it would be an honor for my vote to count. I am asking to be appointed as the city member for the MRTC Board.

I look forward to hearing from you,

Katy Moran  
817 Harrison St.  
Morgantown, WV 26505

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**AN ORDINANCE BY THE CITY OF MORGANTOWN WHICH AMENDS THE EFFECTIVE DATE OF AN ORDINANCE PREVIOUSLY ADOPTED BY IT ON FEBRUARY 19, 2013, ADDRESSING SECTION 1512.05 OF ITS FIRE PREVENTION CODE AND MALICIOUS BURNING.**

WHEREAS, Morgantown City Council adopted an ordinance on February 19, 2013, which amended Section 1512.05 of the Morgantown Fire Prevention Code;

WHEREAS, the February 19, 2013, amending ordinance contained language stating that the ordinance would take effect immediately upon receipt of written confirmation of its approval by the West Virginia State Fire Commission;

WHEREAS, the West Virginia State Fire Commission has recently notified the Morgantown Fire Chief that the Fire Commission's approval is not necessary for the City of Morgantown to adopt the amendment; and

WHEREAS, the purpose of this amending ordinance is to delete the language previously adopted regarding the ordinance taking effect upon written confirmation of its approval by the West Virginia State Fire Commission, and to insert in its place, language stating that the amendment to Section 512.05 shall take effect immediately upon its adoption.

NOW, THEREFORE, the City of Morgantown hereby ordains that the ordinance that it adopted on February 19, 2013, amending Section 1512.05 of its Fire Prevention Code, is amended as follows (new matter underlined, deleted matter struck through):

1512.05 MALICIOUS BURNING.

No person shall willfully and/or maliciously burn or assist in the burning of any materials, property of their own, or property belonging to another on any public street, private street, right-of-way, alley, sidewalk, public or private driveway, or public or private parking lot. Materials subject to this section include but are not limited to: furniture, rubbish, debris, garbage, dumpsters, garbage receptacles, construction materials, or brush. Persons found guilty of malicious burning shall be subject to a fine of not less than one thousand dollars (\$1,000.00) nor more than two thousand dollars (\$2,000.00). Persons found guilty may be ordered to reimburse the City of Morgantown for the costs expended by its Fire Department to control, extinguish and suppress the malicious fire as determined by the established billing rate for services and equipment by the Fire Department.

This Ordinance shall take effect immediately upon ~~receipt of written confirmation of its approval by the West Virginia State Fire Commission.~~ adoption.

FIRST READING:

\_\_\_\_\_  
MAYOR

ADOPTED:

FILED:

\_\_\_\_\_  
CITY CLERK

RECORDED:

# ***City of Morgantown***

## ***Finance Department***

***389 Spruce Street***

***Morgantown, WV 26505***

***Phone (304) 284-7407/Fax 7418***

***dwhite@cityofmorgantown.org***

# **MEMO**

**DATE:** April 2, 2013  
**TO:** Linda Little, City Clerk  
**FROM:** J.R. Sabatelli, Finance Director   
**RE:** Agenda Item

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Please include on the agenda for April 16, 2013 under New Business:

Consideration of the APPROVAL OF THE RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 IN ACCORDANCE WITH CHAPTER 11 ARTICLE 8 OF THE WEST VIRGINIA CODE.

Attached are the *Notice of Approval of the Levy Estimate (Budget)* and the *Levy Order and Rate Sheet* to be included in the Council packets.

After approval, please sign the *Levy Order and Rate Sheet* and return to me for submission to the State Auditor's Office.

Thank you.

**MUNICIPALITY OF Morgantown, WEST VIRGINIA  
LEVY ORDER AND RATE SHEET  
2013 - 2014**

The following is a true copy from the record of orders entered by this entity on the 16th day of  
April, 2013

**SIGNATURE:** \_\_\_\_\_

Municipal Clerk or Recorder

	Column E Certificate of Valuation Assessed Value for Tax Purposes	Levy Rate/\$100	Taxes Levied
<b>Current Year</b>			
Class I			
Personal Property	\$ 0	12.50	\$ 0
Public Utility	0		0
<b>Total Class I</b>	<b>\$ 0</b>		<b>\$ 0</b>
Class II			
Real Estate	\$ 362,088,630	25.00	\$ 905,222
Personal Property	1,138,026		2,845
<b>Total Class II</b>	<b>\$ 363,226,656</b>		<b>\$ 908,067</b>
Class IV			
Real Estate	\$ 467,144,310	50.00	\$ 2,335,722
Personal Property	161,313,313		806,567
Public Utility	42,218,353		211,092
<b>Total Class IV</b>	<b>\$ 670,675,976</b>		<b>\$ 3,353,381</b>
<b>Total Value &amp; Projected Revenue</b>	<b>\$ 1,033,902,632</b>		<b>\$ 4,261,448</b>
Less Delinquencies, Exonerations & Uncollectable Taxes		8.50%	362,223
Less Tax Discounts		1.00%	38,992
Less Allowance for Tax Increment Financing - see worksheet (Subtracted from regular current expense taxes levied only)			342,986
<b>Total Projected Property Tax Collection</b>			<b>3,517,247</b>
Less Assessor Valuation Fund (Subtracted from regular current expense taxes levied only)		2.00%	70,345
Net Amount to be Raised by Levy of Property Taxes For Budget Purposes			<b>\$ 3,446,902</b>



# State of West Virginia

Office of the State Auditor  
Glen B. Gainer III  
State Auditor  
[www.wvsao.gov](http://www.wvsao.gov)

Building 1, Room W-100  
Charleston, West Virginia 25305  
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FAX: (304) 558-5200

200 West Main Street  
Clarksburg, West Virginia 26301  
Telephone: (304) 627-2415  
FAX: (304) 627-2417

March 21, 2013

## NOTICE OF APPROVAL OF THE LEVY ESTIMATE (BUDGET)

To: Municipality of Morgantown

In accordance with the provisions of Chapter 11, Article 8, of the West Virginia Code, as amended, the State Auditor of West Virginia hereby approves your Levy Estimate (Budget) for the fiscal year beginning July 1, 2013.

With this written approval, the levying body shall meet on the third Tuesday in April (April 16) to hear and consider any objections and to officially adopt the levy rates for property taxation. The clerk/recording officer, within three days of such meeting, shall prepare and forward to the State Auditor the officially adopted levy rates and levy order.

If you have any questions, please do not hesitate to contact me at 304-627-2415 or 1-877-982-9148 extension 5114, Shellie Humphrey extension 5119, Mary Ann Claytor extension 5118, or Karen Drain extension 5101.

Sincerely,  
Glen B. Gainer III  
WV State Auditor

A handwritten signature in cursive script, appearing to read "Ora L. Ash".

By: Ora L. Ash  
Deputy State Auditor