



Office of the City Clerk

The City of Morgantown

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**AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
September 2, 2014
7:00 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES: Regular Meeting – August 19, 2014**
5. **CORRESPONDENCE**
6. **PUBLIC HEARINGS:**
 - A. **AN ORDINANCE AMENDING ARTICLE 1369.15 OF THE PLANNING AND ZONING CODE AS IT RELATES TO SIGN PERMITS.**
 - B. **AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE SALE OF REALTY OWNED BY IT IN THE FOURTH WARD OF THE CITY TO JONES PLACE, LLC.**
 - C. **AN ORDINANCE AMENDING SECTION 529.01 OF ITS GENERAL OFFENSES CODE IN REGARD TO OFFENSES RELATING TO PERSONS.**
 - D. **AN ORDINANCE AMENDING ARTICLE 301 OF THE CITY OF MORGANTOWN TRAFFIC CODE BY ADDING NEW SECTIONS 301.071 AND 301.111 TO IT, DEFINING THE TERMS “DOWNTOWN BUSINESS DISTRICT” AND HEAVY TRUCKS.**

- E. AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 347 OF ITS TRAFFIC CODE BY AMENDING SECTIONS 347.01 (a) AND 347.01 (c), AND ADDING NEW SECTIONS 347.01 (d) AND 347.01 (e), AS THE SAME APPLY TO HEAVY TRUCKS WITHIN THE DOWNTOWN BUSINESS DISTRICT.

7. UNFINISHED BUSINESS:

- A. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING ARTICLE 1369.15 OF THE PLANNING AND ZONING CODE AS IT RELATES TO SIGN PERMITS.(First Reading August 5, 2014)
- B. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE SALE OF REALTY OWNED BY IT IN THE FOURTH WARD OF THE CITY TO JONES PLACE, LLC.(First Reading August 19, 2014)
- C. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) AN ORDINANCE AMENDING SECTION 529.01 OF ITS GENERAL OFFENSES CODE IN REGARD TO OFFENSES RELATING TO PERSONS. (First Reading August 19, 2014)
- D. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING ARTICLE 301 OF THE CITY OF MORGANTOWN TRAFFIC CODE BY ADDING NEW SECTIONS 301.071 AND 301.111 TO IT, DEFINING THE TERMS "DOWNTOWN BUSINESS DISTRICT" AND HEAVY TRUCKS. (First Reading August 19, 2014)
- E. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 347 OF ITS TRAFFIC CODE BY AMENDING SECTIONS 347.01 (a) AND 347.01 (c), AND ADDING NEW SECTIONS 347.01 (d) AND 347.01 (e), AS THE SAME APPLY TO HEAVY TRUCKS WITHIN THE DOWNTOWN BUSINESS DISTRICT.(First Reading August 19, 2014)

F. 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 FIRST READING of AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM R-2, SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT TO B-1, NEIGHBORHOOD 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 WA FULLY SET FORTH HEREIN.**
- B. **CONSIDERATION of APPROVAL of FIRST READING of AN ORDINANCE TO PROVIDE TH E ZONING CLASSIFICATION OF 13.40 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 14-18 BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.**
- C. **CONSIDERATION of APPROVAL of FIRST READING of AN ORDINANCE BY THE CITY OF MORGANTOWN VACATING, ABANDONING, AND ANNULLING A PART OR PORTION OF SUZANNE ROAD MEASURING FORTY (40) FEET IN WIDTH AND APPROXIMATELY EIGHTY-FIVE (85) FEET, AT ITS LONGEST POINT, IN LENGTH LOCATED AND SITUATE IN THE SECOND WARD OF THE CITY OF MORGANTOWN, MORGAN DISTRICT, MONONGALIA COUNTY, WEST VIRGINIA.**
- D. **CONSIDERATION of APPROVAL of FIRST READING of AN ORDINANCE BY THE CITY OF MORGANTOWN VACATING, ABANDONING, AND ANNULLING A PART OR PORTION OF DORIS ROAD MEASURING THREE HUNDRED EIGHT (308) FEET, AT ITS LONGEST POINT, IN LENGTH, AND SITUATE IN THE SECOND WARD OF THE CITY OF MORGANTOWN, MORGAN DISTRICT, MONONGALIA COUNTY, WEST VIRGINIA.**

11. **CITY MANAGER'S REPORT:**

INFORMATION:

1. **Bad Building Conference**
2. **Recreation Facility Study**

12. **REPORT FROM CITY CLERK**

13. **REPORT FROM CITY ATTORNEY**

14. **REPORT FROM COUNCIL MEMBERS**

15. **EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4(2) (B) (9) in order to discuss Real Estate matters.**

16. **ADJOURNMENT**

If you need an accommodation contact us at (304) 284-7439

REGULAR MEETING AUGUST 19, 2014: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, August 19, 2014 at 7:00 p.m.

PRESENT: City Manager Jeff Mikorski, Assistant City Manager Glen Kelly, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Selin, Deputy Mayor Marti Shamberger and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Mike Fike, and Nancy Ganz.

The Meeting was called to order by Mayor Selin.

APPROVAL OF MINUTES: The minutes of the regular meeting of August 5, 2014, were approved as printed.

CORRESPONDENCE: Chris DeBerry was promoted to Fire Fighter 1st Class; Chief Caravazos expressed how well Mr. DeBerry has been doing and is very proud of his continued hard work and service with the Morgantown Fire Department. Ms. Linda Little, City Clerk, received the Quiet Strength Award from the West Virginia Municipal League to recognize her quiet strength, hard work and continued service to the Municipal League. The City Manager, Jeff Mikorski, received an award from the West Virginia League City Manager Association in honor and appreciation for his dedicated leadership in the advancement of the Municipal Government. The City of Morgantown received the All-Star Community Award for the year of 2013-2014 in the enrichment category for recognition of the Woodburn Reuse Committee's exceptional performance in the innovative contributions to a progressive municipal government. Council Members read letters from Shirley Stewart Burns, Ph.D., Valerie Frey- McClung, Harrison Case, Amy Weislogel, Brian Camp and Matthew Held all in support of limiting heavy truck traffic through downtown. **(EXHIBITS A, B, C, D, E, F ATTACHED)**

PUBLIC HEARING - AN ORDINANCE AMENDING THE FY 2014-2015 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

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

PUBLIC HEARING - AN ORDINANCE AMENDING SECTION 505.09 OF ITS GENERAL OFFENSES CODE RELATING TO ANIMALS AND FOWL.

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

PUBLIC HEARING - AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY COMMISSION AS THE SAME APPLIES TO CERTAIN ANIMAL CONTROL SERVICES TO BE PROVIDED BY THE COUNTY TO THE CITY.

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

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 921.01 AND 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO DISCHARGE OF DETRIMENTAL WASTES INTO ANY SEWER AND RELATED DEFINITION OF TERMS.

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

PUBLIC HEARING - AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 5' WIDE UNNAMED ALLEY RUNNING A DISTANCE OF APPROXIMATELY EIGHTY-ONE FEET LOCATED SOUTH OF FIRST STREET BETWEEN JONES AVENUE AND LORENTZ AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

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

PUBLIC HEARING - AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 16' RIGHT OF WAY ALONG A PORTION OF FIRST STREET RUNNING A DISTANCE OF APPROXIMATELY EIGHTY-SIX FEET IN AN EASTERLY DIRECTION FROM ITS INTERSECTION WITH JONES AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

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

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT BETWEEN IT, AS LESSOR, AND THE STATE OF WEST VIRGINIA, AS LESSEE, ON BEHALF OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, REGARDING REALTY AT THE MORGANTOWN MUNICIPAL AIRPORT UTILIZED FOR PURPOSES OF AIR QUALITY SAMPLING.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING THE FY 2014-2015 ANNUAL BUDGET: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE FY 2014-2015 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

Motion by Shamberger second by Fike, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING SECTION 505.09 OF ITS GENERAL OFFENSES CODE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTION 505.09 OF ITS GENERAL OFFENSES CODE RELATING TO ANIMALS AND FOWL.

Motion by Kaweck, second by Shamberger, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY COMMISSION AS THE SAME APPLIES TO CERTAIN ANIMAL CONTROL SERVICES TO BE PROVIDED BY THE COUNTY TO THE CITY.

After explanation from the City Manager, motion by Fike, second by Bane, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 921.01 AND 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 921.01 AND 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO DISCHARGE OF DETRIMENTAL WASTES INTO ANY SEWER AND RELATED DEFINITION OF TERMS.

Motion by Bane, second by Ganz, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 5' WIDE UNNAMED ALLEY: The below entitled Ordinance was presented for second reading.

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 5' WIDE UNNAMED ALLEY RUNNING A DISTANCE OF APPROXIMATELY EIGHTY-ONE FEET LOCATED SOUTH OF FIRST STREET BETWEEN JONES AVENUE AND LORENTZ AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

After comments made by Council Members, motion by Bane, second by Shamberger, to adopt the above entitled Ordinance. Motion carried 6-1, Ganz voted no.

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 16' RIGHT OF WAY: The below entitled Ordinance was presented for second reading.

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 16' RIGHT OF WAY ALONG A PORTION OF FIRST STREET RUNNING A DISTANCE OF APPROXIMATELY EIGHTY-SIX FEET IN AN EASTERLY DIRECTION FROM ITS INTERSECTION WITH JONES AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

After comments made by Council Members, motion by Bane, second by Shamberger, to adopt the above entitled Ordinance. Motion carried 6-1, Ganz voted no.

AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT: The below entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT BETWEEN IT, AS LESSOR, AND THE STATE OF WEST VIRGINIA, AS LESSEE, ON BEHALF OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, REGARDING REALTY AT THE MORGANTOWN MUNICIPAL AIRPORT UTILIZED FOR PURPOSES OF AIR QUALITY SAMPLING.

Motion by Nugent, second by Kaweck, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: The City Clerk announced that we are looking for appointments for Urban Landscape in the fourth and seventh wards.

PUBLIC PORTION:

David Biafora, 6200 Mid-Atlantic Drive, stated that City Council and City Manager need to follow the laws that we have and noted that Council is not in charge of laws and ordinances that are regulated by the State of West Virginia. Mr. Biafora also stated that the citizens of Morgantown do not need to be paying taxes on lawyers and law suits and should be paying taxes on more important things in the community. Mr. Biafora continued to explain his feelings about how Council should do things differently and in conclusion of his comments he stated that they will not win this one and that Council will one day thank Mr. Biafora and his team for all the taxes that they are collecting from West Virginia University and public-private entities.

Bob Bastress, 851 Bakers Ridge Road, stated that he is an attorney and teaches at the College of Law. He noted that his concentrated studies are constitutional law and local government law. Mr. Bastress began his comments by stating that he will explain the Cities basic power; there are several constitutional and statutory provisions which accord this City the power to regulate municipal affairs as long as the law is consistent with the State law. Mr. Bastress stated that there is a statute that specifically authorizes Council to regulate to protect the health and safety of the public and also to regulate the use of City Streets as long as it is consistent with West Virginia State Law. Mr. Bastress continued to explain more about what the Cities rights are in conjunction with the proposed truck ordinance until his four minute time period was up.

Renee Hernandez, Morgantown, asked if her letter would be part of record and stated that she was in support of the restricted truck traffic through Morgantown. She continued to explain her personal encounters with loud noise from trucks and also safety issues. Ms. Hernandez concluded her comments by saying that she trusts that Council will make the right decision and pass this ordinance. **(EXHIBIT G ATTACHED)**

Charlie Benson, Cheat Lake, stated that she has a business in Morgantown City limits called Mountain State Truck Parts. She is very concerned that if the truck ordinance is passed, the negative economic impact that it will have not only of the companies that own the trucks but also causing mechanics and repair shops to be out of work. She stated that before passing the ordinance, they should do a very detailed economic study and she also mentioned if businesses do go out of business then the City will be losing a lot of money in taxes. Ms. Benson noted that there are also jacked up trucks with smoke stacks in the back causing loud noise and pollution, she asked it should be enforced all the way around and not just on heavy trucks but recreational vehicles as well.

Christina Byrne Hoffman, 1289 Carlisle Avenue, stated that we have a general lack of code enforcement due to lack of City funds. If we had more code enforcement to enforce not only the truck laws already in place but also inspections on rentals and property maintenance; the money we collect from all the citations would pay for itself.

Bill Case, 472 Longview Dive, stated that truck and bus traffic are definitely a hazard to pedestrians. The issue is what route they are taking to get from point A to point B without endangering pedestrians. He stated that no one wants to shut down the Industrial Entities causing issues; we just want a rational decision on alternate routes for the heavy and large trucks. Mr. Case stated that he is glad to see the City Council taking action about this situation instead of just talking about it.

Alex Baker, Front Avenue, stated while he would sit on the back porch of his house he observed quite frequently the complete lack of regard for traffic laws that the trucks driving through the area have. He explained how the trucks create environmental impacts that are very damaging to the roads and neighborhoods in and around Brockway Avenue.

James Giuliani, 256 Prairie Avenue, stated that he's not coming here for truck traffic problems; although he can see how it can be very emotional on both sides just as his issues with the City and West Virginia University are. He stated that we are trying to get the City to follow its own ordinances and also get West Virginia University and the private developers involved with the City permitting and fee process. Mr. Giuliani believes that there were many instances that if West Virginia University projects would have had the City involved; there would have been fewer mistakes in the planning and zoning process. He also stated that we are trying to do what's right for the City of Morgantown and its citizens and hopes that the Council Members are as passionate with his concerns just as they are about the truck ordinance.

Gary Tannenbaum, 248 Walnut Street, stated that he owns the Blue Moose Café on the corner of Spruce and Walnut Street and he is in support of the truck ordinance. He believes that in the past few years traffic has increased greatly to a point of critical mass. His business is right in the epicenter of the most congestion and fears for the safety of others and himself. He also feels that this heavy truck traffic would be a poor introduction to new prospective businesses and people wanting to make Morgantown their home. Mr. Tannenbaum hopes that Council will pass the truck ordinance.

Matthew Cross, 524 Milford Street, stated it is true that we are not the trucker's enemies, we are their neighbors and if we do pass the truck ordinance we need to do what we can to ease their difficulties by making a smooth transition for them including enhancing the alternative routes. Mr. Cross spoke about an increase in tax to compensate the private contractors that have to pay more in shipping, empirical data on safety concerns, and how a wise legislation should envision prevention.

Andria Rivado stated she works downtown on High Street and spends most of her time as a pedestrian downtown. She noted that there have been a couple of times when the noise and size of the trucks interrupted her day; she urged Council to pass this ordinance.

Lacy Paine, 304 Wilson Avenue, stated that she is in support of the proposed truck ordinance and that her husband was struck by a large truck about three years ago while bicycling along the road on Spruce Street. She expressed that it is dangerous for bicyclists and pedestrians to be sharing the streets with large trucks.

Leo Schlosnagle, 89 Kingwood Street, stated that he has lived in Morgantown since 2007 and currently works as a faculty member for WVU. He noted that he lived on High Street prior to his current address and the noise of the trucks causes him to have to wear earplugs so he won't be disturbed while sleeping. He also noted that the noise causes his furniture and objects in his room to vibrate which wakes him up. Mr. Schlosnagle stated that he noticed sediment on his car and in his opinion it's due to pollution in the air caused by the large trucks in the area. He also stated that the trucks have an impact on our roads in Morgantown and they are in bad need of repair in many areas notably in the most traveled areas and he feels that the large trucks are the primary culprits that cause these damages.

Brian McAllister, Morgantown, stated that he shared an MPO study with Council that was done in 2005. Mr. McAllister reiterated the safety concerns from the MPO study and also noted that those findings have not changed. He then read the recommendations that the MPO gave in 2005 to better the truck traffic issues and he noted that there are alternative methods to the recommendations made. Mr. McAllister stated that this Council has the safety regulatory authority pursuant to our charter and the State Law and he asks that you exercise that right in the best interest of the City of Morgantown and for the people who reside within the City limits.

SPECIAL COMMITTEE REPORTS: No Reports

NEW BUSINESS:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE SALE OF REALTY: The below entitled Ordinance was presented for first reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE SALE OF REALTY OWNED BY IT IN THE FOURTH WARD OF THE CITY TO JONES PLACE, LLC.

After City Manager explanation, motion by Bane, second by Shamberger, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING SECTION 529.01 OF ITS GENERAL OFFENSES CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTION 529.01 OF ITS GENERAL OFFENSES CODE IN REGARD TO OFFENSES RELATING TO PERSONS.

After City Manager explanation, motion by Kawecki, second by Bane, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 301 OF THE CITY OF MORGANTOWN TRAFFIC CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 301 OF THE CITY OF MORGANTOWN TRAFFIC CODE BY ADDING NEW SECTIONS 301.071 AND 301.111 TO IT, DEFINING THE TERMS "DOWNTOWN BUSINESS DISTRICT" AND HEAVY TRUCKS.

After City Manager explanation and minor amendment, motion by Kawecki, second by Ganz, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 347 OF ITS TRAFFIC CODE:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 347 OF ITS TRAFFIC CODE BY AMENDING SECTIONS 341.01 (a) AND 347.01 (c), AND ADDING NEW SECTIONS 347.01 (d) AND 347.01 (e), AS THE SAME APPLY TO HEAVY TRUCKS WITHIN THE DOWNTOWN BUSINESS DISTRICT.

After City Manager explanation and minor amendment, motion by Fike, second by Shamberger, to pass the above entitled Ordinance to second reading. Motion carried 6-1. Nugent voted no.

CITY MANAGER'S REPORT:

NEW BUSINESS:

1. Audit Selection Committee:

The City Manager stated that a selection committee for hiring an auditor is required by State Law and he recommends to Council along with the Finance Director to appoint Mayor Jenny Selin, City Manager Jeff Mikorski, Finance Director J.R. Sabatelli, and Budget & Accounting Manager Lori Livengood to the audit committee.

Motion by Kawecki, second by Ganz, to approve the appointments to the audit committee. Motion carried 6-0. Mayor Selin abstained.

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane stated that after hearing the clapping, people that support this ordinance should not have the perception that the trucks will end completely because you're still going to see them. Councilor Bane expressed whether it be from special permitting or construction in the City, the trucks will still be around.

Councilor Kawecki:

Councilor Kawecki stated that he does not want to give the people a perception that once the ordinance is passed that nothing will happen. He expects that City Administration will act on good faith to enforce the proposed ordinance. Councilor Kawecki announced that the South Park Association of Neighbors is having its super sale on Saturday.

Councilor Nugent:

Councilor Nugent stated that he would like to hold an executive session for public/private partnership and real estate matters on the first

regular meeting of next month so everyone can be brought up to speed on this issue. Councilor Nugent announced that tomorrow August 20, 2014, is the third Wednesday of the month and typically that is the Neighborhood Association meeting for Wiles Hill/Highland Park; Councilor Nugent has not received notification that a meeting will be held however; if it is he noted that neighbors are always welcome and will be held at 287 Eureka Drive with the social starting at 6:30 p.m. following the meeting at 7:00 p.m. Councilor Nugent noted that he has received several comments on the Wiles Hill Blue Curb Permitting and wanted to confirm that information was being mailed out. He also noted that there have been some kinks along the way but once ironed out he believes that the permitting process will proceed to be a betterment for the neighborhood. Councilor Nugent stated that he hopes Council does make the right decision on the passing of the truck ordinance and that his interpretation isn't in line with what other people believe. He noted that this is a difficult decision and hopes that we can continue looking at other alternatives.

Councilor Shamberger:

Councilor Shamberger noted that she would like Council to be informed next time there is a memo or email from Main Street Morgantown. She also expressed that Ms. Hoffman brought up a good point about the core to a lot of our problems is code enforcement or enforcement of rule that we already have. She noted that she doesn't like how we are complaint driven and would like a more proactive approach to code enforcement. Councilor Shamberger announced that the Safe Communities Committee received a grant for approximately \$4,600 from the school of Public Health to help with communications and publicity about safe communities. She also noted that the committee will be meeting again in September. Councilor Shamberger stated that she respects Councilor Nugent's position; however she is very glad that they are going to keep moving forward with that ordinance.

Councilor Fike:

Councilor Fike stated that he was inspired by the recent West Virginia Municipal League Conference in Bridgeport. He expressed that he was very proud of our City for the All-Star

Award that was granted, due to the redevelopment of the Woodburn School property. Councilor Fike congratulated the City Clerk, Linda Little for her achievement of the Quiet Strength Award. He noted that it was truly well-deserved honor for her work and diligence as an advocate for the League and its mission. Councilor Fike expressed appreciation for those who have spoken, phoned, emailed and wrote letters to express opinions about the Truck Restriction Ordinance issue and he noted that it's good to see democracy in action as concerned citizens accept the responsibility to offer input and guidance for us. Councilor Fike expressed that he feels we are doing the right thing.

Councilor Ganz:

Councilor Ganz stated that she also appreciates the people who care about the City of Morgantown as they spent a lot of their time reviewing ordinances, making recommendations and solving issues in our City and find it a privilege to represent people of such character. She stated that the City of Morgantown has a long tradition of giving away our properties and resources and that is why she dissented in the vote about annulment because she thinks our land is a valuable resource in the City of Morgantown. Councilor Ganz noted that she and Mayor Selin attended Fall Fest and in spite the lack of alcohol, there was still good attendance. Councilor Ganz stated that the Police Chief sent her a news release today noting that there were 769 calls for service. Councilor Ganz stated that in her opinion, the City should share the cost with entities that are receiving higher revenue such as WVU, to compensate the City for its services our Police and Fire Departments provide during WVU events that involve students. Councilor Ganz announced that there will be a Kid's Triathlon this Saturday at Marilla Park and also Sunday Marilla Park will be hosting a Dog Splash from 10:00 a.m. to 4:00 p.m. She also thanked the Racket Club for its 40 years of service and upkeep with the Marilla tennis courts and making them accessible for public use.

Mayor Selin:

Mayor Selin made the following announcements: MAC will be hosting an Arts Network Event on August 22nd from 5:30 p.m. to 7:00 p.m.; Farmer's Market on August 23rd from 8:30 a.m. to 12:00 p.m.; Botanical Garden will host a Wild Flower Walk on August 23rd from 9:30 a.m. to 11:00 a.m.; Summer Stroll on August 30th from 9 a.m. to 12:00 p.m. Mayor Selin noted that she would like to be educated on the Code Enforcement protocols due to repeat complaints received from concerned citizens. Mayor Selin also expressed that she would like to see Resolutions to be readily available to the public online and also indexed and listed by topic. She thanked everyone that was involved in tonight's council meeting and also liked to see democracy in action.

EXECUTIVE SESSION:

Motion by Fike, second by Shamberger, to move to executive session pursuant to West Virginia State Code section 6-9A-4(2) (9) in order to discuss personnel matters with the following persons present; Council Members; Jeff Mikorski, Glen Kelly, Linda Little, and Steve Fanok. Time 9:45 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 10:45 p.m.

City Clerk

Mayor

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

Exhibit A

Zimbra

llittle@cityofmorgantown.org

re: proposal to limit heavy truck traffic -- comments to the council

From : Shirley Stewart Burns, Ph.D. <shirley26505@yahoo.com>

Tue, Aug 19, 2014 06:04 PM

Subject : re: proposal to limit heavy truck traffic – comments to the council**To :** citycouncil@cityofmorgantown.org**Reply To :** Shirley Stewart Burns, Ph.D. <shirley26505@yahoo.com>

Please read the following comments into the official record of the Morgantown City Council meeting of August 19, 2014, regarding the proposal to limit heavy truck traffic through downtown Morgantown.

August 19, 2014

Dear Council Members:

I am a concerned citizen and constituent residing in South Park on Clark Street, facing Brockway Avenue. I am writing to support the proposal to limit heavy truck traffic through downtown.

Presently, in my corner of Morgantown, trucks begin hauling their loads through this residential area as early as 3:30 am. To illustrate how loud these trucks are, the reverberation of the noise from these trucks frequently turns on our touchless lamp just by passing by our home. It also is difficult to maneuver a vehicle on narrow streets that were never designed to accommodate such large trucks, trucks which must frequently take up two lanes to adequately make a turn. As a city on the cutting edge, with an eye to the future, Morgantown should enact measures to protect their citizens from the clear and present danger of these heavy trucks.

I have heard many of these truckers will be at this meeting to ensure that their "voices are heard" as they protest this proposal. I can assure the Commission that these truckers' voices are loud and clear as they barrel past my bedroom window throughout the early morning and through most of the day. They are obviously spurred on by their employers and those companies by their bottom line, but I can assure the Commission that I and many other taxpaying citizens find these machines to be more than just a mere nuisance with their constant noise pollution and choking exhaust. Morgantown has expanded by leaps and bounds in the past few years. The Commission should also consider the toll that this constant heavy traffic is causing to the roads and bridges and what that might cost the city in the future as it is forced to help pay for the repair of the problems these trucks have caused and in lost tax revenues as businesses relocate to more attractive locations outside the city limits and outside the purview of these heavy trucks. There is a distinct difference in a half-ton car traversing these roads and bridges and an 80,000 pound truck. In addition, these trucks increase the congestion of an already crowded downtown area. While these trucks have every right to operate, they do not have the right to infringe on other's safety and well being.

Again, I urge the Commission not to bow down to the demands of large corporations at the expense of their constituency. These companies certainly provide employment and revenue to the county, but my neighbors and I are your voting constituents, and we pay taxes, too. I would question how many of the truckers voicing their discontent even live in Morgantown and vote in city elections much less have families that have to endure the loud noise and pollution that comes from their trucks. If they are not citizens of Morgantown then they should not have a voice in how the city is governed and must be made to abide by Morgantown's rules and regulations when they enter our city. For the sake of your constituents who have to put up with these trucks, please enact the ordinance to limit heavy truck traffic. I, for one, am fed up with the loud noise. These truckers would be fed up, too, if they had to hear their loud trucks while they were trying to sleep. Again, these trucks begin rolling by my home around 3:30 am. Please support this ordinance that will benefit the citizens of Morgantown from these deafening, polluting behemoth trucks. Morgantown is a city with its eyes toward the future. The heavy truck traffic through the heart of our city is hampering economic growth as well as the quality of life of Morgantown residents. Upton Sinclair once wrote that "It is difficult to get a man to understand something when his salary depends on his not understanding it." That said, I do not expect the truck drivers to understand our concerns, but I do expect the Council to fully comprehend these concerns and to act in the interest of its constituents.

Exhibit B

llittle@cityofmorgantown.org

Zimbra

Limit Heavy Truck Traffic

From : Valerie Frey-McClung <valerie.freymcclung@gmail.com>

Tue, Aug 19, 2014 11:06 AM

Subject : Limit Heavy Truck Traffic**To :** citycouncil@cityofmorgantown.org

I strongly urge City Council to limit trucks with a gross vehicle weight over 20,000 pounds from the downtown business district. The hundreds of large trucks that travel through the business district each day pose serious safety and health problems for others. I implore you to do everything in your power to see that truck traffic is rerouted around our business district.

Please support the proposed ordinance to limit heavy through-truck traffic downtown.

I am unable to attend tonight's meeting, so I respectfully request that my message be read into the record. Thank you.

Valerie Frey-McClung

Exhibit C

Zimbra

llittle@cityofmorgantown.org

Photo for record of Aug 19 hearing

From : Harrison Case <harrison.case@gmail.com>

Fri, Aug 15, 2014 04:18 PM

Subject : Photo for record of Aug 19 hearing

1 attachment

To : citycouncil@cityofmorgantown.org

Dear Councilmembers,

I ask that you include the attached photo in the record of the hearing on the proposed Heavy Truck ordinance on August 19. The photo of an uncovered limestone truck stopped and blocking the crosswalk at High and Walnut was taken at approximately 12:53 PM today, August 15, 2014.

My family and I are in strong support of the ordinance. As an attorney, it is clear to me that there is plenty of authority for its enactment.

Yours,

Harrison Case
136 Sherman Ave.



image.jpeg
3 MB



Item 10B on the agenda of the Morgantown City Council Regular Meeting Aug. 19, 2014

From : Amy Weislogel <amy.weislogel@gmail.com> Tue, Aug 19, 2014 04:30 PM
Subject : Item 10B on the agenda of the Morgantown City Council Regular Meeting Aug. 19, 2014
To : citycouncil@cityofmorgantown.org

To the City Council Members of Morgantown, WV:

I request this letter be read into the record as correspondence at the Morgantown City Council Regular Meeting Aug. 19, 2014 regarding item 10B on the regular meeting agenda. I have lived in the South Park district of Morgantown since 2010.

I regularly drive on Rt. 7 from South Park to the Mileground with my 2 small children and then on US 119 to Rt 7 where it passes WVU's Downtown campus (Beechurst Ave). One thing that is abundantly clear from my experience is that heavy trucks constantly pass through on Rt. 7 between downtown Morgantown and Sabraton and this practice is inherently unsafe.

The condition of Rt. 7 between downtown Morgantown and Sabraton is inadequate to allow safe clearance of large industrial trucks. In order to travel this route, heavy trucks regularly must cross the center line into the oncoming lane and drive over sidewalks during their transit. Operators of these trucks are conscientious citizens doing their job, but the infrastructure they regularly rely on to do this job is inadequate and therefore their practice in traveling this route is unsafe.

Industrial trucks should have access to roads in the city of Morgantown as necessary to conduct their business, but all members of the Morgantown community are obligated to operate in a safe manner. Violating traffic laws as a matter of practice in order to pass along inadequate roads is not safe. Our community is risking further injury and loss of life and property if heavy truck traffic continues to operate along this route.

Sincerely,

Amy Weislogel
156 Grandview Ave.
Morgantown, WV

truck ordinance *Please read this email into the record of the meeting*

From : Brian Camp <bcamp@citizensbankwv.com>
Subject : truck ordinance *Please read this email into the record of the meeting*
To : citycouncil@cityofmorgantown.org
Cc : Evan Hansen <ehansen@downstreamstrategies.com>

Tue, Aug 19, 2014 09:12 AM
2 attachments

City Council,

My name is Brian Camp and I am a Vice President of Citizens Bank of Morgantown. As you may know, our bank has been locally owned and operated downtown on the corner of high and walnut around since 1922. We know more than most the importance of this ordinance. We support the ordinance to limit heavy through-truck traffic downtown for many reasons. Our concerns are the safety of our citizens, cleanliness of our streets and of our historic Citizens Bank buildings, and the interruptive noise created by these heavy trucks. Thank you for your time.



Brian C. Camp
Vice President of Operations
Citizens Bank of Morgantown
265 High Street
Morgantown, West Virginia 26507-0735
(304) 292-8411 Work
(304) 292-1637 Fax
bcamp@citizensbankwv.com
www.citizensbankwv.com



CONFIDENTIALITY NOTICE: The information contained in this message is privileged and confidential, and may be protected from disclosure. If the reader of this message is not the intended recipient, or any employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and delete it (and any attachments) from your computer. In addition, please contact our office at 304-292-8411. Thank you.



image001.png
6 KB



image002.png
2 KB

The Greenmont Neighborhood Association
Matthew Held, President
213 Kingwood St.
Morgantown, WV 26501

Morgantown City Council
389 Spruce St.
Morgantown, WV 26501

Dear Mayor Selin, Deputy Mayor Shamberger, Members of Council,

On behalf of the good people of Greenmont I want to express how grateful we are that you have advanced the Safe Streets Morgantown ordinance limiting heavy truck traffic to your agenda for official consideration. The residents of Greenmont have suffered with this threat to our safety and health for a generation. We have tried repeatedly over the years to find protection from this relentless procession to no avail. Our streets are old and from a different time. They lack adequate safety buffers between pedestrians and heavy traffic and in the case of several dozen homes their front doors are just feet from the road. Years of spilled cargo, sooty exhaust, noise and the anxiety of living with this danger have inspired the people to stand in overwhelming support of this action.

Many have reviewed the ordinance and believe it to be a sound proposition. It has been crafted with care by fellow neighbors to be strong and fair with the safety we deserve on our streets at its heart. We ask you to exercise your safety regulatory authority to enact this regulation so as to mitigate these risks to people and property. We are optimistic that a solution is close at hand, and I write to you today to reassure you that the people of Greenmont stand strongly with you in support and advancement of the Safe Streets Morgantown ordinance.

Sincerely,

Matthew Held
President, Greenmont Neighborhood Association

1 Am is support of the ordinance of restricted access through Montgomery. When I returned to Montgomery, the fall of 2010 I resided at Oxendale St -

lived there through August of 2013.

The restles street traffic began distally in sleep immediately + this I like my other effects. Is this first morning a trash heap east as RT 7. N.H. A house wall. Forwards

The truck was empty I fear there would be bees garden damage. I copied the noise, gravel falling out out the streets, the gullies, the brake + air horns as, during walks, yell, gas, moan etc

These began noisy strong opinions regarding industrial trucks almost immediately.

I sought support by joining neighborhood Association, I started petitions. I spoke to council, Senator Pat Berke called the PSC as his recommendation

AS it is a state law that all these loads be covered. civil disobedience + was give

A truck for attempt to slow these trucks down + deceleration + brakes for neighbor. I was cited, I appealed the ticket to magistrates court + Judge George Cornwell

me for my service + stated his appreciation to the trucks

I brought to court attention various laws at W. City of Mountain side Address truck loads, cans, litter, engine back hoses yellow + situation + hoses. I grew discouraged as the laws were not enforced.

This summer, upon seeing a group of citizens mobilizing to address this situation energized me.

And now so as I had another drive up RSD + navigated the city streets w my wife + by care, ~~safety is~~ ~~by~~ ~~present~~ ~~who~~ ~~I~~ ~~am~~ please pass this ordinance.

we the undersigned; request that the City Council of Morgan JWD will ask the State Highway to make an alternate truck route for WV Rt 7 so this re-coules trucks to prevent them from going thro the residential area & downtown Morgan JWD.

NAME	Address	Signature
RENEE HERNANDEZ	224 Overdale St Apt. A	Renee Hernandez
Ryan Sellers	Sandwich University	Ryan Sellers
Cindy Taapken	5011 Stonepath Lane	Cindy Taapken
JAMES RECTOR	145 SOUTH HIGH ST	James Rector
John P. ...	302 Duffell St	John P. ...
Michael Diehl	469 Broadway #B	Michael Diehl
Jeanne Hagan	322 High St	Jeanne Hagan
Candace Jordan	26 GEORGIA AVE	Candace Jordan
Kathy Cook	644 Grand St	Kathy Cook
Green Jones	430 Civitanist Mtn	Green Jones
Jim Katcen	414 TYRONE AVERY ROAD MOUNTAIN	Jim Katcen
Darien Flores	1275 Tartan Lane Mtn	Darien Flores
Eve Faulber	49 Maple Ave	Eve Faulber
LOURDES COTTINGHAM	909 Montrose Ave	Loures Cotte
AMAXK Luci	221 ROGERS AVE	AMAXK Luci

John Ritterhaus 181 Walnut St.

DR. LARRY HAYCOCK WEST VIRGINIA UNIVERSITY

Steve Malorky 245 Morris St 26581

Gregory Shaffer Westover 26561
Dell F. [unclear]

Elaine Saleyer 105 W. Park Ave - Westover

Ann [unclear] 997 Grand St Morg. 26501

Orian Britton 1007 Garfield St Wheeling 2608

Benjamin Cook 320 Walnut Street ^{Apt 4} Morgantown WV 26501

DEBRA KINDER 312 DEWEY ST. MORGANTOWN WV 26501

SUSAN SUTHERLAND 53 WHIGH ST WESTOVER, WV 26501

Diane Palmer 25 Morgan Hill Rd Mt. 26508

Cheri Hall 986 Northwest Ave Morgantown

James J. Malorky 233 River View Ct Morgantown, 26501

Katy Ryan 931 Southport Circle Morgantown 26501

Ann [unclear] 133 Morland St. Apt #2, Morgantown. 26501

Michelle 69 W. Jefferson Morgantown WV 26501

B. Fenthaber 901 GRANDVIEW AVE 265017

20



Office of the City Manager

The City of Morgantown

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

City Manager's Report for City Council September 2, 2014

Information

1. **Bad Building Conference**

The WV BAD Buildings Summit will be held in Huntington on October 7-9, 2014. In order to be a part of the conference, a BAD Building team application must be completed. I would like to put a group of 7 volunteers together (potentially elected officials, developers, investors, neighborhood leaders, code enforcement officers, planners, or housing agency heads) as a community team to work on dilapidated and abandoned buildings in the City. Deadline is September 12, 2014 that would include the volunteers that will be a part of the program. I would like to get recommendations from Council on possible volunteers that might want to be a part of the program. This BAD Building Team will be instrumental in developing a plan of action on improving the community by dealing with the BAD building in the City.

2. **Recreation Center Feasibility Study**

This week I was a participant with Monongalia County, West Virginia University, and BOPARC representatives (through the County Leadership Committee's recreation subcommittee) in the presentation of a Recreation Feasibility Study project to the Brickstreet Center for Innovation and Entrepreneurship, in the WVU College of Business and Economics Department. Through working with Steven Cutright and his SBEN 438 class, a Recreational Feasibility Study for a recreation center will be created. Two student teams will be working with the Recreation Subcommittee and BOPARC to look at the needs, wants, and funding opportunities for a recreation center in the City. This project was discussed at the August 21, 2014 BOPARC meeting.

Jeff Mikorski ICMA-CM,
Morgantown City Manager



WV BAD Buildings Summit 2014

October 7 – 9, 2014

The new Marshall University Visual Arts Center
Downtown Huntington, WV

Overview

The BAD (Blighted, Abandoned and Dilapidated) Building Summit will be accepting up to **12 community teams**, each with up to seven participants, to participate in this opportunity to:

- Learn about tools, resources and strategies to deal with problem properties
- Find out how your community might create a Land Reuse Agency under the new WV law
- Develop strategies to implement what you learn, with coaching and assistance from some of the nation's leading authorities on problem properties

You must be a part of a community team to attend!

We want teams who are committed to working on dilapidated and abandoned buildings in your community. Build a team that will have the capacity to address this issue - include creative and active civic and community leaders, elected officials, developers and investors, representatives from troubled neighborhoods, home owners, etc.

Build your team before submitting an application!

Community teams will be selected on the strength and diversity of their team, their capacity to implement a problem property program, and their level of interest in creating a land bank in their community.

Potential team members could include:

Elected officials, developers and investors, representatives from problem neighborhoods, civic leaders, code enforcement officials, city planners, volunteers, members of the faith-based community, housing agency heads and more.

Application

Name of Community:

Community Team Members:

1) Community Team Contact Person:

Occupation or role on the team:

Phone:

Email:

2) Name:

Occupation or role on the team:

Phone:

Email:

3) Name:

Occupation or role on the team:

Phone:

Email:

4) Name:

Occupation or role on the team:

Phone:

Email:

5) Name:

Occupation or role on the team:

Phone:

Email:

6) Name:

Occupation or role on the team:

Phone:

Email:

7) Name:

Occupation or role on the team:

Phone:

Email:

***Please note:**

- **All team members are expected attend the entire BAD Buildings Summit 2014.**
- **If selected, we may work with you to refine your team selections to ensure the most effective delegation attends.**

- 1. Describe the scope of the problem of abandoned, dilapidated, and foreclosed properties in your area, and the impact they have had on your communities. Has your community created an inventory of abandoned and dilapidated properties? If so, please share with us the number of properties in that inventory.**

- 2. What is your current strategy to address problem properties? If you have a formal program in place, please provide a brief description of the program, when it was established, and accomplishments to date.**

- 3. Who are the key players/partners in your efforts (government, citizens, agencies, non-profits, businesses)? Does your team have the support of your city council or your county commission? If so, please provide a letter or resolution to that effect.**

- 4. Is your city council or county commission interested in creating a land re-use agency? If so, please provide a resolution or letter to that effect.**

- 5. Is your community currently involved with any statewide coalitions or efforts to address problem properties?**

- 6. What funding sources are you currently utilizing, if any, to address problem properties?**

- 7. Please share with us your team's goals in attending the WV BAD Buildings Summit 2014.**

Hosted by:

Huntington Urban Renewal Authority Land Bank
Center for Community Progress
Coalfield Development Corporation
Northern WV Brownfields Assistance center
WV Community Development Hub

Sponsored by:

WV Regional Planning & Development Councils
Edward Tucker Architects, Inc.
City of Huntington
Create Huntington
First Sentry Bank

BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES

URBAN LANDSCAPE:

Nicole Panaccione, Fourth Ward and Jerry Steketee, Seventh Ward are resigning terms expired on 7/1/2014. There were no applications. Can Council check in their wards for candidates. Nominated by CM, one from each wd, 13 members with staggered terms and I Councilor.

***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, that they will not interview; the City Clerk will check with Council before scheduling a Special Meeting.***

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

8/25/14

AN ORDINANCE AMENDING ARTICLE 1369.15 OF THE PLANNING AND ZONING CODE AS IT RELATES TO SIGN PERMITS.

The Morgantown City Council hereby ordains that Article 1369.15 “Sign Permits” of the City’s Planning and Zoning Code is amended as follows (deleted matter struck through; new matter underlined):

1369.15 SIGN PERMITS

- (A) **Permits Required for Sign.** Sign permits are required prior to the erection of any sign, as provided in Table 1369.06.01. In addition to sign permits, building permits and floodplain permits may also be required prior to issuance of a sign permit.
- (B) **Application Requirements.**
 - (1) An application for a sign permit may be filed only by the owner of the property on which the sign is to be erected, or by an agent, lessee, or contract purchaser specifically authorized by the owner to file such application. In addition, a Building Permit shall be required prior to the erection of any sign.
 - (2) An application for a sign permit shall be filed with the Planning Department on a form prescribed by the Department, along with the fee as prescribed by the City Council.
 - (3) The Planning Department shall determine whether the application is complete. If the Department determines that the application is not complete, then it shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies.
- (C) **Approval Procedure.**
 - (1) For all signs in the B-4 districts requiring a permit and that are larger than 6 square feet, ~~approval from consultation with the Planning Commission~~ Downtown Design Review Committee shall be necessary. All smaller signs shall be approved following the procedure set forth below, in subsection (C)(2).
 - (2) Signs identified on Table 1369.06.01 as requiring a permit shall be erected, installed or created only in accordance with a duly issued and valid sign permit from the Planning Director. Such permit shall be issued only in accordance with the following requirements and procedures:
 - (a) An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawing to show the dimensions, design, structure, and location of each particular sign. One application and permit may include multiple signs on the same site.
 - (b) No permit shall be issued for any new sign on any parcel of land upon which is situated an illegal sign. Examples of illegal signs include those that were erected or modified without a sign permit, or those that were not removed from the premises upon cessation of the business or enterprise that the sign is related to.

- (c) Within five working days of receiving an application for a sign permit, the Planning Director shall review it for completeness. If the Planning Director finds that it is complete, the application shall then be processed. If the Planning Director finds that it is incomplete, the Planning Director shall inform the applicant of the specific ways in which the application is deficient.
 - (i) Within 20 working days of submission of a complete application for a sign permit, the Planning Director shall either:
 - (ii) Issue the sign permit, if the sign conforms in every respect with the requirements of this Ordinance; or
 - (iii) Deny the sign permit if the sign fails in any respect to conform with the requirements of this Ordinance. In case of a rejection, the Planning Director shall specify the sections of this Ordinance with which the sign is inconsistent.
- (D) Lapse of Sign Permit. A sign permit shall lapse automatically if the business license for the premises lapses, is revoked or not renewed. A sign permit shall also lapse if the business is discontinued for a period of 90 days or more.
- (E) Permits for Temporary Signs. Temporary signs on private property shall be allowed only in accordance with the provisions of Section 1369.07 and only upon the issuance of a Temporary Sign Permit, which shall be subject to the following terms:
 - (1) A temporary sign permit shall allow the use of a temporary sign for a specified 30-day period.
 - (2) Only one temporary sign permit shall be issued to the same business license holder on the same site for the same business.
- (F) Removal of Signs upon Discontinuation of Use. Whenever the use of a building or premises by a specified business or other establishment is discontinued by the owner or occupant for a period of 90 days, the sign permits for all signs pertaining to that business or establishment that were installed by the occupant or owner shall be deemed to have lapsed, and the signs shall be removed, as well as all signs which do not conform to the standards of this Ordinance.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE SALE OF REALTY OWNED BY IT IN THE FOURTH WARD OF THE CITY TO JONES PLACE, LLC.

The City of Morgantown hereby ordains that it authorizes its City Manager to execute the deed hereto attached, by and on behalf of the City of Morgantown, for the consideration of \$50,250.00 being paid to it by JONES PLACE, LLC.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

THIS DEED, made this the ____ day of _____, 2014, by and between the CITY OF MORGANTOWN, a municipal corporation, organized and existing under the laws of the State of West Virginia, party of the first part, GRANTOR, and JONES PLACE, LLC., party of the second part, GRANTEE,

WITNESSETH: That for an in consideration of the sum of Ten Dollars (\$10.00), this day cash in hand paid, and of other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said Grantor, the CITY OF MORGANTOWN, a municipal corporation, does hereby grant and convey unto the said Grantee, JONES PLACE, LLC., with covenants of SPECIAL WARRANTY , all that certain tract and parcel of real estate, situate, lying and being Parcel 241 on Tax Map 20, Fourth Ward, Morgantown Corporation, Monongalia County, West Virginia, which real estate is more particularly bounded and described as follows, to-wit:

Lot 23, Block W, Beauty Terrace Addition.

AND BEING the same real estate conveyed to the CITY OF MORGANTOWN, a municipal corporation, by deed from William Moreland, Deputy Commissioner of Forfeited and Delinquent Lands for Monongalia County, West Virginia, acting for and on behalf of the State of West Virginia, which deed is dated April 16, 1960, and of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book No. 583 at Page 392.

The above described real estate is further conveyed subject to all exceptions, reservations, restrictions, conditions and rights of way as heretofore imposed upon said property by the Grantor's predecessors in title.

The real estate herein conveyed is assessed, for the year 2013 upon the Land Books of the Fourth Ward of the City of Morgantown, Morgan District, Monongalia County, West Virginia, as follows:

City of Morgantown
20 - 0241
0000 - 0000
583 - 392

BLW, Lot 23
Beauty Terrace
0.1217 AC

DECLARATION OF CONSIDERATION OF VALUE

Under penalties of fine and imprisonment, as provided by law, the undersigned Grantor does hereby declare that the total consideration paid for the property transferred by the document to which this declaration is appended is exempt from taxation for the following reason: That being a transfer of property by a political subdivision of the State of West Virginia; and therefore exempt from excise tax as provided by West Virginia Code Chapter 11, Article 22, Section 1.

IN WITNESS WHEREOF, the said City of Morgantown, a municipal corporation, has caused its corporate name to be subscribed hereto, and its corporate seal affixed hereto by Jeff Mikorski, its City Manager by authority duly given.

THE CITY OF MORGANTOWN
A MUNICIPAL CORPORATION ORGANIZED
AND EXISTING UNDER THE LAWS OF
THE STATE OF WEST VIRGINIA

BY: _____
ITS: CITY MANAGER

STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to-wit:

The foregoing instrument was acknowledged before me this the _____ day of _____, 2014, by _____, as the City Manager of the CITY OF MORGANTOWN, a municipal corporation, for and on behalf of said corporation.

My commission expires: _____

NOTARY PUBLIC

THIS DEED WAS PREPARED BY:
Stephen R. Fanok, Attorney at Law
WV Bar # 1158
389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7477

AN ORDINANCE AMENDING SECTION 529.01 OF ITS GENERAL OFFENSES CODE IN REGARD TO OFFENSES RELATING TO PERSONS.

The City of Morgantown hereby ordains that Section 529.01 of its General Offenses Code is amended as follows (new matter underlined, deleted matter struck through):

529.01 ASSAULT AND BATTERY.

- (a) Assault. No person shall unlawfully attempt to ~~commit a violent injury~~ use physical force capable of causing physical pain or injury to the person of another or unlawfully commit an act ~~which~~ that places another in reasonable apprehension of immediately ~~receiving a violent~~ suffering physical pain or injury.
- (b) Battery. No person shall unlawfully and intentionally make physical contact ~~of an insulting or provoking nature~~ with force capable of causing physical pain or injury to the person of another or unlawfully and intentionally cause physical ~~harm~~ pain or injury to another person.

This Ordinance shall become effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

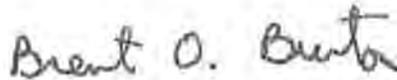
CITY CLERK

RECORDED:

To: Steve Fanok
Chief Preston
From: Brent O. Burton
Re: Changes to Assault and Battery Municipal Code Sections
Date: 7/24/14

Chief Preston recently gave me an e-mail with attachment showing that the State of West Virginia has amended West Virginia Code Section 61-2-9 and 61-2-28 all relating generally to crimes against the person, and modifying the definition of "battery" and "domestic battery" to conform to federal laws. This was done in H. B. 4445, which passed on March 4, 2014, and took effect on June 2, 2014.

Although the City does not prosecute in Municipal Court domestic battery or felony cases that are mentioned in H. B. 4445, the City does prosecute assaults and batteries through our Municipal Court. It is recommended that the definitions of assault and battery be amended to conform to the State statute. I have attached a proposed amendment to the City Code.



Brent O. Burton

BOB
Attachment

AN ORDINANCE AMENDING ARTICLE 301 OF THE CITY OF MORGANTOWN TRAFFIC CODE BY ADDING NEW SECTIONS 301.071 AND 301.111 TO IT, DEFINING THE TERMS “DOWNTOWN BUSINESS DISTRICT” AND HEAVY TRUCKS.

The City of Morgantown hereby ordains that Article 301 of its Traffic Code is hereby amended to include new Sections 301.071 and 301.111 which read as follows (new matter underlined):

301.071: Downtown Business District

“Downtown Business District” means the entirety of the B-4 General Business District as defined in the City of Morgantown’s Planning and Zoning Code, but does not include Beechurst Avenue, University Avenue south of Beechurst Avenue, and Don Knotts Boulevard south of University Avenue.

301.111: Heavy Truck

“Heavy Truck” means any vehicle which is designed or operated for the transportation of property and 1) has combined declared gross weight of over 26,000 pounds as combined declared gross weight is defined in W.Va. Code § 17A-3-3©, and 2) has three or more axles in total.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 347 OF ITS TRAFFIC CODE BY AMENDING SECTIONS 347.01(a) AND 347.01 (c), AND ADDING NEW SECTIONS 347.01 (d) AND 347.01 (e), AS THE SAME APPLY TO HEAVY TRUCKS WITHIN THE DOWNTOWN BUSINESS DISTRICT.

DOWNTOWN BUSINESS DISTRICT HEAVY TRUCK LIMITATION

WHEREAS, the 2013 Comprehensive Plan identifies the reduction of freight trucks within city limits as a community priority ¹; and

WHEREAS, key findings from the Comprehensive Plan’s public input process revealed that “[t]he presence of large trucks within the city evoked frustration from many respondents. The community wants to see truck traffic rerouted around the city and prohibited within the city’s core”¹; and

WHEREAS, the Morgantown Monongalia Metropolitan Planning Organization’s 2013-2040 Long Range Transportation Plan recommends reduction of “truck traffic in residential neighborhoods and on other streets where significant numbers of bicycles and pedestrians are present”²; and

WHEREAS, the City of Morgantown Planning and Zoning Code classifies the City of Morgantown into districts according to their intended function³; and

WHEREAS, the purpose of the General Business District (B-4) is to “promote development of a compact, pedestrian-oriented central business district...”³; and

WHEREAS, the 2010 Morgantown Pedestrian Safety Plan advises that “the most serious compromises to a safe walking environment are a) sidewalk designs which provide little or no barrier between pedestrians and heavy and/or fast moving vehicles; b) noxious emissions from truck engines and other exhausts; and c) loud noise from trucks and other heavy vehicles beginning before daylight and continuing late into the afternoon. Each of the three conditions seriously compromises the walkability, the livability and the desirability of the City and the sense of safety which is important to pedestrians” and furthermore, that “driving of large truck vehicles over curbs and sidewalks” has been reported as “troubling to pedestrians”⁴

WHEREAS, the Downtown Strategic Plan aims to enhance the cultural, environmental, historic, educational, economic, recreational, and transportation elements of downtown Morgantown in part by enhancing pedestrian access⁵; and

WHEREAS, the City of Morgantown and the State of West Virginia continue to invest significant public resources in streetscaping, pedestrian crosswalks, pedestrian access, and curbing in the Downtown Business District; and

WHEREAS, the safety of pedestrians and motorists is threatened by the movement of heavy trucks on narrow streets and roads requiring heavy trucks to enter or occupy either more than one travel lane or a travel lane intended for oncoming traffic, cargo and debris falling from heavy trucks, deteriorated roads and bridges, and decreased visibility of traffic signals and signs caused by the width and height of heavy trucks;" and

NOW, THEREFORE, the City of Morgantown hereby ordains, pursuant to its safety regulatory authority, that Section 347.01 of its Traffic Code is amended as follows (new matter underlined, deleted matter struck through):

347.01 OVERSIZE OR OVERWEIGHT VEHICLES.

- (a) (a) General Prohibition. No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in West Virginia Code Article 17C-17 upon any street or highway within the Municipality, except pursuant to special written permit issued by the Commissioner of Highways or the City Manager. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

No holder of a permit issued by the Commissioner of Highways shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful 1) to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in subsection (c) hereof; and 2) to operate any Heavy Truck within the Downtown Business District, as defined within Article 30I of the City's Traffic Code, except as provided in subsections (c) and (d) hereof.

- (b) Five-ton Limitation on Local Streets. Whenever it becomes apparent to the City Manager that any street is being destroyed or permanently injured by the operation thereover of commercial vehicles, in excess of ordinary wear and tear, he has authority to close any such street to vehicles whose gross weight, including load, exceeds five tons. When any street has been so closed by the City Manager, and notice of such closing posted at the entries thereto, it shall, during the continuance of such closing, be unlawful for any person to operate thereupon any vehicle whose gross weight exceeds five tons. Any street so closed by the City Manager shall be promptly reported to Council.
- (c) Local Permit and Conditions. Upon application and for good cause, the City Manager may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets or to operate a Heavy Truck on streets and highways located within the Downtown Business

District, as defined within Article 301 of the City's Traffic Code. No permittee shall be required to obtain a special permit from the Commissioner of Highways for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction or for the movement of Heavy Trucks within the Downtown Business District; however, the approval of the Commissioner of Highways shall be required for movement upon State routes as provided in subsection (a) hereof.

The City Manager may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the City Manager in his discretion deems advisable, or for the duration of any construction project. The City Manager may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The City Manager may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

For each such permit, the City Manager shall charge five dollars (\$5.00) and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the sum of ten dollars (\$10.00).

Signs shall be posted indicating "no thru trucks - gross weight 5 tons" or words of similar import to apprise drivers of the limitations imposed by subsection (b) hereof. No driver shall disobey the instructions indicated on any such sign. Violation of any of the limitations, terms or conditions of the permit granted by the City Manager shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by Section 303.99.

347.01(d) HEAVY TRUCK LIMITATION IN DOWNTOWN BUSINESS DISTRICT.

No person shall operate a Heavy Truck in the Downtown Business District, as defined in Article 301 of the City's Traffic Code.

This provision does not limit or restrict:

- (1) The operation of any Heavy Trucks in the Downtown Business District when that operation is necessary to conduct business at a destination within the Downtown Business District where merchandise or material is loaded or unloaded during the normal course of business;
- (2) The operation of emergency or military vehicles;
- (3) The operation of vehicles by Public Utilities;
- (4) The operation of any governmental or quasi-governmental vehicle in the performance of any official function or duty;
- (5) The operation of solid waste disposal vehicles;
- (6) The operation of vehicles lawfully engaged in the business of towing;

hauling or carrying wrecked or disabled vehicles;

(7) The operation of trucks upon any officially established detour in any case where a truck could lawfully be operated on the street for which such detour was established;

(8) The issuance of a special permit by the City Manager as provided in subsection (c).

347.01(e) TRUCK SIGNAGE.

Signs shall be posted indicating “no thru trucks - limit 10 tons” or words of similar import to apprise drivers of the limitations imposed by subsection (d) hereof.

Footnote Citations:

¹**Comprehensive Plan Ordinance of Morgantown, West Virginia, 2013**, available at: <http://www.morgantownwv.gov/about/crossroads-2012-comprehensive-plan/>
Section 4, Transportation

²**Morgantown Monongalia Metropolitan Planning Organization 2013-2040 Long Range Transportation Plan**, available at: <http://plantogether.org/LRTP%20Chapter%203%20Transportation%20Goals%20and%20Objectives.pdf>

³**Morgantown Planning and Zoning Code**, Section 1349.01 available at: <http://www.morgantownwv.gov/wp-content/uploads/Planning-and-Zoning-Code-2012.pdf>;
see also the **Morgantown Zoning Map**, available at: http://www.morgantownwv.gov/wp-content/uploads/official_zoning_map_07-01-2012.pdf

⁴**2010 Morgantown Pedestrian Safety Plan**, available at: http://www.morgantownwv.gov/wp-content/uploads/MPSB-Plan-8_13_2010.pdf

⁵**Morgantown Downtown Strategic Plan**, available at: <http://www.morgantownwv.gov/government/reports>

This Ordinance shall be effective upon date of adoption:

1
2
3
4
5

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM R-2, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT TO B-1, NEIGHBORHOOD 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 WAS FULLY SET FORTH HEREIN.

Property included in this consideration is identified in the Monongalia County Assessor's records as Parcel 135 of County Tax Map 15; Morgantown Corporation District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification for Parcel 135 of County Tax Map 15 of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein is reclassified from R-2, Single- and Two-Family Residential District to B-1, Neighborhood Business District.
2. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

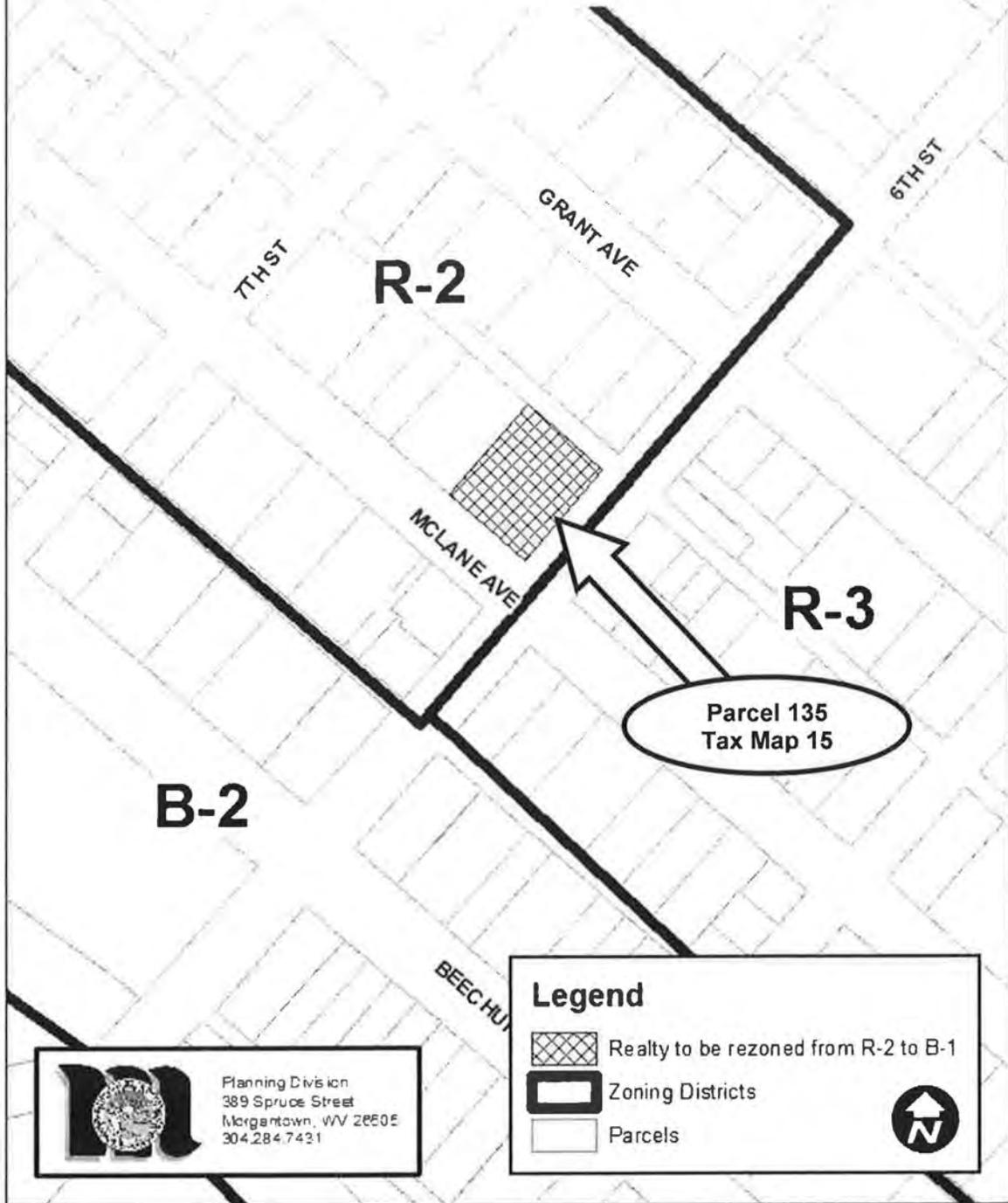
ADOPTED:

FILED:

RECORDED:

City Clerk

ORDINANCE EXHIBIT: RZ14-04 / from R-2 to B-1




Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

Legend
 Realty to be rezoned from R-2 to B-1
 Zoning Districts
 Parcels


ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION OF 13.40 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 14-18 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 WAS FULLY SET FORTH HEREIN.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification of the 13.40 acres, more or less, of additional territory that was annexed into the City of Morgantown by Ordinance 14-18 be designated as R-1, Single-Family Residential District as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein.
2. That the Official Zoning Map be accordingly changed to show said zoning classification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

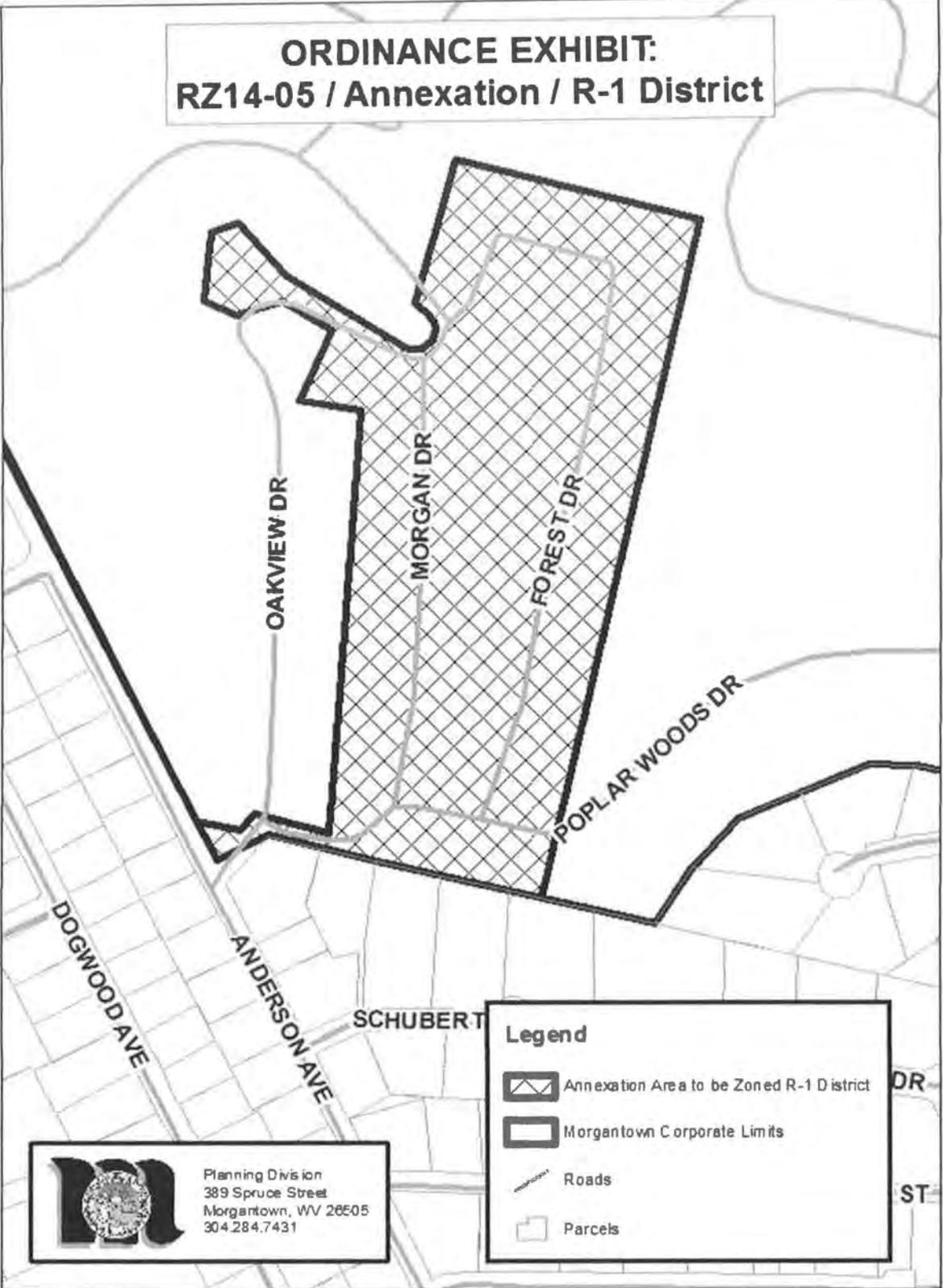
ADOPTED:

FILED:

RECORDED:

City Clerk

**ORDINANCE EXHIBIT:
RZ14-05 / Annexation / R-1 District**



 Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

Legend

-  Annexation Area to be Zoned R-1 District
-  Morgantown Corporate Limits
-  Roads
-  Parcels

AN ORDINANCE BY THE CITY OF MORGANTOWN VACATING, ABANDONING, AND ANNULLING A PART OR PORTION OF DORIS ROAD MEASURING THIRTY (30) FEET IN WIDTH AND APPROXIMATELY THREE HUNDRED EIGHT (308) FEET, AT ITS LONGEST POINT, IN LENGTH LOCATED AND SITUATE IN THE SECOND WARD OF THE CITY OF MORGANTOWN, MORGAN DISTRICT, MONONGALIA COUNTY, WEST VIRGINIA

Whereas, the Common Council ("Council") of The City of Morgantown, West Virginia ("City"), finds and makes a legislative determination that a part or portion of Doris Road ("Street") is a publicly dedicated and accepted easement and right of way for, among other purposes, street purposes, that is shown, illustrated, and depicted on, among other maps or plats of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia ("Clerk's Office"), the map or plat of Haymaker Village of record in the Clerk's Office in Deed Book 727, at 166, and in Envelope No. 23A of Map Cabinet No. 2; and

Whereas, the Council finds and makes a legislative determination that a part or portion of the Street is located and situate within the Second Ward of the municipal limits of the City, in Morgan District, Monongalia County, West Virginia; and

Whereas, the Council finds and makes a legislative determination that a part or portion of the Street was also located and situate within Morgan District, Monongalia County, West Virginia, outside of and beyond the municipal limits of the City; and

Whereas, the Council finds and makes a legislative determination that the part or portion of the Street which was located and situate within Morgan District, Monongalia County, West Virginia, outside of and beyond the municipal limits of the City, was ordered closed, vacated, abandoned, and annulled by the County Commission of Monongalia County, West Virginia, by an order entered on June 25, 2014, of record in the Clerk's Office in Deed Book 1500, at Page 71; and

Whereas, the Council finds and makes a legislative determination that a part or portion of the Street which is located and situate within the municipal limits of the City is adjoined on either side by property of ALP, Inc., a West Virginia corporation ("ALP"); and

Whereas, the Council finds and makes a legislative determination that ALP has petitioned and/or made application to the City to vacate, abandon, and annul the part or portion of the Street which is located and situate within the municipal limits of the City and adjoined on either side by property of ALP; and

Whereas, a map or plat prepared by Ronald A. Talkington, P.S. No. 876, of Consolidated Survey, PLLC, dated June 23, 2014, designated as Job No. 14-0061, which is appended to this Ordinance as Exhibit No. 1 and incorporated into this Ordinance by this reference ("Exhibit Plat"), shows, illustrates, and depicts the part or portion of the Street which is located and situate within the municipal limits of the City, adjoined on either side by property of ALP, and that ALP has petitioned and requested be vacated, abandoned, and annulled by the City ("Vacated Street"); and

Whereas, the Council finds and makes a legislative determination that the Vacated Street is not presently used, useful, or needed for street purposes or, except as otherwise provided for in Section 6 of this Ordinance, any other public uses or purposes; and

Whereas, the Council finds and makes a legislative determination that the Vacated Street shall not subsequently be used, useful, or needed for street purposes or, except as otherwise provided for in Section 6 of this Ordinance, any other public uses or purposes; and

Whereas, the Council finds and makes a legislative determination that no party nor any property of any party will be injured, damaged, or prejudiced by the vacation, abandonment, and annulment of the Vacated Street; and

Whereas, the Council finds and makes a legislative determination that it is in the best interests of the City and the public generally that the Vacated Street be vacated, abandoned, and annulled by the City for street purposes and, except as otherwise provided for in Section 6 of this Ordinance, any and all other public uses or purposes; and

Whereas, the Council finds and makes a legislative determination that the Vacated Street being vacated, abandoned, and annulled by the City for street purposes and, except as otherwise provided for in Section 6 of this Ordinance, any and all other public uses or purposes will promote the public interest.

Now, Therefore, it is ordained by the Council, in regular session, duly and properly assembled, as follows:

Section 1. The findings and legislative determinations of the Council set forth and contained in the above recitals are incorporated and integrated into this Ordinance by this reference and adopted, confirmed, and affirmed as findings and legislative determinations of the Council.

Section 2. The Exhibit Plat is incorporated and integrated into this Ordinance by this reference.

Section 3. The Vacated Street is described as follows:

Beginning at a 3/8-inch iron rod (found) in the southern line of Doris Road, standing as a corner to Lots Nos. 5 and 7 in Block D of Haymaker Village, a map of Haymaker Village being of record in the Clerk's Office in Envelope No. 23A of Map Cabinet No. 2, Lot No. 5 being now or formerly owned by Cheryl Lynn Perone (Deed Book 1283 / Page 527), and Lot No. 7 being now owned by Alp, Inc. (Deed Book 678 / Page 73); thence leaving the southern line of said Doris Road and Lots Nos. 5 and 7, and crossing Doris Road, N. 14° 06' 50" E. 30.00 feet to a point in the northern line of Doris Road, standing in the line of Lot No. 4 in Block C of Haymaker Village, now owned by Alp, Inc. (Deed Book 678 / Page 73); thence with the northern line of Doris Road and Lots Nos. 4, 5, 6, and 7 in Block C of Haymaker Village, now owned by Alp, Inc. (Deed Book 678 / Page 73), S. 75° 53' 10" E. 307.87 feet to a point, standing in The City of Morgantown corporation line and in the line of Lot No. 7 in Block C of Haymaker Village; thence leaving the northern line of Doris Road and Lot No. 7, and with the corporation line, re-crossing Doris Road, S. 59° 25' 08" W. 42.65 feet to a point in the southern line of Doris Road and in the line of Lot No. 11 in Block D of Haymaker Village, now owned by Alp, Inc. (Deed Book 678 / Page 73); thence leaving the corporation line and with the southern line of Doris Road and Lots Nos. 11, 9, and 7 in Block D of Haymaker Village, now owned by Alp, Inc. (Deed Book 678 / Page 73), N. 75° 53' 10" W. 277.55 feet to the place of beginning, containing 8,781 square feet or 0.20 acre, more or less.

Section 4. Upon the adoption of this Ordinance, for the reasons set forth and contained in the above recitals, the easement and right of way of the City for street purposes and, except as otherwise provided for in Section 6 of this Ordinance, any and all other public uses or purposes in, of, and to the Vacated Street is and shall be vacated, abandoned, and annulled by the City, with the intent and effect that from and subsequent to the date of the adoption of this Ordinance the Vacated Street shall, except as otherwise provided for in Section 6 of this Ordinance, cease to be a part or portion of any public easement and right of way or any public street.

Section 5. Upon the adoption of this Ordinance, except as otherwise provided for in Section 6 of this Ordinance, any and all right, title, interest, claim, and estate of the City, of any and every nature, kind, character, manner, and description, in, of, and to the Vacated Street is and shall be cancelled, terminated, vacated, abandoned, annulled, released, and relinquished in favor of and for the benefit of ALP and its successors and assigns.

Section 6. Notwithstanding the vacation, abandonment, and annulment of the Vacated Street set forth and provided for in this Ordinance, the City, for the benefit of the Morgantown Utility Board ("MUB"), keeps, excepts, reserves, and retains a perpetual easement and/or right of way in, on, over, upon, under, through, and across the Vacated Street for the purposes of installing, laying, extending, constructing, re-installing, re-laying, re-extending,

re-constructing, inspecting, repairing, replacing, removing, maintaining, and operating lines, conduits, pipes, mains, laterals, inlets, catch basins, manholes, and connections, attachments, additions, appurtenances, and/or related equipment and facilities necessary, appropriate, useful, convenient, and/or incidental to capturing, collecting, securing, controlling, delivering, transmitting, transporting, carrying, channeling, flowing, discharging, distributing, draining, retaining, and/or storing storm water, drainage, runoff, water, and/or sewage, whether by currently existing technology or subsequently developed technology ("Utility Facilities").

Section 7. In the event that ALP or its successors or assigns shall subsequently apply to the City and/or MUB to remove and relocate the Utility Facilities to a different location and grant to the City and/or MUB easements and/or rights of way in a different location with respect to the relocated Utility Facilities, MUB shall have the right, capacity, and authority, without further action on the part of the Council, to release, cancel, and terminate the easement and/or right of way kept, excepted, reserved, and retained in Section 6 of this Ordinance and execute and acknowledge and deliver to ALP or its successors or assigns an instrument, in recordable form, to that effect.

Section 8. Upon the adoption of this Ordinance, the City Clerk shall provide a certified photocopy of this Ordinance to counsel for ALP for the purpose of such counsel admitting the same of record in the Clerk's Office as evidence of, among other matters, the vacation, abandonment, and annulment of the Vacated Street.

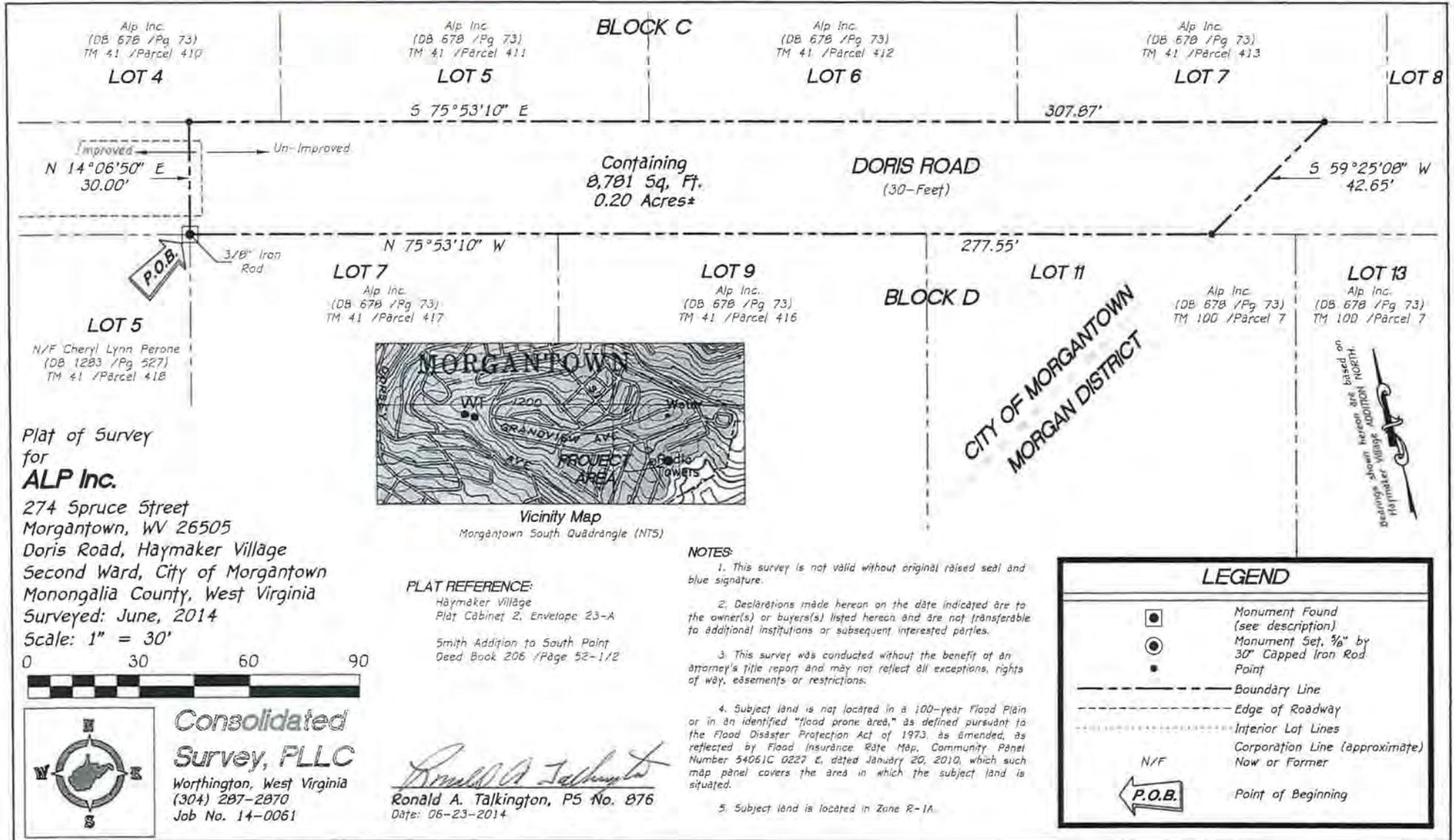
Section 9. This Ordinance shall be effective from the date of its adoption.

First Reading: _____, 2014
Adopted: _____, 2014
Filed: _____, 2014
Recorded: _____, 2014

Mayor

City Clerk

EXHIBIT # 1



Plat of Survey
for
ALP Inc.
274 Spruce Street
Morgantown, WV 26505
Doris Road, Haymaker Village
Second Ward, City of Morgantown
Monongalia County, West Virginia
Surveyed: June, 2014
Scale: 1" = 30'



**Consolidated
Survey, PLLC**
Worthington, West Virginia
(304) 287-2870
Job No. 14-0061



Vicinity Map
Morgantown South Quadrangle (NTS)

PLAT REFERENCE:
Haymaker Village
Plat Cabinet 2, Envelope 23-A
Smith Addition to South Point
Deed Book 206 /Page 52-1/2

Ronald A. Talkington
Ronald A. Talkington, P5 No. 876
Date: 06-23-2014

- NOTES:**
1. This survey is not valid without original raised seal and blue signature.
 2. Declarations made hereon on the date indicated are to the owner(s) or buyer(s) listed hereon and are not transferable to additional institutions or subsequent interested parties.
 3. This survey was conducted without the benefit of an attorney's title report and may not reflect all exceptions, rights of way, easements or restrictions.
 4. Subject land is not located in a 100-year Flood Plain or in an identified "flood prone area," as defined pursuant to the Flood Disaster Protection Act of 1973, as amended, as reflected by Flood Insurance Rate Map, Community Panel Number 34061C 0227 E, dated January 20, 2010, which such map panel covers the area in which the subject land is situated.
 5. Subject land is located in Zone R-1A.

LEGEND	
	Monument Found (see description)
	Monument Set, 3/8" by 30" Capped Iron Rod
	Point
	Boundary Line
	Edge of Roadway
	Interior Lot Lines
	Corporation Line (approximate) Now or Former
	Point of Beginning

City of Morgantown Annulment Application

This Application is made this the 7th day of July, 2014, by ALP, Inc., a West Virginia corporation ("Applicant"), to The City of Morgantown, West Virginia, a municipal corporation ("City").

Whereas, Applicant is the owner of Lots Nos. 3, 4, 5, 6, 7, and 8 of Block C of Haymaker Village, Lots Nos. 4, 6, 7, 8, 9, and 11 of Block D of Haymaker Village, and Lot No. 3 of Block F of Haymaker Village, which are located and situate, in whole or in part, within the Second Ward of the municipal limits of City, in Morgan District, Monongalia County, West Virginia ("Lots"); and

Whereas, the Lots abut and adjoin a part or portion of Doris Road and a part or portion of Suzanne Road ("Streets"); and

Whereas, parts or portions of the Streets are located and situate within the Second Ward of the municipal limits of City, in Morgan District, Monongalia County, West Virginia; and

Whereas, Applicant petitions and/or makes application to City for the vacation, abandonment, and annulment of the parts or portions of the Streets which are abutted and adjoined by the Lots and located and situate within the Second Ward of the municipal limits of City; and

Whereas, Applicant has filed this Application in duplicate with City; and

Whereas, Applicant has paid to City the requisite fee(s); and

Whereas, maps or plats prepared by Ronald A. Talkington, P.S. No. 876, of Consolidated Survey, PLLC, dated June 23, 2014, designated as Job No. 14-0061, which are appended to this Application as Exhibit No. 1 and Exhibit No. 2, respectively, and incorporated into this Application by this reference, show, illustrate, and depict the parts or portions of the Streets which are located and situate within the municipal limits of City, adjoined on either side by the Lots, and that Applicant petitions and requests be vacated, abandoned, and annulled by City ("Vacated Streets"); and

Wherefore, for and in consideration of the requisite fee(s) Applicant has paid to City, and other good and valuable consideration, Applicant petitions and/or makes application to City for the following:

- (1) A finding and legislative determination by the Common Council of City that the Vacated Streets are not presently used, useful, or needed for street purposes or any other public uses or purposes.
- (2) A finding and legislative determination by the Common Council of City that the Vacated Streets shall not subsequently be used, useful, or needed for street purposes or any other public uses or purposes.
- (3) A finding and legislative determination by the Common Council of City that no party nor any property of any party will be injured, damaged, or prejudiced by the vacation, abandonment, and annulment of the Vacated Streets.
- (4) A finding and legislative determination by the Common Council of City that it is in the best interests of City and the public generally that the Vacated Streets be vacated, abandoned, and annulled by City for street purposes and any and all other public uses or purposes.
- (5) Upon the Common Council of City making the requisite findings of fact and legislative determinations, the adoption of ordinances substantially identical to those appended to this Agreement as Exhibit No. 3 and Exhibit No. 4, respectively.

Signature Page Follows

Witness the following signature.

ALP, Inc., a West Virginia corporation

By: *Thomas R. August*
Name: *Thomas R. August*
Title: *Vice President*

State of West Virginia,
County of Monongalia, to-wit:

The foregoing instrument was executed and acknowledged before me this the 7 day of July, 2014, by *Thomas R. August*, in his/her capacity as *Vice President* of ALP, Inc., a West Virginia corporation, for and on behalf of such corporation, as the act and deed of such corporation.

{SEAL}



Wells F. Lakatos
Notary Public
My Commission expires: *2/11/15*

Exhibit No. 1 to City of Morgantown Annulment Application

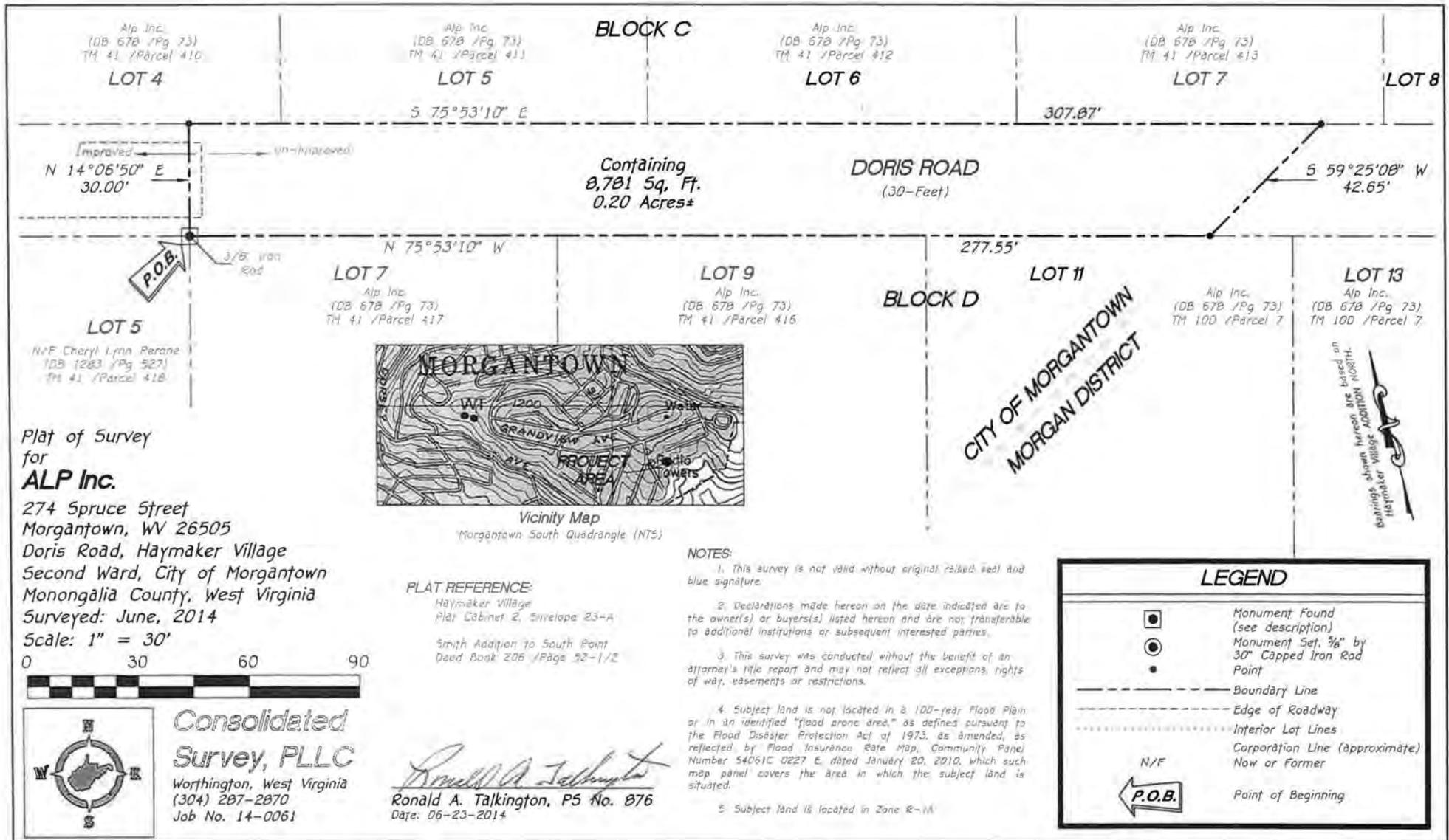


Exhibit No. 2 to City of Morgantown Annulment Application

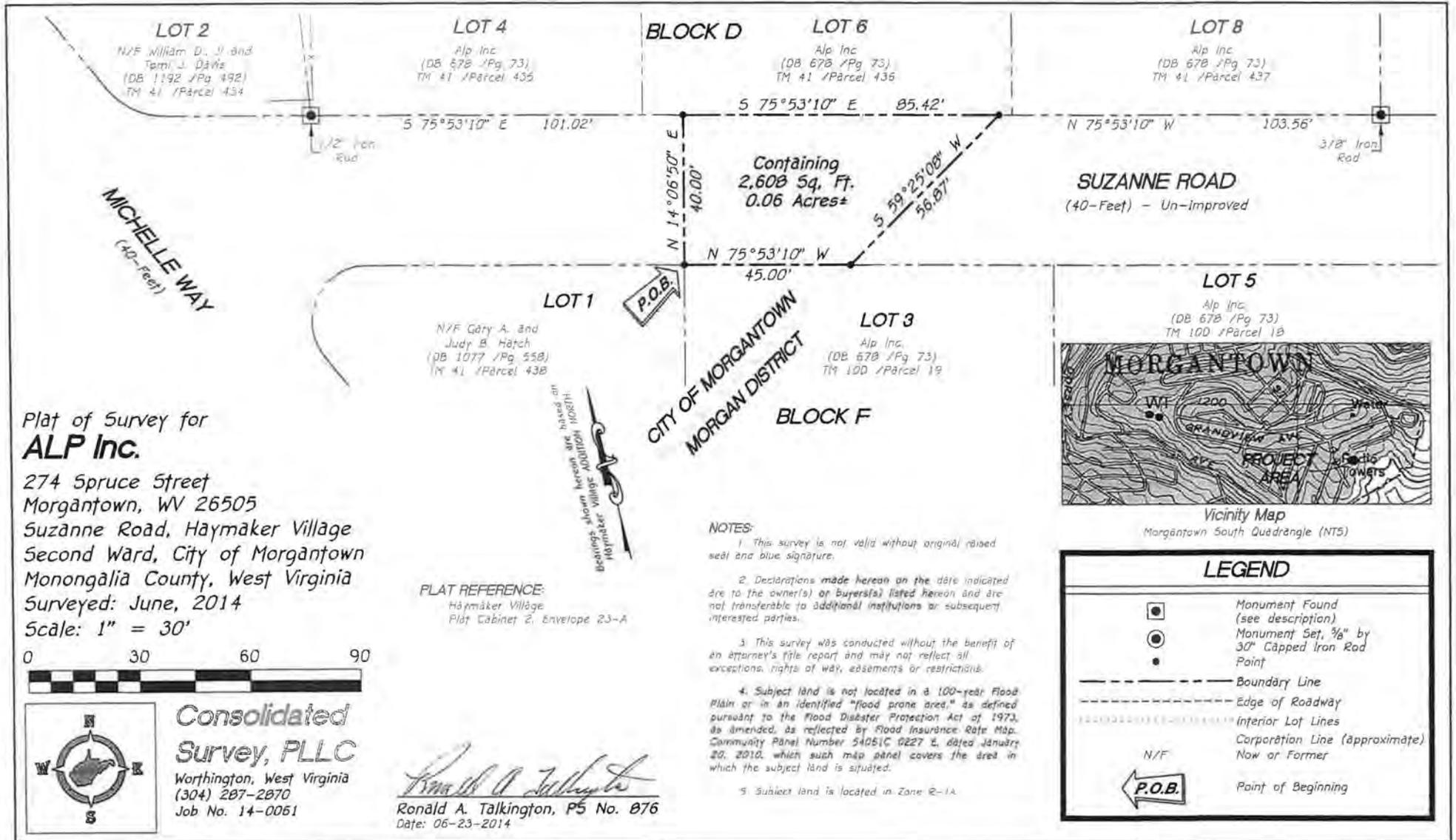


Exhibit No. 3 to City of Morgantown Annulment Application

AN ORDINANCE BY THE CITY OF MORGANTOWN VACATING, ABANDONING, AND ANNULING A PART OR PORTION OF SUZANNE ROAD MEASURING FORTY (40) FEET IN WIDTH AND APPROXIMATELY EIGHTY-FIVE (85) FEET, AT ITS LONGEST POINT, IN LENGTH LOCATED AND SITUATE IN THE SECOND WARD OF THE CITY OF MORGANTOWN, MORGAN DISTRICT, MONONGALIA COUNTY, WEST VIRGINIA

Whereas, the Common Council ("Council") of The City of Morgantown, West Virginia ("City"), finds and makes a legislative determination that a part or portion of Suzanne Road ("Street") is a publicly dedicated and accepted easement and right of way for, among other purposes, street purposes, that is shown, illustrated, and depicted on, among other maps or plats of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia ("Clerk's Office"), the map or plat of Haymaker Village of record in the Clerk's Office in Deed Book 727, at 166, and in Envelope No. 23A of Map Cabinet No. 2; and

Whereas, the Council finds and makes a legislative determination that a part or portion of the Street is located and situate within the Second Ward of the municipal limits of the City, in Morgan District, Monongalia County, West Virginia; and

Whereas, the Council finds and makes a legislative determination that a part or portion of the Street was also located and situate within Morgan District, Monongalia County, West Virginia, outside of and beyond the municipal limits of the City; and

Whereas, the Council finds and makes a legislative determination that the part or portion of the Street which was located and situate within Morgan District, Monongalia County, West Virginia, outside of and beyond the municipal limits of the City, was ordered closed, vacated, abandoned, and annulled by the County Commission of Monongalia County, West Virginia, by an order entered on June 25, 2014, of record in the Clerk's Office in Deed Book 1500, at Page 71; and

Whereas, the Council finds and makes a legislative determination that a part or portion of the Street which is located and situate within the municipal limits of the City is adjoined on either side by property of ALP, Inc., a West Virginia corporation ("ALP"); and

Whereas, the Council finds and makes a legislative determination that ALP has petitioned and/or made application to the City to vacate, abandon, and annul the part or portion of the Street which is located and situate within the municipal limits of the City and adjoined on either side by property of ALP; and

Whereas, a map or plat prepared by Ronald A. Talkington, P.S. No. 876, of Consolidated Survey, PLLC, dated June 23, 2014, designated as Job No. 14-0061, which is appended to this Ordinance as Exhibit No. 1 and incorporated into this Ordinance by this reference ("Exhibit Plat"), shows, illustrates, and depicts the part or portion of the Street which is located and situate within the municipal limits of the City, adjoined on either side by property of ALP, and that ALP has petitioned and requested be vacated, abandoned, and annulled by the City ("Vacated Street"); and

Whereas, the Council finds and makes a legislative determination that the Vacated Street is not presently used, useful, or needed for street purposes or, except as otherwise provided for in Section 6 of this Ordinance, any other public uses or purposes; and

Whereas, the Council finds and makes a legislative determination that the Vacated Street shall not subsequently be used, useful, or needed for street purposes or, except as otherwise provided for in Section 6 of this Ordinance, any other public uses or purposes; and

Whereas, the Council finds and makes a legislative determination that no party nor any property of any party will be injured, damaged, or prejudiced by the vacation, abandonment, and annulment of the Vacated Street; and

Whereas, the Council finds and makes a legislative determination that it is in the best interests of the City and the public generally that the Vacated Street be vacated, abandoned, and annulled by the City for street purposes and, except as otherwise provided for in Section 6 of this Ordinance, any and all other public uses or purposes; and

Whereas, the Council finds and makes a legislative determination that the Vacated Street being vacated, abandoned, and annulled by the City for street purposes and, except as otherwise provided for in Section 6 of this Ordinance, any and all other public uses or purposes will promote the public interest.

Now, Therefore, it is ordained by the Council, in regular session, duly and properly assembled, as follows:

Section 1. The findings and legislative determinations of the Council set forth and contained in the above recitals are incorporated and integrated into this Ordinance by this reference and adopted, confirmed, and affirmed as findings and legislative determinations of the Council.

Section 2. The Exhibit Plat is incorporated and integrated into this Ordinance by this reference.

Section 3. The Vacated Street is described as follows:

Beginning at a point in the southern line of Suzanne Road, standing as a corner to Lots Nos. 1 and 3 in Block F of Haymaker Village, a map of Haymaker Village being of record in the Clerk's Office in Envelope No. 23A of Map Cabinet No. 2, Lot No. 1 being now or formerly owned by Gary A. Hatch and Judy B. Hatch (Deed Book 1077 / Page 558), and Lot No. 3 being now owned by Alp, Inc. (Deed Book 678 / Page 73); thence leaving the southern line of Suzanne Road and Lots Nos. 1 and 3, and crossing Suzanne Road, N. 14° 06' 50" E. 40.00 feet to a point in the northern line of Suzanne Road, standing in the line of Lot No. 6 in Block D of Haymaker Village, now owned by Alp, Inc. (Deed Book 678 / Page 73); thence with the northern line of Suzanne Road and Lot No. 6, S. 75° 53' 10" E 85.42 feet to a point, standing in The City of Morgantown corporation line; thence leaving the northern line of Suzanne Road and Lot No. 6, and with the corporation line, re-crossing Suzanne Road, S. 59° 25' 08" W. 56.87 feet to a point in the southern line of Suzanne Road and in the line of Lot 3 in Block F of Haymaker Village; thence leaving the corporation line and with the southern line of Suzanne Road and Lot No. 3, N. 75° 53' 10" W. 45.00 feet to the place of beginning, containing 2,608 square feet or 0.06 acre, more or less.

Section 4. Upon the adoption of this Ordinance, for the reasons set forth and contained in the above recitals, the easement and right of way of the City for street purposes and any and all other public uses or purposes in, of, and to the Vacated Street is and shall be vacated, abandoned, and annulled by the City, with the intent and effect that from and subsequent to the date of the adoption of this Ordinance the Vacated Street shall cease to be a part or portion of any public easement and right of way or any public street.

Section 4. Upon the adoption of this Ordinance, for the reasons set forth and contained in the above recitals, the easement and right of way of the City for street purposes and, except as otherwise provided for in Section 6 of this Ordinance, any and all other public uses or purposes in, of, and to the Vacated Street is and shall be vacated, abandoned, and annulled by the City, with the intent and effect that from and subsequent to the date of the adoption of this Ordinance the Vacated Street shall, except as otherwise provided for in Section 6 of this Ordinance, cease to be a part or portion of any public easement and right of way or any public street.

Section 5. Upon the adoption of this Ordinance, except as otherwise provided for in Section 6 of this Ordinance, any and all right, title, interest, claim, and estate of the City, of any and every nature, kind, character, manner, and description, in, of, and to the Vacated Street is and shall be cancelled, terminated, vacated, abandoned, annulled, released, and relinquished in favor of and for the benefit of ALP and its successors and assigns.

Section 6. Notwithstanding the vacation, abandonment, and annulment of the Vacated Street set forth and provided for in this Ordinance, the City, for the benefit of the Morgantown Utility Board, keeps, excepts, reserves, and retains a perpetual easement and/or right of way in, on, over, upon, under, through, and across the Vacated Street for the purposes of installing, laying, extending, constructing, re-installing, re-laying, re-extending, re-constructing, inspecting, repairing, replacing, removing, maintaining, and operating lines, conduits, pipes, mains, laterals, inlets, catch basins, manholes, and connections, attachments, additions, appurtenances, and/or related equipment and facilities necessary, appropriate, useful, convenient, and/or incidental to capturing, collecting, securing, controlling, delivering, transmitting, transporting, carrying, channeling, flowing, discharging, distributing, draining, retaining, and/or storing storm water, drainage, runoff, water, and/or sewage, whether by currently existing technology or subsequently developed technology ("Utility Facilities").

Section 7. In the event that ALP or its successors or assigns shall subsequently apply to the City and/or MUB to remove and relocate the Utility Facilities to a different location and grant to the City and/or MUB easements and/or rights of way in a different location with respect to the relocated Utility Facilities, MUB shall have the right, capacity, and authority, without further action on the part of the Council, to release, cancel, and terminate the easement and/or right of way kept, excepted, reserved, and retained in Section 6 of this Ordinance and execute and acknowledge and deliver to ALP or its successors or assigns an instrument, in recordable form, to that effect.

Section 8. Upon the adoption of this Ordinance, the City Clerk shall provide a certified photocopy of this Ordinance to counsel for ALP for the purpose of such counsel admitting the same of record in the Clerk's Office as evidence of, among other matters, the vacation, abandonment, and annulment of the Vacated Street.

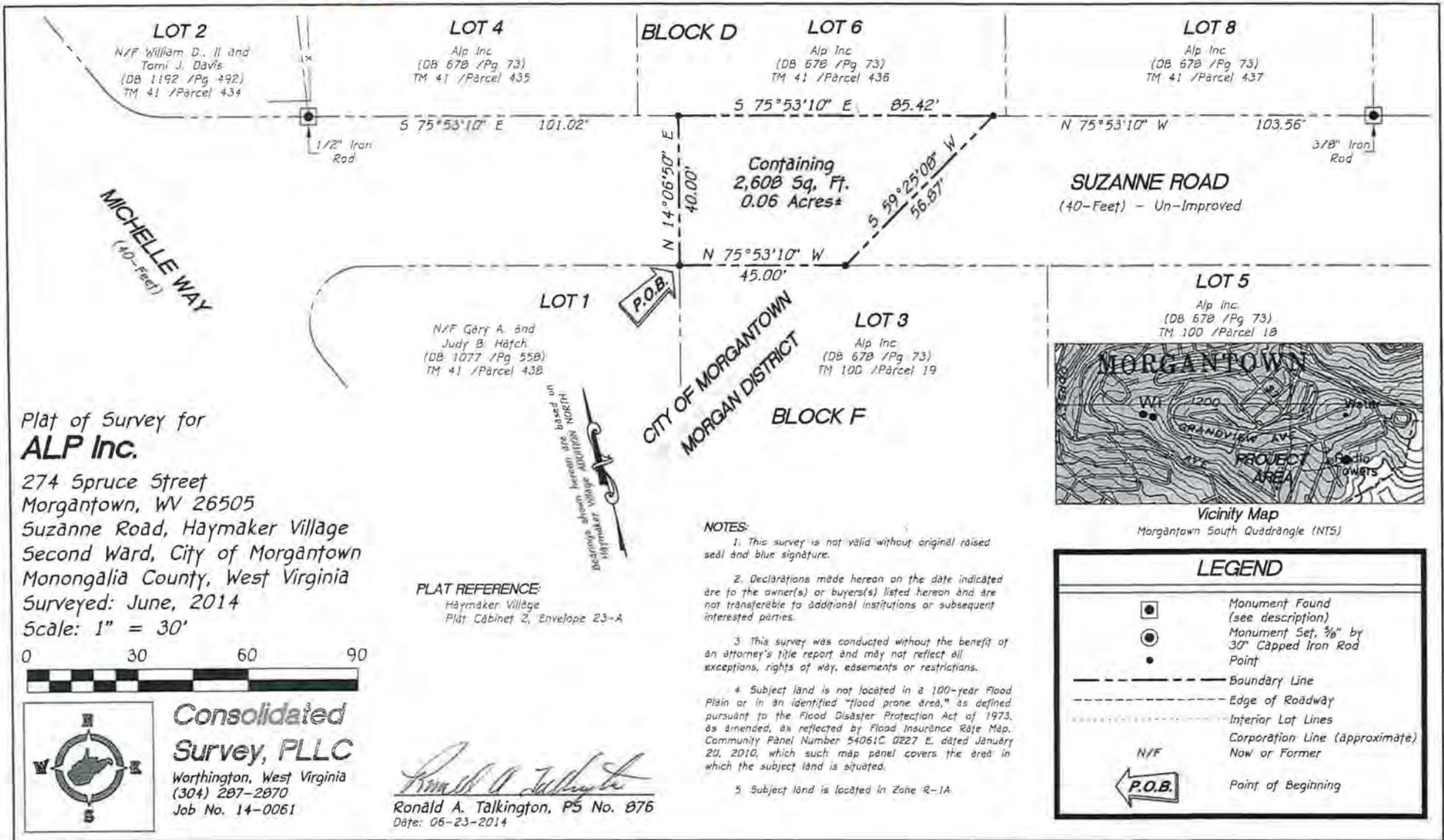
Section 9. This Ordinance shall be effective from the date of its adoption.

First Reading: _____, 2014
Adopted: _____, 2014
Filed: _____, 2014
Recorded: _____, 2014

Mayor

City Clerk

EXHIBIT #1



City of Morgantown Annulment Application

This Application is made this the 7th day of July, 2014, by ALP, Inc., a West Virginia corporation (“Applicant”), to The City of Morgantown, West Virginia, a municipal corporation (“City”).

Whereas, Applicant is the owner of Lots Nos. 3, 4, 5, 6, 7, and 8 of Block C of Haymaker Village, Lots Nos. 4, 6, 7, 8, 9, and 11 of Block D of Haymaker Village, and Lot No. 3 of Block F of Haymaker Village, which are located and situate, in whole or in part, within the Second Ward of the municipal limits of City, in Morgan District, Monongalia County, West Virginia (“Lots”); and

Whereas, the Lots abut and adjoin a part or portion of Doris Road and a part or portion of Suzanne Road (“Streets”); and

Whereas, parts or portions of the Streets are located and situate within the Second Ward of the municipal limits of City, in Morgan District, Monongalia County, West Virginia; and

Whereas, Applicant petitions and/or makes application to City for the vacation, abandonment, and annulment of the parts or portions of the Streets which are abutted and adjoined by the Lots and located and situate within the Second Ward of the municipal limits of City; and

Whereas, Applicant has filed this Application in duplicate with City; and

Whereas, Applicant has paid to City the requisite fee(s); and

Whereas, maps or plats prepared by Ronald A. Talkington, P.S. No. 876, of Consolidated Survey, PLLC, dated June 23, 2014, designated as Job No. 14-0061, which are appended to this Application as Exhibit No. 1 and Exhibit No. 2, respectively, and incorporated into this Application by this reference, show, illustrate, and depict the parts or portions of the Streets which are located and situate within the municipal limits of City, adjoined on either side by the Lots, and that Applicant petitions and requests be vacated, abandoned, and annulled by City (“Vacated Streets”); and

Wherefore, for and in consideration of the requisite fee(s) Applicant has paid to City, and other good and valuable consideration, Applicant petitions and/or makes application to City for the following:

- (1) A finding and legislative determination by the Common Council of City that the Vacated Streets are not presently used, useful, or needed for street purposes or any other public uses or purposes.
- (2) A finding and legislative determination by the Common Council of City that the Vacated Streets shall not subsequently be used, useful, or needed for street purposes or any other public uses or purposes.
- (3) A finding and legislative determination by the Common Council of City that no party nor any property of any party will be injured, damaged, or prejudiced by the vacation, abandonment, and annulment of the Vacated Streets.
- (4) A finding and legislative determination by the Common Council of City that it is in the best interests of City and the public generally that the Vacated Streets be vacated, abandoned, and annulled by City for street purposes and any and all other public uses or purposes.
- (5) Upon the Common Council of City making the requisite findings of fact and legislative determinations, the adoption of ordinances substantially identical to those appended to this Agreement as Exhibit No. 3 and Exhibit No. 4, respectively.

Signature Page Follows

Witness the following signature.

ALP, Inc., a West Virginia corporation

By: Thomas R. August
Name: Thomas R. August
Title: Vice President

State of West Virginia,
County of Monongalia, to-wit:

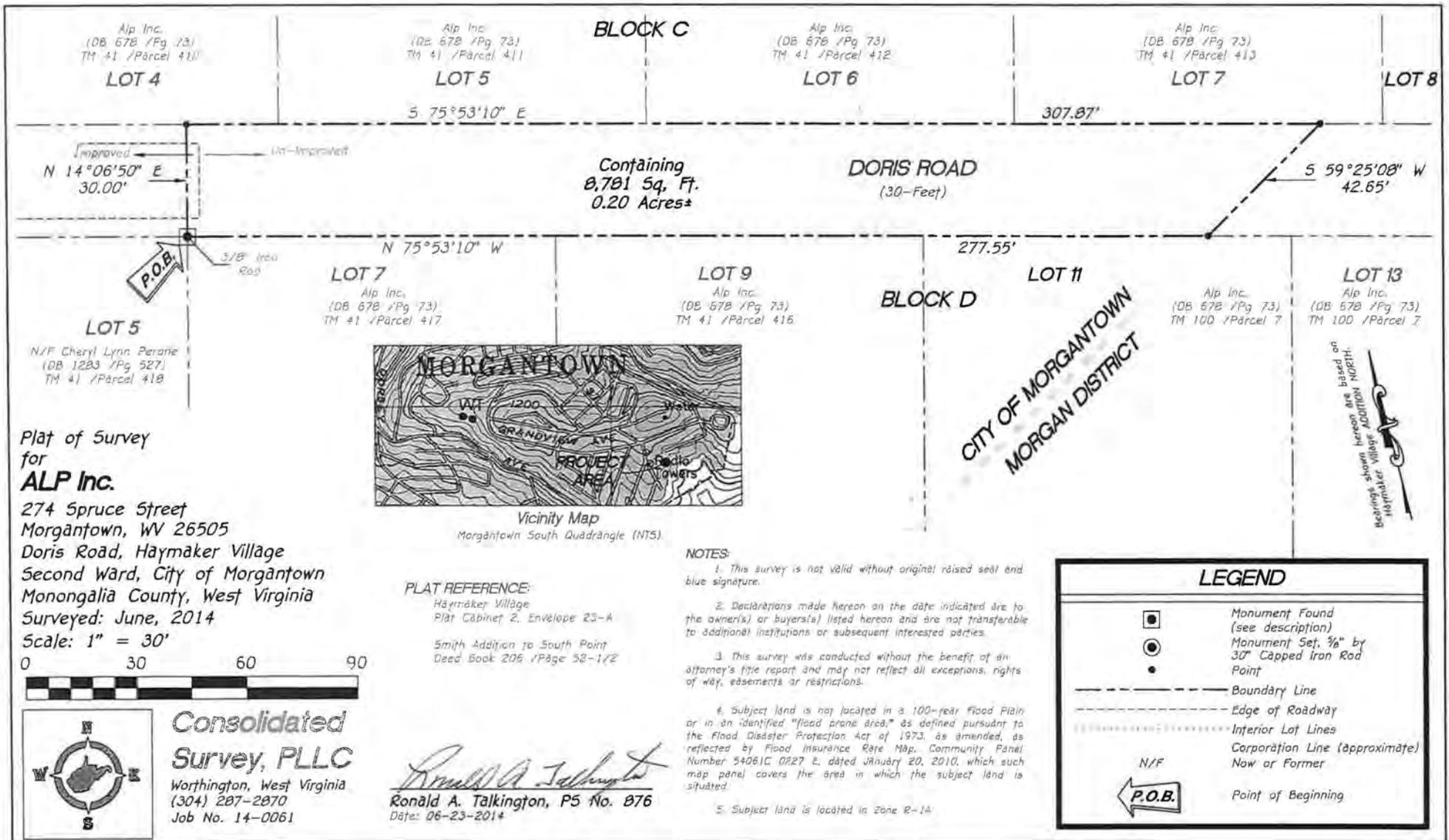
The foregoing instrument was executed and acknowledged before me this the 7 day of July, 2014, by Thomas R. August in his/her capacity as Vice President of ALP, Inc., a West Virginia corporation, for and on behalf of such corporation, as the act and deed of such corporation.

{SEAL}



Melba F. Lakatos
Notary Public
My Commission expires: 2/11/15

Exhibit No. 1 to City of Morgantown Annulment Application



Plat of Survey
for
ALP Inc.

274 Spruce Street
Morgantown, WV 26505
Doris Road, Haymaker Village
Second Ward, City of Morgantown
Monongalia County, West Virginia
Surveyed: June, 2014
Scale: 1" = 30'



**Consolidated
Survey, PLLC**
Worthington, West Virginia
(304) 287-2870
Job No. 14-0061



Vicinity Map
Morgantown South Quadrangle (NTS)

PLAT REFERENCE:
Haymaker Village
Plat Cabinet 2, Envelope 23-A
Smith Addition to South Point
Deed Book 206 /Page 52-142

Ronald A. Talkington
Ronald A. Talkington, P5 No. 876
Date: 06-23-2014

- NOTES:**
1. This survey is not valid without original raised seal and blue signature.
 2. Declarations made hereon on the date indicated are to the owner(s) or buyer(s) listed hereon and are not transferable to additional institutions or subsequent interested parties.
 3. This survey was conducted without the benefit of an attorney's title report and may not reflect all exceptions, rights of way, easements or restrictions.
 4. Subject land is not located in a 100-year Flood Plain or in an identified "flood prone area," as defined pursuant to the Flood Disaster Protection Act of 1973, as amended, as reflected by Flood Insurance Rate Map, Community Panel Number 54061C 0227 E, dated January 20, 2010, which such map panel covers the area in which the subject land is situated.
 5. Subject land is located in Zone R-1A.

LEGEND	
	Monument Found (see description)
	Monument Set, 3/8" by 30" Capped Iron Rod Point
	Boundary Line
	Edge of Roadway
	Interior Lot Lines
	Corporation Line (approximate) Now or Former
	N/F
	Point of Beginning

Exhibit No. 2 to City of Morgantown Annulment Application

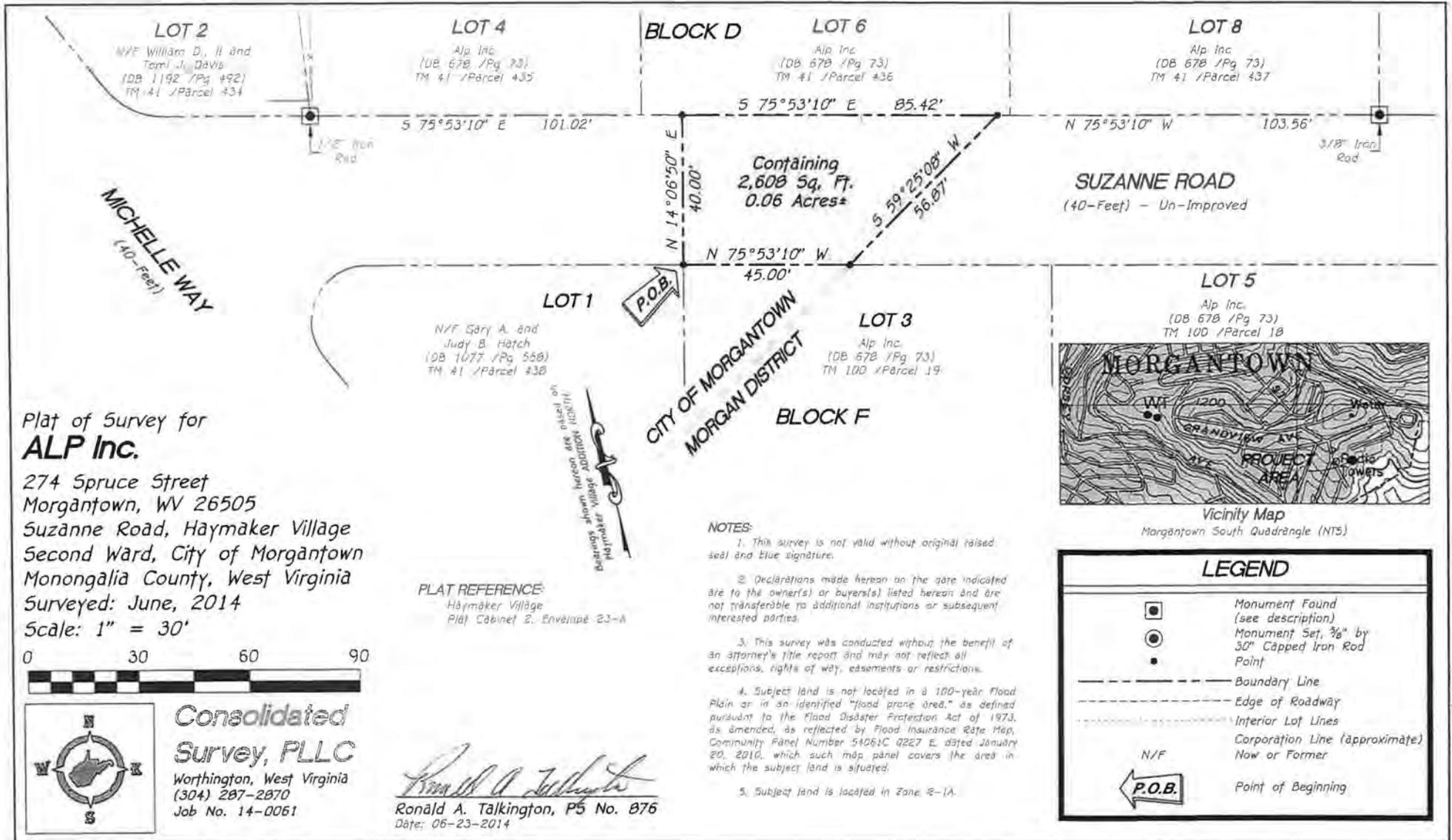


Exhibit No. 3 to City of Morgantown Annulment Application

