The City of Morgantown

Linda L. Tucker, CMC
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Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
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Office of the City Clerk

AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
October 4, 2016
7:00 p.m.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE TO THE FLAG**

4. **APPROVAL OF MINUTES: SPECIAL MEETING MINUTES SEPTEMBER 20, 2016, AND REGULAR MEETING MINUTES SEPTEMBER 20, 2016.**

5. **CORRESPONDENCE:**

   PROCLAMATIONS: The Gospel Singing Koon Family Day; Safe Communities America Day; National Substance Abuse Prevention Month; SHIFT10 Day; General Aviation Appreciation Month.

6. **PUBLIC HEARINGS:**

   A. **AN ORDINANCE AMENDING TABLE 1331.05.01 "PERMITTED LAND USES: OF THE CITY'S PLANNING AND ZONING CODE AS IT RELATES TO CHURCHES, PLACES OF WORSHIP.**

   B. **AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE CITY OF MORGANTOWN AND FINANCING COST THEREOF THROUGH THE ISSUANCE OF NOT MORE THAN 30,000,000 IN AGGREGATE AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016C.**

   C. **AN ORDINANCE AMENDING THE FY 2016-2017 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.**

D. **AN ORDINANCE AMENDING SECTIONS 521.07 AND 521.09 TO PERMIT ALCOHOL SALES FOR ON-PREMISES CONSUMPTION BEGINNING AT TEN O'CLOCK IN THE MORNING ON SUNDAYS.**

7. **UNFINISHED BUSINESS:**

A. Consideration of **APPROVAL** of (**SECOND READING**) and (**ADOPTION**) of **AN ORDINANCE AMENDING TABLE 1331.05.01 "PERMITTED LAND USES: OF THE CITY'S PLANNING AND ZONING CODE AS IT RELATES TO CHURCHES, PLACES OF WORSHIP. (First reading September 6, 2016)**

B. Consideration of **APPROVAL** of (**THIRD READING**) and (**ADOPTION**) of **AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE CITY OF MORGANTOWN AND FINANCING COST THEREOF THROUGH THE ISSUANCE OF NOT MORE THAN 30,000,000 IN AGGREGATE AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016C. (First reading September 6, 2016 and Second reading September 20, 2016)**

C. Consideration of **APPROVAL** of (**SECOND READING**) and (**ADOPTION**) of **AN ORDINANCE AMENDING THE FY 2016-2017 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND. (First reading September 20, 2016)**

D. Consideration of **APPROVAL** of (**SECOND READING**) and (**ADOPTION**) of **AN ORDINANCE AMENDING SECTIONS 521.07 AND 521.09 TO PERMIT ALCOHOL SALES FOR ON-PREMISES CONSUMPTION BEGINNING AT TEN O'CLOCK IN THE MORNING ON SUNDAYS. (First reading September 20, 2016)**

E. **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 CREATING A NEW ARTICLE 951 IN THE CITY CODE PROVIDING FOR TAXI STANDS.**

B. Consideration of **APPROVAL** of **A RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF MOTOR VEHICLES FOR A HIGHWAY SAFETY ENFORCEMENT PROJECT.**

C. Consideration of **APPROVAL** of **A RESOLUTION AUTHORIZING THE 2016-2017 BUDGET FOR THE AIRPORT IMPROVEMENT FUND.**

D. Consideration of **APPROVAL** of **A RESOLUTION SUPPORTING PASSAGE OF THE EXCESS LEVY TO SUPPORT MONONGALIA COUNTY SCHOOLS.**

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

NEW BUSINESS:

1. **AIRFIELD LIGHTING CONTRACT**
2. **SNOW REMOVAL EQUIPMENT CONTRACT**

12. **REPORT FROM CITY CLERK:**

13. **REPORT FROM CITY ATTORNEY:**

14. **REPORT FROM COUNCIL MEMBERS:**

16. **ADJOURNMENT:**

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

The City of Morgantown

Interim City Manager
COL (Ret) Glen Kelly
389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7404 FAX: (304) 284-7430
www.morgantownwv.gov

Office of the City Manager

September 28, 2016

City Manger's Report for City Council Meeting on October 4, 2016

New Business:

1. **Airfield Lighting Contract**
   Michael Baker International, our airports engineering firm of record has followed the Federal Bid Process and requests approval of the contract with Bronder Technical Services in the amount of $381,426.00. This is to execute the work funded by the DOT, FAA Grant that was approved by council on August 30, 2016. I recommend you approve the awarding of this contract as listed to Bronder Technical Services.

2. **Snow Removal Equipment Contract**
   Michael Baker International, our airports engineering firm of record has followed the Federal Bid Process and requests approval of the contract with A & H Equipment Company in the amount of $149,891.00. This is to purchase the equipment funded by the DOT, FAA Grant that was approved by council on August 30, 2016. I recommend you approve the awarding of this contract as listed to A & H Equipment Company.

Glen Kelly
Interim City Manager
Morgantown, West Virginia

Michael Baker
INTERNATIONAL

We Make a Difference

August 18, 2016

Mr. John M. Galusky
Interim Airport Director
Morgantown Municipal Airport
100 Hart Field Road
Morgantown, WV 26505

Subject: Morgantown Municipal Airport
Snow Removal Equipment Acquisition
Letter of Recommendation for Contract Award

Dear Mr. Galusky:

Michael Baker has reviewed the bid documents for the subject project that were received July 8, 2016. Only one bid was received, from A & H Equipment Company. A summary of the bid is provided below:

- A & H Equipment Company submitted a bid consisting of the following amounts:
  - Base Bid: $146,691.00
  - Alternate No. 1: $3,200

Michael Baker recommends a contract be awarded to A & H Equipment Company in the amount of $149,891.00 for the Base Bid plus Alternate No. 1. A copy of the bid tabulation is attached for information.

If you have any questions please contact me at 412-269-2744.

Sincerely,

MICHAEL BAKER INTERNATIONAL, INC.

J Brad Homan

J Brad Homan, P.E.
Associate Vice President

JBH/ld
Attachment

100 Airside Drive | Moon Township, PA 15108
Office: 412.269.6300 | Fax: 412 375 3980

Morgantown Municipal Airport
Snow Removal Equipment Acquisition
Bid Tabulation - Base Bid
July 2016

ITEM	DESCRIPTION	UNIT	QUANTITY	A & H EQUIPMENT COMPANY UNIT COST	A & H EQUIPMENT COMPANY TOTAL COST	ENGINEER ESTIMATE UNIT COST	ENGINEER ESTIMATE TOTAL COST
MC-001-5.1	CARRIER VEHICLE AND DISPLACEMENT PLOW	LS	1	$ 146,691.00	$ 146,691.00	$ 137,430.00	$ 137,430.00
				A & H'S TOTAL	**$ 146,691.00**	**ENGINEER'S TOTAL**	**$ 137,430.00**

Morgantown Municipal Airport
Snow Removal Equipment Acquisition
Bid Tabulation - Alternate 1
July 2016

ITEM	DESCRIPTION	UNIT	QUANTITY	A & H EQUIPMENT COMPANY UNIT COST	A & H EQUIPMENT COMPANY TOTAL COST	ENGINEER ESTIMATE UNIT COST	ENGINEER ESTIMATE TOTAL COST
MC-001-5.2	DRY MATERIAL SPREADER	LS	1	$ 3,200.00	$ 3,200.00	$4,542.00	$ 4,542
				A & H'S TOTAL	$ 3,200.00	ENGINEER'S TOTAL	$ 4,542.00

Michael Baker
INTERNATIONAL

We Make a Difference

August 18, 2016

Mr. John M. Galusky
Interim Airport Director
Morgantown Municipal Airport
100 Hart Field Road
Morgantown, WV 26505

Subject: Morgantown Municipal Airport
Install Taxiway Lighting Project
Letter of Recommendation for Contract Award

Dear Mr. Galusky:

Michael Baker has reviewed the bid documents for the subject project that were received June 22, 2016. Only one bid was received, from Bronder Technical Services, Inc. A summary of the bid is provided below:

- Bronder Technical Services, Inc. submitted a bid consisting of the following amounts:
  - Base Bid: $359,326.00
  - Alternate No. 2: $22,100.00
- The project DBE goal of 8% was exceeded with a proposed DBE participation of 14.43%.

Michael Baker recommends a contract be awarded to Bronder Technical Services, Inc. in the amount of $381,426.00 for the Base Bid plus Alternate No. 2. A copy of the bid tabulation is attached for information.

If you have any questions please contact me at 412-269-2744.

Sincerely,

MICHAEL BAKER INTERNATIONAL, INC.

J Brad Homan

J Brad Homan, P.E.
Associate Vice President

JBH/ld
Attachment

100 Airside Drive | Moon Township, PA 15108
Office: 412.269.6300 | Fax: 412.375.3980

Morgantown Municipal Airport
Install Taxiway Lighting
Bid Tabulation - Base Bid
June 2016

ITEM	DESCRIPTION	UNIT	QUANTITY	BRONDER TECHNICAL SERVICES UNIT COST	BRONDER TECHNICAL SERVICES TOTAL COST	ENGINEER ESTIMATE UNIT COST	ENGINEER ESTIMATE TOTAL COST
P-620-5.1	MARKING WITH GLASS BEADS (YELLOW)	SF	4,500	$ 2.95	$ 13,275.00	$2.00	$ 9,000
P-620-5.2	MARKING WITHOUT GLASS BEADS (YELLOW)	SF	1,800	$ 2.10	$ 3,780.00	$1.75	$ 3,150
P-620-5.3	MARKING WITHOUT GLASS BEADS (BLACK)	SF	7,200	$ 1.70	$ 12,240.00	$1.75	$ 12,600
P-620-5.4	MARKING REMOVAL	SF	12,600	$ 2.05	$ 25,830.00	$2.50	$ 31,500
P-620-5.5	SURFACE PAINTED SIGN	EA	12	$ 1,920.00	$ 23,040.00	$900.00	$ 10,800
L-108-5.1	No. 8, 5kV, AIRFIELD LIGHTING CABLE INSTALLED IN CONDUIT	LF	8,800	$ 1.80	$ 15,840.00	$3.50	$ 30,800
L-108-5.2	No. 6 AWG, SOLID, BARE COUNTERPOISE WIRE	LF	3,000	$ 0.90	$ 2,700.00	$3.00	$ 9,000
L-109-5.1	AIRFIELD LIGHTING VAULT WORK	LS	1	$ 7,800.00	$ 7,800.00	$15,000.00	$ 15,000
L-110-5.1	1-2 INCH CONDUIT CONCRETE ENCASED (IN-PAVEMENT)	LF	1520	$ 26.00	$ 39,520.00	$50.00	$ 76,000
L-110-5.2	1-2 INCH CONDUIT IN TURF	LF	650	$ 11.55	$ 7,507.50	$25.00	$ 16,250
L-110-5.3	2-2 INCH CONDUIT IN TURF	LF	230	$ 15.95	$ 3,668.50	$30.00	$ 6,900
L-110-5.4	4-2 INCH CONCRETE ENCASED DUCT BANK (IN-PAVEMENT)	LF	80	$ 50.00	$ 4,000.00	$125.00	$ 10,000
L-115-5.1	ELECTRICAL HANDHOLE	EA	2	$ 7,000.00	$ 14,000.00	$12,500.00	$ 25,000
L-125-5.1	RUNWAY IN-PAVEMENT EDGE LIGHT	EA	5	$ 1,850.00	$ 9,250.00	$10,000.00	$ 50,000
L-126-5.1	GUIDANCE SIGN AND FOUNDATION - SIZE 2	EA	2	$ 3,900.00	$ 7,800.00	$5,000.00	$ 10,000
L-126-5.2	GUIDANCE SIGN AND FOUNDATION - SIZE 3	EA	4	$ 3,700.00	$ 14,800.00	$6,500.00	$ 26,000
L-126-5.3	DISTANCE REMAINING SIGN AND FOUNDATION - SIZE 5	EA	4	$ 3,800.00	$ 15,200.00	$4,000.00	$ 16,000
MC-001-5.1	BONDS	LS	1	$ 4,500.00	$ 4,500.00	$2,000.00	$ 2,000
MC-001-5.2	INSURANCE	LS	1	$ 5,000.00	$ 5,000.00	$2,000.00	$ 2,000
MC-001-5.3	PERMITS	LS	1	$ 2,000.00	$ 2,000.00	$2,000.00	$ 2,000
MC-001-5.4	CONSTRACTOR STAGING AREA	LS	1	$ 75,000.00	$ 75,000.00	$10,000.00	$ 10,000
MC-001-5.5	AS-BUILT DRAWINGS/SURVEY	LS	1	$ 16,000.00	$ 16,000.00	$12,000.00	$ 12,000
MC-001-5.6	TEMPORARY UTILITIES	LS	1	$ 4,000.00	$ 4,000.00	$12,000.00	$ 12,000
MC-002***	MAINTENANCE AND PROTECTION OF AIRFIELD TRAFFIC	LS	1	$ -	$ -	$25,000.00	$ 25,000
MC-003-5.1	EXISTING BASE REMOVAL	EA	23	$ 650.00	$ 14,950.00	$500.00	$ 11,500
MC-003-5.2	EXISTING RUNWAY EDGE LIGHT REMOVAL	EA	5	$ 725.00	$ 3,625.00	$400.00	$ 2,000
MC-003-5.3	CABLE REMOVAL	LF	4,000	$ 0.90	$ 3,600.00	$2.00	$ 8,000
MC-003-5.4	SIGN REMOVAL	EA	8	$ 300.00	$ 2,400.00	$500.00	$ 4,000
MC-003-5.5	FOUNDATION REMOVAL	EA	8	$ 1,000.00	$ 8,000.00	$500.00	$ 4,000
				BRONDER TOTAL	$ 359,326.00	TOTAL	$ 452,500.00

***This is not a bid item but is included here to ensure all costs are included

Morgantown Municipal Airport
Install Taxiway Lighting
Bid Tabulation - Alternate 2
June 2016

ITEM	DESCRIPTION	UNIT	QUANTITY	BRONDER TECHNICAL SERVICES UNIT COST	BRONDER TECHNICAL SERVICES TOTAL COST	ENGINEER ESTIMATE UNIT COST	ENGINEER ESTIMATE TOTAL COST
L-125-5.3	ELEVATED LED TAXIWAY EDGE LIGHT	EA	26	$ 850.00	$ 22,100.00	$5,000.00	$ 130,000
				BRONDER TOTAL	$ 22,100.00	TOTAL	$ 130,000.00

SPECIAL MEETING September 20, 2016:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, September 20, 2016 at 6:03 p.m.

PRESENT: Interim City Manager & Airport Director Glen Kelly, City Clerk's Secretary Heather Carl, City Attorney Ryan Simonton, Finance Director Jim Goff, Mayor Marti Shamberger, Deputy Mayor Bill Kawecki and Council Members, Ron Bane, Wes Nugent, Jenny Selin, Jay Redmond, and Nancy Ganz.

The meeting was called to order by the Mayor.

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(2) (B) (9) motion by Ganz, second by Selin, to go into executive session in order to discuss property purchase in Redevelopment District #3 Sunnyside-Up real estate purchase. Present: Council, Interim City Manager, City Attorney, and Finance Director. Time: 6:06 p.m.

ADJOURNMENT:

There being no further business, Council adjourned the Special Meeting at 6:57 p.m.

City Clerk

Mayor

A COMPREHENSIVE DVD IS AVAILABLE OF ALL COUNCIL MEETINGS ON DVD AT THE MORGANTOWN CITY LIBRARY

REGULAR MEETING September 20, 2016: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, September 20, 2016 at 7:06 p.m.

PRESENT: Interim City Manager & Airport Director Glen Kelly, City Attorney Ryan Simonton, City Clerk's Secretary Heather Carl, Mayor Shamberger, Council Members: Ron Bane, Deputy Mayor Bill Kawecki, Wes Nugent, Jenny Selin, Jay Redmond, and Nancy Ganz.

The meeting was called to order by Mayor Shamberger.

APPROVAL OF MINUTES: August 30, 2016 COW Meeting Minutes, September 6, 2016 Special Meeting Minutes were approved by acclamation. September 6, 2016 Regular Meeting Minutes were approved as corrected.

CORRESPONDENCE: Mayor Shamberger presented proclamations to the following: Harold Sperringer retirement from the Morgantown Police Department 25 years; National Recovery Month. Mayor Shamberger recognized 2 Boy Scouts from Troop 49 who are working on their citizenship and Communications Merritt badge and welcomed them to the meeting. Fire Chief Mark Caravasos did a PowerPoint presentation about the Suncrest area and the parking along side streets and the yellow painting of the curbs. A handout was given out of a map showing the comments from the Suncrest residents. **(Exhibit A)**

PUBLIC HEARING – AN ORDINANCE AUTHORIZING EXECUTION WITH THE WEST VIRGINIA BOTANICAL GARDEN, INC. FOR AN 82-ACRE PARCEL KNOWN AS THE TIBBS RUN PROPERTY.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING EXECUTION WITH THE WEST VIRGINIA BOTANICAL GARDEN, INC. FOR AN 82-ACRE PARCEL KNOWN AS THE TIBBS RUN PROPERTY: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING EXECUTION WITH THE WEST VIRGINIA BOTANICAL GARDEN, INC. FOR AN 82-ACRE PARCEL KNOWN AS THE TIBBS RUN PROPERTY.

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

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION AND IMPROVEMENTS TO THE SANITARY SEWER PORTION AND FINANCING COST THEREOF THROUGH THE ISSUANCE OF NOT MORE THAN 30,000,000 IN AGGREGATE AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016C: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE CITY OF MORGANTOWN AND FINANCING COST THEREOF THROUGH THE ISSUANCE OF NOT MORE THAN 30,000,000 IN AGGREGATE AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016C.

Interim City Manager explained, motion by Ganz, second by Kawecki, to move the above entitled Ordinance to third reading. Motion carried 7-0.

BOARDS AND COMMISSIONS: Mayor Shamberger gave an update on the openings for the following Boards & Commissions: Parking Authority 1 vacancy, Sister Cities 1 vacancy, Traffic Commission 2 vacancies, and Ward & Boundary 1 vacancy. There will be a Special Meeting held October 4th, 2016 at 6:00 pm for interviews for candidates that have applied.

PUBLIC PORTION:

Mayor Shamberger declared the Public Portion open.

Jason Turak, 26 Madora Dr., stated that he made some changes to the Ordinance for the Zoning reclassification of 2 parcels in the sixth Ward that Council requested and was here to answer any questions that they have.

Evelyn Ryan, 225 Dewey St. Greenmont South of Wiley St., stated that she is concerned about the taxation and the budget deficits. Mentions that it would be a good idea to consider making a boundary adjustment and annexing the Suncrest Town Center and 705.

Tim Bleech, 265 Wagner Rd., stated that he is a father, Soccer Coach, and a Scout Leader. He comes tonight to add to the comments of Council Redmond's Vagrancy and Panhandling in downtown. He stated that he and his family do not feel safe in Morgantown anymore and that something needs to be done.

Kristen Matak, 265 Wagner Rd., stated that she is here to express her concerns on the sharp increase in loitering, panhandling and violent crimes in our town. She also expressed that her and her family no longer feel safe downtown and on the Rail Trail. She feels that it is not just a downtown problem but a community problem as well and should be addressed.

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

SPECIAL COMMITTEE REPORTS: Mayor Shamberger announced that the Community Coalition on Homelessness will be having a meeting on October 17th, 2016 6:30 p.m. at Spruce Street Church. It is a public meeting and the theme is going to be "What is your dream for Morgantown". Councilor Selin mentioned the Tryit (Rivertown Grant) that was collaborated of BOPARC, the City of Morgantown, and Adventure WV Program at WVU. The event was held at the Waterfront Marina and it is a program that allows the citizens to come out and experience kayak's and paddle boards. There were a total of 71 people who attended, 18 volunteers, a few WVU attendees that brought the boats and paddle boards to help the event.

NEW BUSINESS:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO (2)

PARCELS OF REAL ESTATE IN THE SIXTH WARD, FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE- FAMILY RESIDENTIAL: The below entitled Ordinance was presented for first reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO (2) PARCELS OF REAL ESTATE IN THE SIXTH WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE- FAMILY RESIDENTIAL 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.

Interim City Manager explained, after discussion, motion by Bane, second by Nugent, to approve the above entitled ordinance to second reading. Motion carried 5-2 (Deputy Mayor Kawecki and Nancy Ganz voting no).

AN ORDINANCE AMENDING THE FY 2016-2017 ANNUAL BUDGET AS THE SAME APPLIES TO THE GENERAL FUND: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE FY 2016-2017 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

Interim City Manager explained, motion by Bane, second by Kawecki, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE TO PERMIT ALCOHOL SALES FOR ON-PREMISES CONSUMPTION BEGINNING AT TEN O'CLOCK IN THE MORNING ON SUNDAYS: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTIONS 521.07 AND 521.09 TO PERMIT ALCOHOL SALES FOR ON-PREMISES CONSUMPTION BEGINNING AT TEN O'CLOCK IN THE MORNING ON SUNDAYS.

City Attorney explained, motion by Kawecki, second by Ganz, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MONONGALIA COUNTY COMMISSION FOR EMPLOYMENT OF AN ANIMAL CONTROL OFFICER: The above entitled Resolution was presented for first reading.

After discussion, Interim City Manager explained, motion by Bane, second by Selin, to approve the above entitled Resolution. Motion carried 6-1 (Nancy Ganz voting no).

A RESOLUTION UTILIZING VARIOUS BANKING FACILITIES AS DEPOSITORIES FOR CITY FUNDS: The above entitled Resolution was presented for first reading.

Interim City Manager explained, motion by Bane, second by Redmond, to approve the above entitled Resolution. Motion carried 7-0.

CITY MANAGER'S REPORT:

New Business:

1. **Morgantown Municipal Airport**
   Interim City Manager & Airport Director announced that there will be a new kick-off launch for the new Airline, Southern Airways that will be coming to the Airport. There will be a family after hours with the Chamber of Commerce that will be held tomorrow night at 5:30 p.m. in the Morgantown Jet Center at the airport. There will be parking passes available to councilors who would want to attend. Encourages everyone to come out and celebrate the new arrival of Southern Airways to the airport. Southern Airways will be making trips to and from Pittsburgh to Dulles Airport and flights will double.

   Interim City Manager also informed Council that an issue with the fuel farm at the Airport will have to have some emergency cleaning. The cost for the cleaning is $12,690.00.

2. **Truck Bid – Bid Call 2017-02**
   Truck Bids were opened on September 1, 2016. Attached is the Memorandum from the Public Works Department. I recommend you approve the awarding of this contract as listed to Matheny Motor Trucks.

   Interim City Manager explained, motion by Redmond, second by Bane, to approve the award to Matheny Motor Trucks to purchase a dump truck in the amount of $108,806.88 that was budgeted for the 2016-2017 fiscal year. Motion carried 7-0.

3. **Yellow Curb Painting Project**
   We have suspended the yellow curb painting in Suncrest pending further public input. I know that this is a project that has been in the works for over three years; however, the lack of communication from the City to our citizens has to be dealt with. It is my plan to sit down with the Fire Chief, City Engineer and Public Works Director on Monday the 19th with collated data on what the concerns are and hope this alleviates some consternation on your parts and gives our citizens an opportunity to voice their concerns.

   Interim City Manager stated that he is meeting with the Director and Fire Chief on Wednesday to bring forth the issues and discuss more options.

4. **Downtown Lighting Project with Main Street**
   We still have some steps to complete before we can move forward on this project. As of this date we do not have the DOH approval of the new lights and how well they are working. We have been working to purchase the light poles from MON Power and we have finished paying for them but do not have the release paper work stating that we now own them. I am sure these issues will be resolved soon.

   Interim City Manager meets with the DOH and the City Attorney next week to see how to proceed moving forward with the new lighting downtown. After discussion, Selin mentions the

PILOT Program between the Waterfront Place Hotel and Hazel Ruby McQuain Park due to not enough lighting in the Warf District from the parking garage to the restaurants.

5. **Fiscal Year 2016 Police and Fire Pension Fund Reports**
As included in the attached report by Jim Goff, Finance Director, the Police and Fire Pension reports are submitted to City Council for approval. The Municipal Pensions Oversight Board require approval from the governing body before the State portion of funding can be invoiced and deposited into the accounts. I agree with the reports, and recommend City Council approve the reports as provided.

Interim City Manager explained, after discussion, motion by Bane, second by Ganz, to approve the Fire and Police Pension Fund. Council requests that more information be brought to them in regards to the leave pay after retirement. Motion carried 7-0.

REPORT FROM CITY CLERK: No report.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane announced that next Monday at South Middle School at 6:30 is the First Ward Neighborhood Association meeting. Councilor Bane apologizes for what happened on Wagner Road but states that the bad behavior downtown needs to be addressed and we have to get a handle on it and hopes that the Interim City Manager will work with the Police Chief to come up with some solution to the problem.

Deputy Mayor Kawecki: Deputy Mayor Kawecki replies to Councilor Bane and his comments on the downtown issue. Deputy Mayor Kawecki states that he does not want to see our community diminish. He notes that our Police Department is active and if there is assist needed to let Council know. Deputy Mayor announces the South Park Association of Neighbors is having its 27th annual block party Friday from 6:00 pm – 9:00 pm. on Park Street. There will be the Morgantown High School Band along with Mr. Terrific for entertainment. All of Council and the community are invited and hopes to see everyone there. Deputy Mayor Kawecki wanted to congratulate Councilor Selin on getting the grant for Triatt, to help fund this project down on the Waterfront Marina.

Councilor Nugent: Councilor Nugent is concerned about the vigilance that is going on in the City. Councilor Nugent has met with some downtown stakeholders and there were some concerns on the issues that have been discussed. Councilor Nugent also mentions about the light poles that

are missing at this time and are being replaced with orange cones. He mentions that he has heard good things about our Public Works and Director Kenny Holloway and the work that has been done in the 3rd Ward. Councilor Nugent announces that the Wiles Hill Meet your Neighbor pot luck will be Wednesday starting at 6:30 pm and the meeting will start at 7:00 pm. Councilor Nugent mentions the handicap access for those who need it in the Suncrest area and hopes that when painting the curbs, they continue to be able to access it. Councilor Nugent is excited to learn more about the services that will be offered at the Morgantown Municipal Airport.

Councilor Selin:

Councilor Selin comments about the issues downtown and how the Sheetz on Don Knotts Blvd. has a security guard that is hired by Sheetz, Inc. She was not aware of this until recently and could not believe that it has come to this. Councilor Selin mentions the light poles on Pleasant Street and that it has been a long since those lights have been gone and hopes to get some lighting soon. Councilor Selin announced the Brad Paisley concert that she attended and saw citizens there from other wards; Landscape Art Street in front of Jamison's last Friday and they turned 2 parking spaces into a little park for the public; the new Suncrest Middle School sidewalk has begun in the front; Parking at the Eastwood Elementary and how the City and the School district are working together; Consider the challenge posed by the citizens this evening and looking north toward an annexation plan; Councilor Selin mentions the Grant Rivertown Program that would allow kayak lessons to be given. This will take place on October 9th, 2016 from 10:00 am to Noon at the docks at Table9 Restaurant on the Warf. The Pre-registration and cost is $25 and there will be BOPARC instructor(s) there to give the lessons.

Councilor Redmond:

Councilor Redmond wanted to comment on the retirement of Harold Sperringer and wished him the best in the future. Councilor Redmond states that the annexation will be on in the near future for this council and it was mentioned in the Community Leadership Forum. Councilor Redmond mentions that he would like to get from City Administration some additional information on the Fire and Police Pension Funds. Councilor Redmond would like to congratulate Public Works on getting things done in the City and being noticed. Councilor Redmond mentions the feedback about the Panhandling "It's about behavior". He would like to review the Ordinance and update the language and clarity on Panhandling. He asked Council if they could

bring this, by consensus, to the next COW meeting for discussion.

Councilor Ganz:

Councilor Ganz mentions that the annexation is a good idea and states that a residential cost benefit analysis in upper Suncrest and points out the superior Police and Fire Services as well as the cost of the insurance for homeowners. Councilor Ganz mentions that in past meetings they talked about hiring a demographer for the Wards & Boundaries issue, in which the last City Manager (Jeff Mikorski) was looking into that. She hopes that the Interim City Manager continues to look into that. Councilor Ganz requests that she would like to be involved with the yellow line painting in the Suncrest area. Councilor Ganz mentions the bar owner downtown who was indicted on tax evasion charges, wanted to know if it is possible to collect the B & O taxes from that individual. Councilor Ganz mentions the public safety and how if they need to contact police they may call the non-emergency number vs 911, unless it is an emergency in nature. Councilor Ganz mentions articles that have been in the newspaper in regards to the MUB and the Public Works Projects, along with looking into a search firm to begin the hire process of a new City Manager. Councilor Ganz mentions that the Suncrest Neighborhood Association meets the last Thursday of each month at Calvary Baptist Church on September 29th at 6:30 pm pot luck dinner and 7:00 pm will be the meeting.

Mayor Shamberger:

Mayor Shamberger mentions that she appreciated the mention of the annexation plan earlier from the public portion and says that it is part of the comprehensive plan. Mayor Shamberger would like to thank MUB for repairing a leak on Charles Avenue. Mayor Shamberger wants to let Public Works know that the street light at the little general store is currently out. Mayor Shamberger would like to thank Harold Sperringer for his service and wished him the best as he retires from the Morgantown Police Department as a Captain. Mayor Shamberger announces that she serves on the Community Relations Committee at the Kennedy Center and mentions that the prisoners help with cleanup and projects in the City. Mayor Shamberger announces to Council that if there is anyone that has not been to the Kennedy Center for a tour and would like to go she would help with getting them in for a tour. Mayor Shamberger announces that she attended the Your Community Foundation Luncheon; Saturday International Fair downtown 10:00 am – 2:00 pm; September 30th United Way Bake Sale; October 2nd Gandi Walk at the Amphitheatre more information to

come; If you need a special permit(s) please make sure you apply within a timely fashion. (15 days before your scheduled event)

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b)(2)(A) motion by Deputy Mayor Kawecki, second by Selin, to go into executive session in order to discuss personnel matters in recruitment for a new City Manager. Present: Council. Time: 9:05 pm

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:51 p.m.

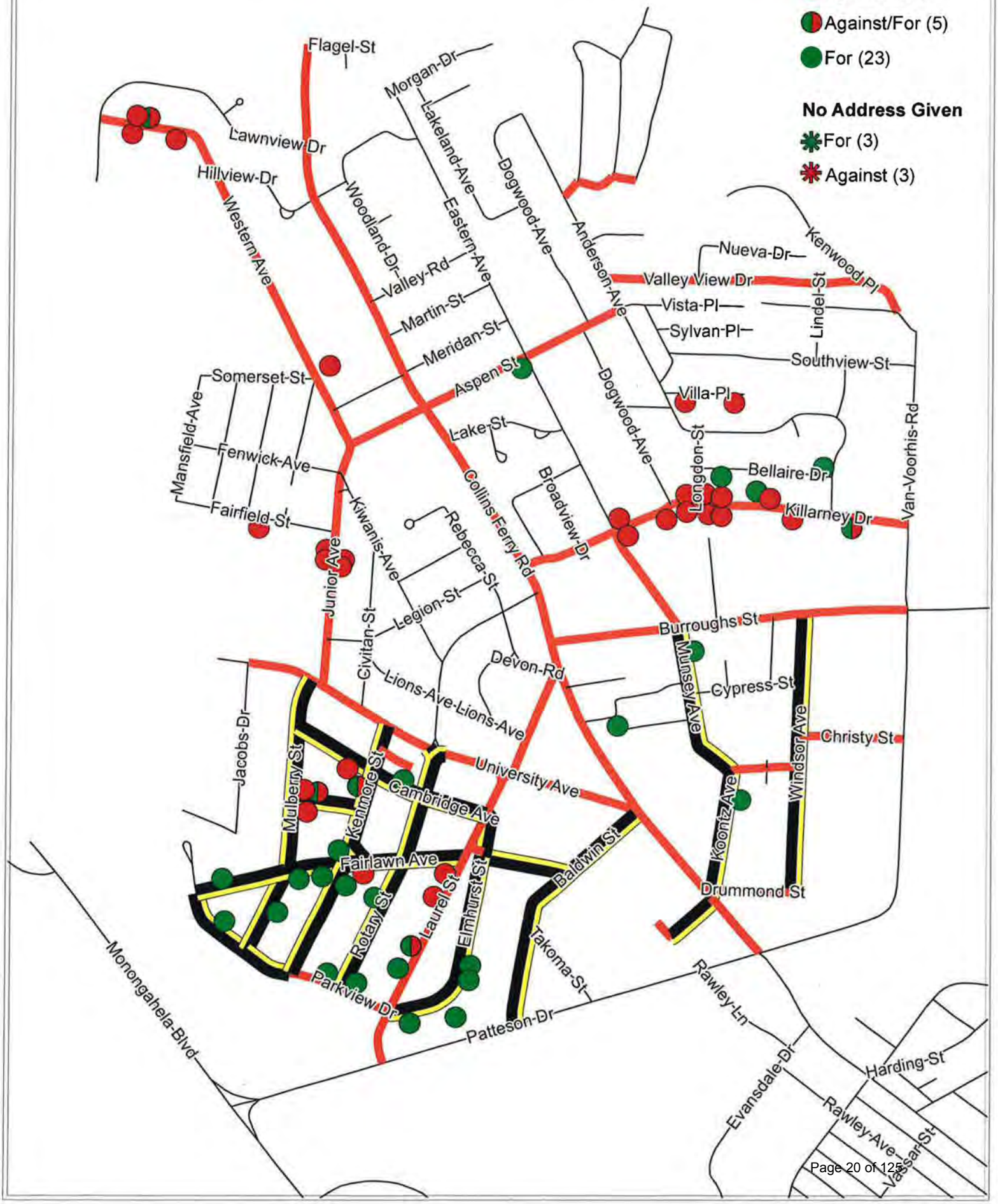
City Clerk

Mayor

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

Comments from the Suncrest Neighborhood

Exhibit A



Boards & Commissions Available Positions

Board/Commission	Vacancy/Term	Name of Applicants	Res./Non Res.	Ward	Code Sec.	Other
Parking Authority	1	**Attached**	Resident		155	**Special Meeting**
Sister Cities	Re-appt	**2 Apps. Attached**	Resident		172.02	**Appt.10-4-16**
						Liz (Spec.Mtg.)
Traffic Commission	1	**Attached**	Resident	6th	151	**Appt.10-4-16**
Ward & Boundary	1	**Steve Carpenter**	Resident	4th	Ch.7.05	**Selin Appoint**
Urban Landscape is re-vamping board rules, Marchetta Maupin will notify Clerk.						

Sister Cities Applicant Elizabeth Finklea is out of the country and will contact me for an interview when she returns.

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.

9/27/2016

Council to interview all

Application to Serve on City Boards and Commissions

THE CITY OF MORGANTOWN HAS NUMEROUS COMMITTEES, BOARDS, AND COMMISSIONS COMPRISED OF CITIZENS WHO GIVE OF THEIR TIME IN VERY IMPORTANT CAPACITIES. STATE LAWS PRESCRIBE THAT SOME OF THOSE BODIES RETAIN MEMBERS WHO HAVE CERTAIN EXPERIENCE, EDUCATION OR PROFESSIONAL CERTIFICATIONS. WE ASK THAT YOU PROVIDE THE FOLLOWING BASIC INFORMATION SO WE MAY EVALUATE PROSPECTIVE APPOINTEES' QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MS/MS Amy Dale WORK/~~CELL~~ PHONE: 304-292-4433

ADDRESS: 1308 Parkview Dr. ~~HOME~~ CELL PHONE: 304-657-2614

Morgantown WV 26505 ZIP: 26505

EMAILADDRESS: theelegantalleycat@gmail.com

CITY RESIDENT? YES ✓ NO____ YEARS OF CITY RESIDENCY 15 WARD 4

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): The Elegant Alley Cat.

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? Owner - The Elegant Alley Cat.

JOB TITLE or JOB DESCRIPTION: Owner/Manager

PROFESSIONAL CERTIFICATIONS/LICENSES: _____

SPECIAL INTERESTS: _____

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

___ BOCA BOARD OF APPEALS
___ BOARD OF PARKS AND RECREATION
___ BOARD OF ZONING APPEALS
___ BUILDING COMMISSION
___ FIRE BOARD OF APPEALS
___ FIRE CIVIL SERVICE
✓ HISTORIC LANDMARKS
___ HUMAN RIGHTS
___ LIBRARY BOARD
___ MET BOARD
___ MORGANTOWN HOUSING ADVISORY COMMISSION
___ MORGANTOWN UTILITY BOARD
___ MUSEUM COMMISSION
✓ PARKING AUTHORITY
___ PERSONNEL BOARD
___ PLANNING COMMISSION
___ POLICE CIVIL SERVICE
___ SISTER CITIES COMMISSION
___ TRAFFIC COMMISSION
___ TRANSIT AUTHORITY
___ TREE BOARD
___ URBAN LANDSCAPE COMMISSION
___ WARD & BOUNDARY
___ WOODBURN REDEVELOPMENT COMMISSION

SUBMIT TO: CITY CLERK, 389 SPRUCE STREET, RM.10, MORGANTOWN, WV, 26505.

APPLICATIONS WILL REMAIN ON FILE IN THE CITY CLERK'S OFFICE FOR 6 MONTHS **3/16/16**

Application to Serve on City Boards and Commissions

THE CITY OF MORGANTOWN HAS NUMEROUS COMMITTEES, BOARDS, AND COMMISSIONS COMPRISED OF CITIZENS WHO GIVE OF THEIR TIME IN VERY IMPORTANT CAPACITIES. STATE LAWS PRESCRIBE THAT SOME OF THOSE BODIES RETAIN MEMBERS WHO HAVE CERTAIN EXPERIENCE, EDUCATION OR PROFESSIONAL CERTIFICATIONS. WE ASK THAT YOU PROVIDE THE FOLLOWING BASIC INFORMATION SO WE MAY EVALUATE PROSPECTIVE APPOINTEES' QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MS: Erica Hetzel WORK/CELL PHONE: 304-293-4633

ADDRESS: 1257 Jersey Avenue HOME PHONE: 757-645-7976

Morgantown, WV ZIP: 26505

EMAILADDRESS: erica.hetzel@mail.wvu.edu

CITY RESIDENT? YES ✓ NO ____ YEARS OF CITY RESIDENCY >1 (June 1, 2015) WARD 6

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): West Virginia University Research Corporation

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? Legal/Education

JOB TITLE or JOB DESCRIPTION: Office Manager, Land Use & Sustainable Development Law Clinic

PROFESSIONAL CERTIFICATIONS/LICENSES: Bachelor of Science, Environmental Policy & Planning (Virginia Tech, 2013)

SPECIAL INTERESTS: Environment, sustainability, zoning, planning

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

___ BOCA BOARD OF APPEALS
___ BOARD OF PARKS AND RECREATION
___ BOARD OF ZONING APPEALS
___ BUILDING COMMISSION
___ FIRE CIVIL SERVICE
___ HISTORIC LANDMARKS
___ HUMAN RIGHTS
___ LIBRARY BOARD
___ MET BOARD
___ MORGANTOWN HOUSING ADVISORY COMMISSION
___ MORGANTOWN UTILITY BOARD
___ MUSEUM COMMISSION
___ PARKING AUTHORITY
___ PERSONNEL BOARD
___ PLANNING COMMISSION
___ POLICE CIVIL SERVICE
___ SISTER CITIES COMMISSION
✓ TRAFFIC COMMISSION 6th ward
___ TRANSIT AUTHORITY
___ TREE BOARD
___ URBAN LANDSCAPE COMMISSION
___ WARD & BOUNDARY

___ WOODBURN REDEVELOPMENT COMMISSION

SUBMIT TO: CITY CLERK, 389 SPRUCE STREET, RM.10, MORGANTOWN, WV, 26505.

APPLICATIONS WILL REMAIN ON FILE IN THE CITY CLERK'S OFFICE FOR 6 MONTHS **UPDATED: 7/15**

ERICA LEE HETZEL

1257 JERSEY AVENUE • MORGANTOWN, WEST VIRGINIA 26505 • (757) 645-7976 • EHETZEL@VT.EDU

EDUCATION

Virginia Polytechnic Institute & State University, Blacksburg, Virginia — May 2013
Bachelor of Science, Environmental Policy & Planning — Cumulative G.P.A.: 3.38
Minor, Agricultural & Applied Economics — In-Major G.P.A.: 3.57

PROFESSIONAL EXPERIENCE

West Virginia University College of Law • Morgantown, WV • June 2015 – present • *Office Manager*

- Provide managerial and administrative support to Land Use and Sustainable Development Law Clinic attorneys & planners; supervise student clinicians; conflict checks for intake of new clients & projects
- Compile & maintain database of local governmental comprehensive plans and zoning ordinances in WV
- Contribute to and review & revise final attorney work products such as certified title opinions for real property, West Virginia Legal Education to Address Abandoned Properties "WV LEAP" Toolkit
- Manage travel itineraries, authorization, and reimbursement for staff and student clinicians
- Organize and plan events and conferences, including client meetings, regional land use planning workshops and the statewide annual Mountain State Land Use Academy
- Develop & update clinic office manual and semester syllabus; maintain clinic website and blog

Roylance, Abrams, Berdo & Goodman, LLP • Washington, D.C. • May 2014 – May 2015 • *Paralegal*

- Assisted senior partner & of counsel in patent and trademark prosecution in the U.S. Patent and Trademark Office; protection of intellectual property rights in U.S. district courts & Federal Circuit Court of Appeals
- Drafted and revised client correspondence, patent infringement and validity opinions, patent specifications, amendments, briefs on appeal, reply briefs, trademark renewal applications, and miscellaneous documents
- Developed and maintained individual client and comprehensive dockets of required deadlines for filing responses, appeals, declarations, statements of use, and other necessary actions
- Facilitated filing of U.S. and International Patent Cooperation Treaty patent applications

Finkelstein Thompson LLP • Washington, D.C. • May 2013 – March 2014 • *Paralegal*

- Provided legal assistance to staff attorneys in all aspects of litigation from inception through conclusion
- Performed legal research & factual investigations on antitrust, securities, commodities, class action, intellectual property, whistleblower, consumer protection, bankruptcy, and landlord/tenant law issues
- Drafted pleadings, memoranda of law, and motions in federal, Virginia, Maryland, and District of Columbia courts and the Fourth and District of Columbia Circuit Courts of Appeals
- Created tables of contents and authorities, applications for admission *pro hac vice*, requests for admission, production of documents, and interrogatories, and other supporting litigation materials
- Maintained firm website, Facebook, Twitter, and LinkedIn accounts

Crag Law Center • Portland, OR • May – August 2012 • *Summer Legal Intern*

- Assisted staff attorneys in preparing for trials and hearings for cases involving public interest, environmental, energy, land use, planning & zoning, conservation, and natural resource law
- Created and revised grant proposals, quarterly newsletter, and 501(c)(3) non-profit articles of dissolution
- Drafted and edited pleadings, motions, memoranda, and other supporting litigation documents in federal, Washington, and Oregon courts and the Ninth Circuit Court of Appeals
- Helped plan and organize film screening of Tapped, a documentary, and annual summer fundraising party

VT Office of University Development • Blacksburg, VA • September 2009 – January 2013 • *Office Assistant*

- Provided assistance and performed specialized projects for the Office of Gift Planning's professional staff
- Created and organized prospect & major donor portfolios for each staff member and the Office as an entity
- Analyzed prospects by generating reports to establish priorities & ensure ongoing expansion of donor base
- Performed general administrative duties such as mailers, drafting correspondence, shredding, copying, etc.

PROFESSIONAL CERTIFICATIONS

Notary Public, State of West Virginia — Commission Expires April 18, 2021

- Verify signatures, administer oaths & affirmations, and certify true and accurate copies of documents

RELEVANT COURSES

- Law of Critical Environmental Areas
- Administrative Law & Policy
- Legal Foundations of Planning

HONORS & AWARDS

- The Honor Society of Phi Kappa Phi
- Dean's List: F'11, S'12, F'12, S'13
- UAP Growth & Development Award

INDEPENDENT RESEARCH & CONFERENCE PRESENTATIONS

Ain't No Mountain High Enough? Direct & Indirect Regulation of Mountaintop Removal Coal Mining

- Virginia Commonwealth University 6th Annual Student Research Conference, April 2012, Richmond, VA
- Virginia Tech 10th Annual Undergraduate Research Conference, April 2012, Blacksburg, VA
- American Agricultural Law Association 33rd Annual Symposium, October 2012, Nashville, TN

Linda Little

From: DO-NOT-REPLY@govtsystems.com
Sent: Monday, April 19, 2010 11:56 AM
To: Linda Little
Subject: Request Partner Email

Linda Little,

The Request ID 24986 was just assigned to you.
The details of the request are presented below.

****
Request Form Name: Volunteer for City Boards and Commissions Request Form Description: Use this form to apply for a seat on a City Boards, Commissions, and Authorities. Not all Boards and Commissions have vacancies at this time. The City Clerk will contact you when a vacancy arises. Your application will remain active for six months.
****

First Name: Elizabeth
Last Name: Finklea
Email: liz.finklea@mail.wvu.edu
Telephone: 304-291-1755
Address1: 100 Maple Avenue
Address2:
City: Morgantown
State: WV
Zip Code: 26501
Language Preference:
Preferred Method of Response: E-Mail
Request Entry Method: Anon Online

Are you a Morgantown resident?:
Yes

In which City Ward do you live?:
Second

Who is your employer?:
WVU

If Yes, how many years have you lived in the City of Morgantown?:
almost 24 years

What type of business are you employed in?:
education (support services)

What is your job description?:
Community outreach coordinator/Web Administrator for the Office of International Students and Scholars, Events Coordinator/Web Administrator for the Center for Women's Studies

Do you have any professional certifications or licenses?:
No

Do you have any pertinent special interests?:
As an immigrant (from the UK - my husband is an American)I am interested in helping international visitors to Morgantown navigate American culture, understand the differences and realize the similarities between us. I have been working with Women Across Cultures and Girl Scouts for many years to this end.

On which commission(s) are you interested in serving?:

Stephen G. Carpenter
456 Rotary Street
Morgantown, WV 26505

September 1, 2016

The Honorable Marti Shamberger, Mayor
The City of Morgantown
389 Spruce Street
Morgantown, WV 26505

Dear Mayor Shamberger,

Please accept this as official notice of my resignation from the Morgantown Wards and Boundary Commission effective immediately. I have retired and spend significant time out-of-state particularly during the fall and winter months.

I am grateful for having had the opportunity to serve on the commission since 1994, and I offer my best wishes as you work to make Morgantown a better place in which to live.

Sincerely,

Stephen G. Carpenter

cc: Linda L. Tucker, CMC, Morgantown
Dr. Alan Donaldson, President, Wards and Boundaries Commission

ARTICLE 155
Parking Authority

155.01 Created.
155.02 Jurisdiction.
155.03 Composition and membership; vacancies.
155.04 Oath of office.
155.05 Members' bonds. (Repealed)
155.06 Organization and officers.
155.07 Powers and duties.
155.08 Appointment of special police officers.
155.085 Parking enforcement officers.
155.09 Powers relative to parking facilities.
155.10 Members not to be interested in contracts.
155.11 Certain State law adopted.
155.12 Construction of article.

CROSS REFERENCES

Municipal public works; bonds - see W. Va. Code Art. 8-16
Authority to lease off-street parking facilities - see W. Va. Code 8-12-12
Off-street parking - see TRAF. Art. 365

155.01 CREATED.

There is hereby established the Morgantown Parking Authority.
(1967 Code Sec. 2-108.)

155.02 JURISDICTION.

The construction, acquisition, improvement, extension, equipment, custody, operation and maintenance of all automobile parking facilities, except as otherwise provided by this article, including parking lots, parking buildings, ramps, curb line parking and other parking facilities deemed necessary or incidental to the regulation and control and parking of automobiles is hereby vested in the City Parking Authority, hereinafter referred to in this article as the "Parking Authority".
(1967 Code Sec. 2-109.)

155.03 COMPOSITION AND MEMBERSHIP; VACANCIES.

The Parking Authority shall consist of five persons, each of whom shall be a resident of the City. Two members of such authority shall also be members of the governing body of the City, one of which is to be appointed by the Mayor, and one of which is to be elected by Council. The term of these two members shall be coextensive with the term of office to which he has been elected or appointed. The remaining members of the Commission shall be appointed by Council for a term of three years, such terms to begin on the first day of July of any year; provided, however, that the three members of the Parking Authority heretofore appointed and in office when this article becomes effective shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified. In the event of a vacancy in the membership of the Parking Authority a successor shall be appointed by Council for the unexpired term only. Members other than those appointed from the governing body shall serve until their successors have been appointed and qualified.

Any member of the Parking Authority not also a member of the governing body of the City shall be eligible for reappointment upon expiration of his term, and any member who is also a member of the governing body shall be eligible for reappointment; provided, that he is continuing as a member of the governing body. Members of the Parking Authority shall receive no compensation or salary for their services but shall be reimbursed out of the funds of such Authority for any expenses incurred in their duties as such. Any member of the Parking Authority shall be removed for just cause by Council upon written charges and by the vote of a majority thereof after a public hearing thereon.
(1967 Code Sec. 2-110.)

155.04 OATH OF OFFICE.

Each member of the Parking Authority before entering upon the duties of his office shall make before someone authorized by law to administer oaths, and file with the City Clerk, an oath or affirmation to support the Constitution of the United States and of the State, and to perform faithfully, honestly and impartially the duties of his authority to the best of his skill and judgment.
(1967 Code Sec. 2-111.)

155.05 MEMBERS' BONDS. (REPEALED)

EDITOR'S NOTE: Former Section 155.05 was repealed by Ordinance 14-17.

155.06 ORGANIZATION AND OFFICERS.

As soon after the first day of July of each year as possible the Parking Authority shall hold an annual meeting at which time a chairman and a secretary shall be elected from the membership of such Authority. The chairman shall preside at all meetings of the Parking Authority, shall have the power to call a meeting of such Authority at any time and shall perform such other functions as may be provided for in the rules and regulations and by-laws of the Parking Authority. The secretary shall keep a record of the proceedings of the Parking Authority which shall be considered a public municipal record and shall be available for inspection of any person at all reasonable times. The Finance Director shall be treasurer of the Parking Authority. The treasurer shall be the custodian of the funds of the Parking Authority and shall receive and disburse the same as directed by such Authority.
(1967 Code Sec. 2-113.)

155.07 POWERS AND DUTIES.

The Parking Authority shall have the power and authority within the City to construct, acquire, improve, extend, equip, operate and maintain automobile parking facilities, including parking lots, parking buildings and parking ramps deemed necessary or incidental to provide off-street parking facilities for vehicles within the City, and all such works shall be under the custody, control and supervision of such authority.

Such authority shall have the power to collect revenues therefrom for the services rendered thereby, which revenues shall be delivered to the Finance Director and maintained by him in a separate fund designated as the "Parking Facilities Revenue Fund". The revenues from the operation of off-street parking facilities, after allowance for the cost of maintenance and operation, shall be available for the payment of the interest on and principal of the bonds proposed to be issued, which payments shall be made by the Finance Director, with the approval of Council, and no other expenditures from such Fund shall be made without the approval of Council; except, that the Finance Director may honor requisitions from the Parking Authority for reasonable and necessary expenditures not to exceed the sum of five hundred dollars ($500.00) in any fiscal year.

The Parking Authority shall have power to take all steps and proceedings, and to make and enter into all contracts or agreements necessary or incidental to the performance of its duties; provided, that any contract involving the expenditure of a sum in excess of five hundred dollars ($500.00) in any fiscal year, and any contract relating to the financing or the acquisition, construction, extension or equipment of any such works, or the issuance of any bonds, or any trust indenture shall be first approved by Council. Rates or charges for the use of, and for the services rendered by the municipal public automobile parking facilities shall be established by Council.

The Parking Authority shall have the power to employ engineers, architects, inspectors, superintendents, managers, collectors, attorneys and such other employees as in its judgment may be necessary in the execution of its powers and duties, and may fix their compensation, and all such employees shall perform such work and labor as the Parking Authority may direct. All such compensation and expenses incurred in carrying out the provisions of this article shall be paid out of the funds provided under this article and under the provisions of West Virginia Code Article 8-16, and such Authority shall not exercise or carry out any authority or power herein given it so as to bind such Authority or the City beyond the extent to which moneys shall have been, or may be provided for its use by Council, or moneys provided under the authority of West Virginia Code Article 8-16.

No contract or agreement exceeding the sum of one thousand dollars ($1,000) shall be made without advertising for bids, which bids shall be publicly opened and award made to the lowest responsible bidder, with power in the Parking Authority to reject any and all bids. After the construction, installation, completion or the acquisition of any such public works, the Parking Authority shall operate, manage and control the same, and may order and complete any extensions, betterments and improvements of and to the works that such Authority may deem expedient, if funds therefor are available, or made available as provided in such sections of the Code of West Virginia, and such Authority shall have the right to establish rules and regulations for the use and operation of such works and to do all things necessary or expedient for the successful operation thereof.

The Parking Authority shall also have the power to adopt rules, regulations and by-laws for the conduct of its business and affairs.

The Parking Authority shall make monthly reports to Council. Such reports shall show the financial condition of the various facilities operated by the Parking Authority including receipts and expenditures. The Parking Authority shall provide such other reports and information as Council may from time to time require or request. Any such reports may also in the discretion of the Parking Authority or at the request of Council include such recommendations concerning the activities of the Parking Authority as may be determined proper. (1967 Code Sec. 2-114.)

155.08 APPOINTMENT OF SPECIAL POLICE OFFICERS.

The Parking Authority shall have authority to appoint special police officers, whose sole duties shall be to patrol, and to enforce Municipal ordinances upon or within, designated parking lots and parking buildings under the control of and operated by the Parking Authority. In the performance of such duties, such special police officers shall be vested with power to make arrests, issue summons, sign complaints and request the issuance of capiases. Such special police officers shall be in uniform, shall display a badge or other sign of authority and shall serve at the will and pleasure of the appointing authority. The cost of providing such special parking lot or parking building police officers shall be paid from revenues derived from off-street parking lots or parking buildings.
(1967 Code Sec. 2-114.1.)

155.085 PARKING ENFORCEMENT OFFICERS.

The Parking Authority shall have authority to enforce municipal parking ordinances within the City.

The Parking Authority shall appoint parking enforcement officers who will patrol and enforce Municipal parking ordinances upon the streets of the City of Morgantown and, in the performance of such duties shall be vested with power to issue summons and citations and sign complaints.

Parking enforcement officers shall be in uniform and display a badge or other sign of authority.

The salaries of such parking enforcement officers shall be paid by the Parking Authority and the Parking Authority shall retain all income derived from the curbline parking meters.

Parking enforcement officers shall acquire no civil service rights under the civil service rules of the State, shall acquire no rights under the policemen's pension and relief fund provisions of the West Virginia Code, nor shall the limited power delegated to them herein be construed as power or authority of a peace officer.
(Ord. 10-18. Passed 5-18-10.)

155.09 POWERS RELATIVE TO PARKING FACILITIES.

The Parking Authority with reference to automobile parking facilities within the City shall have all of the powers and authorities provided for in West Virginia Code Article 8-16.
(Ord. 10-7-86.)

155.10 MEMBERS NOT TO BE INTERESTED IN CONTRACTS.

No member of the Parking Authority shall become or be directly or indirectly interested in any contract or in the profits to be derived therefrom with the Parking Authority.
(1967 Code Sec. 2-116.)

155.11 CERTAIN STATE LAW ADOPTED.

In the establishing of the Parking Authority, Council does hereby expressly adopt the provisions of West Virginia Code Article 8-16 as provided under the provisions and in accordance with the requirements of West Virginia Code 8-1-6.
(1967 Code Sec. 2-117.)

155.12 CONSTRUCTION OF ARTICLE.

Inasmuch as this article is necessary for the public health, safety and welfare of the residents of the City, it shall be liberally construed to effectuate the purposes thereof.
(1967 Code Sec. 2-118.)

ARTICLE 172
Morgantown Sister Cities Commission

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

172.01 ESTABLISHED.

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

172.02 MEMBERS.

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

Three members - 3 years
Three members - 2 years
Three members - 1 year

All vacancies shall be filled for the unexpired term only. All other appointments shall be for a term consistent with that set for the member position in question, to commence on the date following the scheduled expiration date of the previous term. At all times one of the nine members of the Commission shall be a member of City Council. Two of the members may be ex-officio, non-voting members selected from the Greater Morgantown Area as defined by the jurisdictional boundaries of the Morgantown, Monongalia Metropolitan Planning Organization. At all times, seven members of the Commission shall be residents of the City. (Ord. 13-03. Passed 2-19-13.)

172.03 OFFICERS.

The Commission shall select from its own membership a chairperson, vice-chairperson, and secretary. (Ord. 10-10. Passed 3-2-10.)

172.04 MEETINGS.

The Commission shall meet on a monthly basis. Special meetings may be held as deemed necessary by the Chairperson. Such meetings shall be subject to the requirements of the West Virginia Open Governmental Proceedings Act. A quorum of members must be present before a meeting of the Commission can be held at which any official action of the Commission is to take place.
(Ord. 10-10. Passed 3-2-10.)

172.05 VOTING.

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

172.06 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.

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

172.07 APPROPRIATION OF FUNDS.

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

172.08 PURPOSE, POWERS, AND DUTIES.

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

ARTICLE 151
Traffic Commission

151.01 Established.
151.02 Composition and membership.
151.03 Officers and rules of procedure.
151.04 Duties.

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

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

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

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

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

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

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

151.04 DUTIES.

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

(a) The movement and regulation of motor vehicles, bicycles and pedestrians within the City.

(b) The coordination of traffic activities.

(c) Educational activities in traffic matters.

(d) The ways, means and methods of improving traffic conditions within the City; and

(e) The administration and enforcement of traffic regulation. The Commission shall receive such reports and information as deemed necessary by City Administration. The Commission may request the assistance and advice of any other department or official of the City. The City Engineer shall provide primary services for agendas, minutes, studies and implementation of tasks resulting from Commission actions.

(Ord. 15-09. Passed 2-17-15.)

SECTION 7.05. WARDS, ADJUSTMENT OF WARD BOUNDARIES.

(a) Number of Wards. The territory included in the City shall be, and is hereby divided into seven wards and the number of wards shall not be increased or decreased.

(b) Ward Boundary Commission. The Council shall appoint seven qualified voters, one from each of the seven wards of the City as they exist at the time of such appointment, who shall comprise a Ward Boundary Commission. The voters chosen shall not be employed by the City in any other capacity. The appointment shall be made not later than 30 days after the commencement of each Council's term of office.

(c) Report. The Commission shall file with the City Clerk a report containing a recommended plan and a map for adjustment of ward boundaries to comply with the specifications set forth in subsection (d), which report shall be made between November 15 and November 30 of each even-numbered year.

(d) Specifications. Except as otherwise provided in Section 10.05, the ward boundaries shall be adjusted from time to time in accordance with the following specifications:

(1) Each ward shall be formed of contiguous territory, and its boundary lines shall follow the precinct lines and the center lines of streets wherever practicable.

(2) Each ward shall contain as nearly as practicable the same number of qualified voters, determined from the registration for the last statewide general election. This specification shall not be construed to require the adjustment of precinct boundaries or to require the sacrifice of compactness of wards for the sake of achieving equality of numbers of registered voters among the seven wards of the City. The report shall include a map and description of the boundaries of each of the wards.

(e) Action on Report. Within 15 days after the date of the filing of the report mentioned in subsection (c), the Council shall approve or disapprove the same. If the report is disapproved, the Council shall state the reasons therefor on the minutes of the Council meetings. If the report is approved, the Council shall within 15 days after such approval, introduce a proposed ordinance providing for the ward boundaries in accordance with the specifications contained in the report. The procedure for the enactment of the ordinance shall be the same as for any ordinances provided for under Section 2.13 with the additional requirements of Section 2.13(b)(3).

(f) Enactment of Ordinances. If (1) the report of the Commission is disapproved, or (2) if the Commission fails to file the report as and when required by subsection (e), the Council shall, within 15 days after such disapproval or of such failure to file the report, nevertheless introduce an ordinance adjusting the ward boundaries consistent with specifications of subsection (d) unless the Council shall, within 15 days after the filing of the report, or of the failure to file the report, make a finding of fact, entered upon the minutes of the Council meetings, that no ward boundary adjustments are necessary. The procedure for the enactment of such ordinance shall be the same as for any ordinances provided for under Section 2.13 with the additional requirements of Section 2.13(b)(3).

(g) Effect of Enactment. The new ward boundaries as of the date of the enactment of an ordinance providing therefor shall supersede previous ward boundaries for all the purposes of the next regular City election including nominations. The new ward boundaries shall supersede previous ward boundaries for all other purposes as of the date of which all Councilmembers elected at that regular City election take office.

(h) Terms of Members of the Commission. The terms of office of the members of the Commission shall expire at the same time as the expiration of the terms of the Council which appointed them. A new Commission shall thereafter be appointed as provided by subsection (b).

ORDINANCE NO. _____

AN ORDINANCE AMENDING TABLE 1331.05.01 "PERMITTED LAND USES" OF THE CITY'S PLANNING AND ZONING CODE AS IT RELATES TO CHURCHES, PLACES OF WORSHIP.

The City of Morgantown hereby ordains that Table 1331.05.01 "Permitted Land Uses" of the City's Planning and Zoning Code is amended as follows (new matter underline):

Table 1331.05.01 PERMITTED LAND USES

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Churches, Places of Worship	C	C	C	C	C	C	P	P	C	P	C	12

This ordinance shall be effective upon date of adoption.

FIRST READING:

_____
Mayor

ADOPTED:

FILED:

_____
City Clerk

RECORDED:

MEMORANDUM

TO: City Council
Glen Kelly, City Manager

FROM: Timothy L. Ball, General Manager, MUB

DATE: August 31, 2016

SUBJECT: **WWTP Funding and Related New Bond Ordinance**

As discussed with you at last night's Committee of the Whole, we have received some good news related to the funding for our Wastewater Treatment Plant (WWTP) project. DEP has just committed (on Monday 8/29) to increasing their loan for the WWTP project, from $5.5 million to $15.5 million. Terms will be 1% 30 years, with $0.5 million to be forgiven.

The additional $10 million now provided by DEP will replace the two $10 million loans that DEP had previously and informally indicated their intention (but NOT made a binding commitment) to provide in 2018 and 2019.

DEP has very recently raised the rates that would have been charged on the potential 2018 and 2019 loans. Those rates would be 2% 30 years (double the interest that we originally expected).

An exhibit is attached to show the various funding scenarios that have been used to support the project.

We believe that the certainty of the new DEP proposal is far superior to the uncertainty of the original plan. The relative costs will be close enough to not be a factor. But " a bird in the hand...."

Because the original plan was for only a $5 million DEP loan, the original bond ordinance approved a max of only $10 million. We never expect to get more than 2x the planned amount.

In order to take advantage of the new DEP offer, we will need to revise the recently approved bond ordinance. We respectfully request to run the ordinance in the following Council meetings: Sep 6, Sep 20, Oct 4.

This schedule for the Ordinance is necessary so that this new development does not delay the project. The Bond issue is currently scheduled to be executed (closed) on/about November 30.

MUB appreciates the City Council's support of these critical projects. We look forward to beginning their construction later this year, and we are working diligently and urgently toward that goal.

If you have any questions, please feel free to contact me.

MUB – WWTP Funding Scenarios

Scenario #1 (original worst case)
$64.5 million at market rates
$20.0 million extraordinary call (but not ever called early)
$5.0 million DEP 0.75% + 0.25%, 30 yrs
$0.5 million DEP forgiven

Scenario #2 (original plan)
$64.5 million at market rates
$20.0 million extraordinary call (half called in 2018 and half in 2019)
$5.0 million DEP 0.75% + 0.25%, 30 yrs
$0.5 million DEP forgiven
$10 million DEP 0.75% + 0.25%, 30 yrs issued 2018
$10 million DEP 0.75% + 0.25%, 30 yrs issued 2019

Scenario #3 (original plan - revised new DEP rates)
$64.5 million at market rates
$20.0 million extraordinary call (half called in 2018 and half in 2019)
$5.0 million DEP 0.75% + 0.25%, 30 yrs
$0.5 million DEP forgiven
$10 million DEP 1.5% + 0.50%, 30 yrs issued 2018
$10 million DEP 1.5% + 0.50%, 30 yrs issued 2019

Scenario #4 (the current plan)
$74.5 million at market rates
$15.0 million DEP 0.75% + 0.25%, 30 yrs
$0.5 million DEP forgiven

BOND ORDINANCE
THE CITY OF MORGANTOWN

ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN $30,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2016 C (WEST VIRGINIA SRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A BOND PURCHASE AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

WHEREAS, The City of Morgantown (the "Issuer" or the "City") presently owns and operates, through The City of Morgantown Utility Board (the "Board"), a public combined waterworks, sanitary sewerage and stormwater system (collectively, the "System") and has heretofore financed the acquisition and construction of the System and certain additions, betterments and improvements thereto through the issuance of several series of bonds or refunding bonds, of which there are presently outstanding the Prior Bonds, as hereinafter defined.

WHEREAS, all of the Prior Bonds were issued pursuant to ordinances of the Issuer previously enacted (such ordinances, as so amended and supplemented, collectively herein called the "Prior Ordinances");

WHEREAS, under the provisions of Chapter 8, Article 20 of the West Virginia Code of 1931, as amended (the "Act"), the Issuer is authorized and empowered to

acquire, construct and operate extensions, additions, betterments and improvements for the System;

WHEREAS, the Issuer has determined, and does hereby affirm, that the acquisition and construction of certain extensions, additions, betterments and improvements to the sanitary sewerage collection and treatment portion of the System, is necessary, appropriate, useful and desirable for the health, safety, and welfare of the inhabitants of the Issuer and surrounding areas;

WHEREAS, the Issuer has determined that the aforementioned acquisition and construction of extensions, additions, betterments and improvements to the sanitary sewerage collection and treatment portion of the System, including but not limited to Star City treatment plant upgrades, collection system improvements, pumping stations and all necessary appurtenances (further defined herein as the "Sewer Treatment Plant Project" or "the Project") should be financed, as provided under the Act, in whole or in part, from the proceeds of multiple series of combined utility system revenue bonds to be issued by the Issuer, to pay all or any portion of the costs thereof;

WHEREAS, the Issuer has determined to initially finance the costs of the Sewer Treatment Plan Project through the simultaneous issuance of three series of combined utility system revenue bonds designated, and in the not to exceed amounts, as follows:

(1) The City of Morgantown, Combined Utility System Revenue Bonds, Series 2016 A (Tax Exempt), in the aggregate principal amount of not more than $100,000,000 (the "Series 2016 A Bonds");

(2) The City of Morgantown, Combined Utility System Revenue Bonds, Series 2016 B (Tax Exempt – Extraordinary Optional Call), in the aggregate principal amount of not more than $30,000,000 (the "Series 2016 B Bonds"); and

(3) The City of Morgantown, Combined Utility System Revenue Bonds, Series 2016 C (SRF Program), in one or more series, in the aggregate principal amount of not more than $30,000,000 (collectively, the "Series 2016 C Bonds," and collectively with the Series 2016 A Bonds and the Series 2016 B Bonds, the "Sewer Treatment Plant Project Bonds").

WHEREAS, the Issuer has determined to enact this Ordinance and issue the Series 2016 C Bonds to have such security and such other terms and provisions as are hereinafter provided, all in the manner set forth herein;

WHEREAS, the Issuer has also determined that the design, acquisition and construction of certain extensions, betterments and improvements to the potable water raw water supply and storage, treatment, treated water storage and distribution system (the "Potable Water System"), specifically including, but not limited to, the design, acquisition and construction of a new water reservoir, transmission lines, distribution lines, storage,

booster stations and the installation of emergency generators to serve facilities of the Potable Water System, and all necessary appurtenances (collectively, the "Water Reservoir Project"), is necessary, appropriate, useful and desirable for the health, safety, and welfare of the inhabitants of the Issuer and surrounding areas;

WHEREAS, the Issuer has determined to finance all or a portion of the costs of the Water Reservoir Project through the issuance of its The City of Morgantown, Combined Utility System Revenue Bonds, Series 2016 D (Tax Exempt), in the aggregate principal amount of not more than $40,000,000 (the "Series 2016 D Bonds"), to be issued either simultaneously with, or after, the issuance of the Sewer Treatment Project Bonds, pursuant to an ordinance of the Issuer (the "Series 2016 D Ordinance") to be enacted simultaneously with the enactment of the ordinances authorizing the issuance of the Sewer Treatment Plant Bonds; and

WHEREAS, the Series 2016 A Bonds, the Series 2016 B Bonds, the Series 2016 C Bonds and the Series 2016 D Bonds (collectively, the "Series 2016 Bonds") will be issued on a parity with one another, and the Prior Bonds, with respect to their lien on and security interest in the Gross Revenues of the System, and the Series 2016 C Bonds shall contain such other terms and provisions as are hereinafter provided, all in the manner set forth herein.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF MORGANTOWN:

ARTICLE I

STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance (together with any ordinance, order or resolution supplemental hereto or amendatory hereof, the "Bond Legislation") is enacted pursuant to the provisions of Chapter 8, Article 20 and Chapter 22C, Article 2 of the West Virginia Code of 1931, as amended (collectively, the "Act"), and other applicable provisions of law.

Section 1.02. Findings. It is hereby found, determined and declared that:

A. The City of Morgantown (the "Issuer") is a municipal corporation and political subdivision of the State of West Virginia in Monongalia County of said State. The Issuer presently owns and operates the System through the Morgantown Utility Board (the "Board"). It is deemed necessary and desirable for the health and welfare of the inhabitants of the Issuer, and for the improvement of the water environment of the City and specifically of the project area, that there be acquired and constructed certain extensions, additions, betterments and improvements to the sanitary sewer portion of the existing public combined waterworks, sewerage, and stormwater system of the Issuer, specifically including, the Sewer Treatment Plant Project as herein defined (the existing public combined potable waterworks, sanitary sewer, and stormwater system of the Issuer, the

Sewer Treatment Plan Project and any further extensions, additions, betterments and improvements thereto are herein called the "System"), in accordance with the plans and specifications prepared by the Consulting Engineers as herein defined.

B. The Issuer intends to permanently finance a portion of such the costs of acquisition and construction of the Sewer Treatment Plant Project through the issuance of its combined utility revenue bonds to the West Virginia Water Development Authority (the "Authority"), which administers the West Virginia Clean Water State Revolving Fund Program (the "SRF Program"), all pursuant to the Act.

C. It is deemed necessary for the Issuer to issue its Series 2016 C Bonds as herein defined, in one or more series, in the aggregate principal amount of not more than $30,000,000, to permanently finance a portion of the costs of acquisition and construction of the Sewer Treatment Plant Project. Said costs shall be deemed to include the cost of all property rights, easements and franchises deemed necessary or convenient therefor and eligible under the SRF Program; interest, if any, upon the Series 2016 C Bonds for a period not exceeding 6 months after completion of construction of the Sewer Treatment Plant Project; amounts which may be deposited in the Series 2016 C Bonds Reserve Account (as hereinafter defined) or amounts which may be used to purchase a surety bond to fund the Series 2016 C Bonds Reserve Account; engineering and legal expenses; expenses for estimates of costs and revenues, expenses for plans, specifications and surveys; other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expense, commitment fees, fees and expenses of the Authority, including the SRF Administrative Fee (as hereinafter defined); discount, initial fees for the services of registrars, paying agents, depositories or trustees or other costs in connection with the sale of the Series 2016 C Bonds and such other expenses as may be necessary or incidental to the financing herein authorized, the acquisition or construction of the Sewer Treatment Plant Project and the placing of same in operation, and the performance of the things herein required or permitted, in connection with any thereof, provided, that reimbursement to the Issuer or the Board for any amounts expended by them for allowable costs prior to the issuance of the Series 2016 C Bonds or the repayment of indebtedness incurred by the Issuer for such purposes shall be deemed Costs of the Project, as hereinafter defined.

D. The period of usefulness of the System after completion of the Sewer Treatment Plant Project is not less than 35 years.

E. It is in the best interests of the Issuer that its Series 2016 C Bonds be sold to the Authority pursuant to the terms and provisions of a Bond Purchase Agreement by and among the Issuer, the Authority and the West Virginia Department of Environmental Protection (the "DEP"), in form satisfactory to the respective parties (the "Bond Purchase Agreement"), approved hereby if not previously approved by resolution of the Issuer.

F. There are outstanding obligations of the Issuer which will rank on a parity with the Series 2016 C Bonds as to liens, pledge, source of and security for payment, being the Issuer's:

1. Combined Utility System Revenue Bonds, Series 2000 A (West Virginia SRF Program), dated February 29, 2000, issued in the original aggregate principal amount of $7,842,000 (the "Series 2000 A Bonds");

2. Combined Utility System Revenue Bonds, Series 2000 B (West Virginia Infrastructure Fund), dated February 29, 2000, issued in the original aggregate principal amount of $2,488,000 (the "Series 2000 B Bonds");

3. Combined Utility System Revenue Bonds, Series 2006 A (West Virginia SRF Program), dated June 30, 2006, issued in the original aggregate principal amount of $6,410,191 (the "Series 2006 A Bonds");

4. Combined Utility System Revenue Bonds, Series 2007 A (West Virginia SRF Program), dated August 14, 2007, issued in the original aggregate principal amount of $8,500,000 (the "Series 2007 A Bonds");

5. Combined Utility System Revenue Bonds, Series 2010 A (Direct Payment Build America Bonds), dated January 28, 2010, issued in the original aggregate principal amount of $37,950,000 (the "Series 2010 A Bonds");

6. Combined Utility System Revenue Bonds, Series 2010 B (West Virginia SRF Program/ARRA), dated January 28, 2010, issued in the original aggregate principal amount of $81,600 (the "Series 2010 B Bonds");

7. Combined Utility System Revenue Bonds, Series 2010 C (West Virginia SRF Program), dated January 28, 2010, issued in the original aggregate principal amount of $15,380,227 (the "Series 2010 C Bonds");

8. Combined Utility System Revenue Bonds, Series 2010 D (West Virginia DWTRF Program), dated January 28, 2010, issued in the original aggregate principal amount of $9,317,286 (the "Series 2010 D Bonds");

9. Combined Utility System Revenue Bonds, Series 2010 E (West Virginia DWTRF Program/ARRA), dated January 28, 2010, issued in the original aggregate principal amount of $100,000 (the "Series 2010 E Bonds");

10. Combined Utility System Revenue Bonds, Series 2010 F (Bank Qualified), dated January 28, 2010, issued in the original aggregate amount of $7,250,000 (the "Series 2010 F Bonds");

11. Combined Utility System Revenue Bonds, Series 2012 A (West Virginia DWTRF Program), dated August 24, 2012, issued in the original aggregate principal amount of $570,000 (the "Series 2012 A Bonds");

12. Combined Utility System Revenue Bonds, Series 2012 C (Bank Qualified), dated October 5, 2012, issued in the original aggregate principal amount of $2,330,000 (the "Series 2012 C Bonds");

13. Combined Utility System Revenue Bonds, Series 2013 A (West Virginia Infrastructure Fund), dated August 22, 2013, issued in the original aggregate principal amount of $4,605,260 (the "Series 2013 A Bonds");

14. Combined Utility System Revenue Bonds, Series 2014 B dated July 23, 2014, issued in the original aggregate principal amount of $505,421 (the "Series 2014 B Bonds");

15. Combined Utility System Revenue Bonds, Series 2015 A (West Virginia Water Development Authority), dated March 31, 2015, issued in the original aggregate principal amount of $137,568 (the "Series 2015 A Bonds");

16. Combined Utility System Revenue Bonds, Series 2015 B (West Virginia Water Development Authority), dated March 31, 2015, issued in the original aggregate principal amount of $4,586 (the "Series 2015 B Bonds");

17. Combined Utility System Revenue Bonds, Series 2015 C (West Virginia SRF Program), dated March 31, 2015, issued in the original aggregate principal amount of $8,111,813 (the "Series 2015 C Bonds");

18. Combined Utility System Revenue Bonds, Series 2015 D (West Virginia SRF Program), dated March 31, 2015, issued in the original aggregate principal amount of $1,688,394 (the "Series 2015 D Bonds"); and

19. Combined Utility System Revenue Bonds, Series 2015 E (West Virginia SRF Program), dated June 11, 2015, issued in the

original aggregate principal amount of $662,300 (the "Series 2015 E Bonds"), (collectively, the "Prior Bonds").

Simultaneously with the issuance of the Series 2016 C Bonds, the Issuer intends to finance the remaining costs of the Sewer Treatment Plant Project through the issuance of the following bonds:

20. Combined Utility System Revenue Bonds, Series 2016 A (Tax Exempt), to be issued simultaneously herewith, issued in the original aggregate principal amount not to exceed $100,000,000 (the "Series 2016 A Bonds"); and

21. Combined Utility System Revenue Bonds, Series 2016 B (Tax Exempt – Extraordinary Redemption Call), to be issued simultaneously herewith, issued in the original aggregate principal amount not to exceed $30,000,000 (the "Series 2016 B Bonds").

G. Prior to the issuance of the Series 2016 Bonds, the Issuer will (i) a certificate of an Independent Certified Public Accountant stating that the coverage and parity tests of the Prior Bonds are met, and (ii) the written consent of the Holders of the Series 2000 A Bonds, Series 2000 B Bonds, Series 2006 A Bonds, Series 2007 A Bonds, Series 2010 B Bonds, Series 2010 C Bonds, Series 2010 D Bonds, Series 2010 E Bonds, Series 2012 A Bonds, Series 2013 A Bonds, Series 2015 A Bonds, Series 2015 B Bonds, Series 2015 C Bonds, Series 2015 D Bonds and Series 2015 E Bonds to the issuance of the Series 2016 C Bonds on a parity with the Series 2000 A Bonds, Series 2000 B Bonds, Series 2006 A Bonds, Series 2007 A Bonds, Series 2010 B Bonds, Series 2010 C Bonds, Series 2010 D Bonds, Series 2010 E Bonds, Series 2012 A Bonds, Series 2013 A Bonds, Series 2015 A Bonds, Series 2015 B Bonds, Series 2015 C Bonds, Series 2015 D Bonds, and Series 2015 E Bonds. The Series 2010 A Bonds, Series 2010 F Bonds, Series 2012 C Bonds and Series 2014 B Bonds do not require consent. Other than the Prior Bonds, there are no other outstanding bonds or obligations of the Issuer which are secured by revenues or assets of the System. The Issuer is in compliance with all the covenants of the Prior Bonds and the Prior Ordinances.

H. The estimated revenues to be derived in each year after completion of the Wastewater Treatment Plant Project and the Water Reservoir Project from the operation of the System will be sufficient to pay all costs of operation and maintenance of the System and the principal of and interest, if any, on the Series 2016 Bonds and the Prior Bonds and to make payments into all funds and accounts and other payments provided for herein.

I. The Issuer has complied with all requirements of West Virginia law and the Bond Purchase Agreement relating to authorization of the acquisition, construction and operation of the Sewer Treatment Plant Project and the System and issuance of the Series 2016 C Bonds, or will have so complied prior to issuance of any thereof, including,

among other things, the approval of the Project and the financing thereof by the West Virginia Infrastructure and Jobs Development Council.

J. The Sewer Treatment Plant Project has been reviewed and determined to be technically and financially feasible by the West Virginia Infrastructure and Jobs Development Council as required under Chapter 31, Article 15A of the West Virginia Code of 1931, as amended.

K. Prior to construction the Issuer will enact a Project Ordinance in compliance with Chapter 24, Article 2, Paragraph 11 of the West Virginia Code of 1931, as amended.

Section 1.03. Bond Legislation Constitutes Contract. In consideration of the acceptance of the Series 2016 C Bonds by the Registered Owners of the same from time to time, this Bond Legislation shall be deemed to be and shall constitute a contract between the Issuer and such Bondholders, and the covenants and agreements herein set forth to be performed by the Issuer shall be for the equal benefit, protection and security of the Bondholders of any and all of such Series 2016 C Bonds, all of which shall be of equal rank and without preference, priority or distinction between any one Bond and any other Bonds and by reason of priority of issuance or otherwise, except as expressly provided therein and herein.

Section 1.04. Definitions. The following terms shall have the following meanings herein unless the context expressly requires otherwise:

"Act" means, collectively, Chapter 8, Article 20 and Chapter 22C, Article 2 of the West Virginia Code of 1931, as amended and in effect on the date of enactment hereof.

"Authority" means the West Virginia Water Development Authority, which is expected to be the original purchaser and Registered Owner of the Series 2016 C Bonds, or any other agency, board or department of the State that succeeds to the functions of the Authority, acting in its administrative capacity and upon authorization from the DEP under the Act.

"Authorized Officer" means the Mayor or the City Manager of the Issuer, and, in the instance of the Board, the Chairman, the General Manager or the Assistant General Manager, or any other officer of the Issuer or Board specifically designated by resolution of the Governing Body or the Board, as appropriate.

"Board" means the Morgantown Utility Board of the Issuer.

"Bondholder," "Holder of the Bonds," "Holder," "Registered Owner" or any similar term whenever used herein with respect to an outstanding Bond or Bonds, means the person in whose name such Bond is registered.

"Bond Commission" means the West Virginia Municipal Bond Commission or any other agency of the State of West Virginia that succeeds to the functions of the Commission.

"Bond Legislation," "Ordinance," "Bond Ordinance" or "Local Act" means this Bond Ordinance and all ordinances, orders and resolutions supplemental hereto or amendatory hereof.

"Bond Purchase Agreement" means the Bond Purchase Agreement heretofore entered, or to be entered, into by and among the Issuer, the Authority and the DEP, providing for the purchase of the Series 2016 C Bonds from the Issuer by the Authority, the form of which shall be approved, and the execution and delivery by the Issuer authorized and directed or ratified, by the Supplemental Resolution.

"Bond Registrar" means the bank or other entity to be designated as such in the Supplemental Resolution and its successors and assigns.

"Bonds" means, collectively, the Series 2016 Bonds, the Prior Bonds and, where appropriate, any bonds on a parity therewith subsequently authorized to be issued hereunder or by another ordinance of the Issuer.

"Bond Year" means the 12-month period beginning on the anniversary of the Closing Date in each year and ending on the day prior to the anniversary date of the Closing Date in the following year, except that the first Bond Year shall begin on the Closing Date.

"City Clerk" or "Clerk" means the City Clerk of the Issuer.

"City Manager" means the City Manager of the Issuer.

"Closing Date" means the date upon which there is an exchange of the Series 2016 C Bonds for all or a portion of the proceeds of the Series 2016 C Bonds from the Authority and the DEP.

"Code" means the Internal Revenue Code of 1986, as amended, and the Regulations.

"Completion Date" means the completion date of the Project, as defined in the SRF Regulations.

"Consulting Engineers" means any qualified engineer or firm of engineers, licensed by the State, that shall at any time hereafter be procured by the Issuer as Consulting Engineers for the System, or portion thereof, in accordance with Chapter 5G, Article 1 of the West Virginia Code of 1931, as amended; provided however, that the Consulting Engineers shall not be a regular, full-time employee of the State or any of its agencies, commissions, or political subdivisions. "Consulting Engineer" shall also

include a licensed professional engineer employed by the Board, who is responsible for design and/or supervision of improvements, additions or modifications to the System.

"Costs" or "Costs of the Project" means those costs described in Section 1.02C hereof to be a part of the cost of acquisition and construction of the Project.

"DEP" means the West Virginia Department of Environmental Protection, or any other agency, board or department of the state that succeeds to the function of the DEP.

"Depository Bank" means the bank designated as such in the Supplemental Resolution, and its successors and assigns, which shall be a member of FDIC.

"Depreciation Fund" means the Depreciation Fund created by the Prior Ordinances and continued hereby.

"FDIC" means the Federal Deposit Insurance Corporation and any successor to the functions of the FDIC.

"Fiscal Year" means each 12-month period beginning on July 1 and ending on the succeeding June 30.

"Governing Body" means the council of the Issuer, as it may now or hereafter be constituted.

"Government Obligations" means direct obligations of, or obligations the timely payment of the principal of and interest on which is guaranteed by, the United States of America.

"Grants" means any grants committed to the Project.

"Gross Revenues" means the aggregate gross operating and non-operating revenues of the System, as hereinafter defined, determined in accordance with generally accepted accounting principles, after deduction of prompt payment discounts, if any, and reasonable provision for uncollectible accounts; provided, that "Gross Revenues" include any gains from the sale or other disposition of capital assets, but does not include any increase in the value of capital assets (including Qualified Investments, as hereinafter defined) or any Tap Fees (as hereinafter defined).

"Herein," "hereto" and similar words shall refer to this entire Bond Legislation.

"Independent Certified Public Accountant" means any certified public accountant or firm of certified public accountants that shall at any time hereafter be retained by the Issuer to prepare an independent annual or special audit of the accounts of the System or for any other purpose except keeping the accounts of the System in the normal operation of its business and affairs.

"Issuer" means The City of Morgantown, a municipal corporation and political subdivision of the State of West Virginia, in Monongalia County, West Virginia, and, unless the context clearly indicates otherwise, includes the Governing Body of the Issuer.

"Mayor" means the Mayor of the Issuer.

"Net Proceeds" means the face amount of the Series 2016 C Bonds, plus accrued interest and premium, if any, less original issue discount, if any, and less proceeds, if any, deposited in the Reserve Accounts.

"Net Revenues" means the balance of the Gross Revenues, remaining after deduction of Operating Expenses, as hereinafter defined.

"Operating Expenses" shall mean the reasonable, proper and necessary costs of repair, maintenance and operation of the System and includes, without limiting the generality of the foregoing, administrative, engineering, legal, auditing and insurance expenses, other than those capitalized as part of the Costs, fees and expenses of the Authority, fiscal agents, the Depository Bank, the Registrar and Paying Agent (all as hereinafter defined), other than those capitalized as part of the Costs, the SRF Administrative Fee, payments to pension or retirement funds, taxes and such other reasonable operating costs and expenses as should normally and regularly be included under generally accepted accounting principles; provided, that "Operating Expenses" does not include payments on account of the principal of or redemption premium, if any, or interest on the Bonds, charges for depreciation, losses from the sale or other disposition of, or from any decrease in the value of, capital assets, amortization of debt discount or such miscellaneous deductions as are applicable to prior accounting periods.

"Operation and Maintenance Fund" means the Operation and Maintenance Fund established by the Prior Ordinances and continued hereby.

"Outstanding" when used with reference to Bonds or Prior Bonds and as of any particular date, describes all Bonds or Prior Bonds theretofore and thereupon being authenticated and delivered, except (i) any Bond or Prior Bond cancelled by the Bond Registrar or Registrar for Prior Bonds, at or prior to said date; (ii) any Bond or Prior Bonds, for the payment of which moneys, equal to its principal amount and redemption premium, if applicable, with interest to the date of maturity or redemption shall be in trust hereunder, and set aside for such payment (whether upon or prior to maturity); (iii) any Bond deemed to have been paid as provided in Article X hereof; (iv) any Prior Bond deemed to have been paid; and for purposes of consents or other action by a specified percentage of Bondholders, or holders of Prior Bonds, any Bonds or Prior Bonds registered to the Issuer.

"Parity Bonds" means additional Bonds issued under the provisions and within the limitations prescribed by Section 7.07 hereof.

"Paying Agent" means the Commission or other entity designated as such for the Series 2016 C Bonds in the Supplemental Resolution.

"Prior Bonds" means, collectively, the Series 2000 A Bonds, Series 2000 B Bonds, Series 2006 A Bonds, Series 2007 A Bonds, Series 2010 A Bonds, Series 2010 B Bonds, Series 2010 C Bonds, Series 2010 D Bonds, Series 2010 E Bonds, Series 2010 F Bonds, Series 2012 A Bonds, Series 2012 C Bonds, Series 2013 A Bonds, Series 2014 B Bonds, Series 2015 A Bonds, Series 2015 B Bonds, Series 2015 C Bonds, Series 2015 D Bonds and Series 2015 E Bonds..

"Prior Ordinances" means, collectively, the ordinances authorizing the Prior Bonds.

"Project" or "Sewer Treatment Plant Project" means the Project as described in Section 1.02A hereof.

"Qualified Investments" means and includes any of the following:

(a) Government Obligations;

(b) Government Obligations which have been stripped of their unmatured interest coupons, interest coupons stripped from Government Obligations, and receipts or certificates evidencing payments from Government Obligations or interest coupons stripped from Government Obligations;

(c) Bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies: Banks for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Export-Import Bank of the United States; Federal Land Banks; Government National Mortgage Association; Tennessee Valley Authority; or Washington Metropolitan Area Transit Authority;

(d) Any bond, debenture, note, participation certificate or other similar obligations issued by the Federal National Mortgage Association to the extent such obligation is guaranteed by the Government National Mortgage Association or issued by any other federal agency and backed by the full faith and credit of the United States of America;

(e) Time accounts (including accounts evidenced by time certificates of deposit, time deposits or other similar banking arrangements) which, to the extent not insured by the FDIC, shall be secured by a pledge of Government Obligations, provided, that said Government Obligations pledged either must mature as nearly

as practicable coincident with the maturity of said time accounts or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said time accounts;

(f) Money market funds or similar funds whose only assets are investments of the type described in paragraphs (a) through (e) above;

(g) Repurchase agreements, fully secured by investments of the types described in paragraphs (a) through (e) above, with banks or national banking associations which are members of FDIC or with government bond dealers recognized as primary dealers by the Federal Reserve Bank of New York, provided, that said investments securing said repurchase agreements either must mature as nearly as practicable coincident with the maturity of said repurchase agreements or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said repurchase agreements, and provided further that the holder of such repurchase agreement shall have a prior perfected security interest in the collateral therefor; must have (or its agent must have) possession of such collateral; and such collateral must be free of all claims by third parties;

(h) The West Virginia "consolidated fund" managed by the West Virginia Board of Treasury Investments pursuant to Chapter 12, Article 6C of the West Virginia Code of 1931, as amended; and

(i) Obligations of States or political subdivisions or agencies thereof, the interest on which is exempt from federal income taxation, and which are rated at least "A" by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

"Registered Owner," "Bondholder," "Holder" or any similar term means whenever used herein with respect to an outstanding Bond or Bonds, the person in whose name such Bond is registered.

"Registrar" means the Bond Registrar.

"Regulations" means temporary and permanent regulations promulgated under the Code, or any predecessor thereto.

"Reserve Accounts" means, collectively, the respective Reserve Accounts established for the Series 2016 Bonds and the Prior Bonds.

"Reserve Requirement" means, collectively, the respective amounts required to be on deposit in any Reserve Account for the Prior Bonds and the Series 2016 C Bonds.

"Revenue Fund" means the Revenue Fund created by the Prior Ordinances and continued hereby.

"Series 2000 A Bonds" means the Combined Utility System Revenue Bonds, Series 2000 A (West Virginia SRF Program), of the Issuer, dated February 29, 2000, issued in the original aggregate principal amount of $7,842,000.

"Series 2000 B Bonds" means the Combined Utility System Revenue Bonds, Series 2000 B (West Virginia Infrastructure Fund), of the Issuer, dated February 29, 2000, issued in the original aggregate principal amount of $2,488,000.

"Series 2006 A Bonds" means the Combined Utility System Revenue Bonds, Series 2006 A (West Virginia SRF Program), of the Issuer, dated June 30, 2006, issued in the original aggregate principal amount of $6,410,191.

"Series 2007 A Bonds" means the Combined Utility System Revenue Bonds, Series 2007 A (West Virginia SRF Program), of the Issuer, dated August 14, 2007, issued in the original aggregate principal amount of $8,500,000.

"Series 2010 A Bonds" means the Combined Utility System Revenue Bonds, Series 2010 A (Direct Payment Build America Bonds), of the Issuer, dated January 28, 2010, issued in the original aggregate principal amount of $37,950,000.

"Series 2010 B Bonds" means the Combined Utility System Revenue Bonds, Series 2010 B (West Virginia SRF Program/ARRA), of the Issuer, dated January 28, 2010, issued in the original aggregate principal amount of $81,600.

"Series 2010 C Bonds" means the Combined Utility System Revenue Bonds, Series 2010 C (West Virginia SRF Program), of the Issuer, dated January 28, 2010, issued in the original aggregate principal amount of $15,380,227.

"Series 2010 D Bonds" means the Combined Utility System Revenue Bonds, Series 2010 D (West Virginia DWTRF Program), of the Issuer, dated January 28, 2010, issued in the original aggregate principal amount of $9,317,286.

"Series 2010 E Bonds" means the Combined Utility System Revenue Bonds, Series 2010 E (West Virginia DWTRF Program/ARRA), of the Issuer, dated January 28, 2010, issued in the original aggregate principal amount of $100,000.

"Series 2010 F Bonds" means the Combined Utility System Revenue Bonds, Series 2010 F (Bank Qualified), of the Issuer, dated January 28, 2010, issued in the original aggregate principal amount of $7,250,000.

"Series 2012 A Bonds" means the Combined Utility System Revenue Bonds, Series 2012 A (West Virginia DWTRF Program), dated August 24, 2012, issued in the original aggregate principal amount of $570,000.

"Series 2012 C Bonds" means the Combined Utility System Revenue Bonds, Series 2012 C (Bank Qualified), dated October 5, 2012, issued in the original aggregate principal amount of $2,330,000.

"Series 2013 A Bonds" means the Combined Utility System Revenue Bonds, Series 2013 A (West Virginia Infrastructure Fund), dated August 22, 2013, issued in the original aggregate principal amount of $4,605,260.

"Series 2014 B Bonds" means the Issuer's Combined Utility System Revenue Bonds, Series 2014 B dated July 23, 2014, issued in the original aggregate principal amount of$505,421.

"Series 2015 A Bonds" means the Issuer's Combined Utility System Revenue Bonds, Series 2015 A (West Virginia Water Development Authority), dated March 31, 2015, issued in the original aggregate principal amount of $137,568.

"Series 2015 B Bonds" means the Issuer's Combined Utility System Revenue Bonds, Series 2015 B (West Virginia Water Development Authority), dated March 31, 2015, issued in the original aggregate principal amount of $4,586.

"Series 2015 C Bonds" means the Issuer's Combined Utility System Revenue Bonds, Series 2015 C (West Virginia SRF Program), dated March 31, 2015, issued in the original aggregate principal amount of $8,111,813.

"Series 2015 D Bonds" means Issuer's Combined Utility System Revenue Bonds, Series 2015 D (West Virginia SRF Program), dated March 31, 2015, issued in the original aggregate principal amount of $1,688,394.

"Series 2015 E Bonds" means Issuer's Combined Utility System Revenue Bonds, Series 2015 E (West Virginia SRF Program), dated June 11, 2015, issued in the original aggregate principal amount of $662,300.

"Series 2016 Bonds" means collectively, the Series 2016 A Bonds, Series 2016 B Bonds, Series 2016 C Bonds and, if issued, the Series 2016 D Bonds.

"Series 2016 A Bonds" means Issuer's Combined Utility System Revenue Bonds, Series 2016 A (Tax Exempt), to be issued simultaneously herewith, in the original aggregate principal amount not to exceed $100,000,000.

"Series 2016 B Bonds" means Issuer's Combined Utility System Revenue Bonds, Series 2016 B (Tax Exempt – Extraordinary Redemption Call), to be issued

simultaneously herewith, in the original aggregate principal amount not to exceed $30,000,000.

"Series 2016 C Bonds" means the Combined Utility System Revenue Bonds, Series 2016 C (West Virginia SRF Program), of the Issuer, issued in one or more series, authorized by this Bond Legislation.

"Series 2016 C Bonds Construction Trust Fund" means the Series 2016 C Bonds Construction Trust Fund established by Section 5.01 hereof.

"Series 2016 C Bonds Reserve Account" means the Series 2016 C Bonds Reserve Account established by Section 5.02 hereof.

"Series 2016 C Bonds Reserve Requirement" means, as of any date of calculation, the maximum amount of principal and interest, if any, which will become due on the Series 2016 C Bonds in the then current or any succeeding year.

"Series 2016 C Bonds Sinking Fund" means the Series 2016 C Bonds Sinking Fund established by Section 5.02 hereof.

"Series 2016 D Bonds" means Issuer's Combined Utility System Revenue Bonds, Series 2016 D (Tax Exempt), to be issued simultaneously herewith, or after the issuance of the Series 2016 C Bonds, in the original aggregate principal amount not to exceed $40,000,000, for purpose of financing the Water Reservoir Project.

"Sewer Treatment Plant Project Bonds" means collectively, the Series 2016 A Bonds, Series 2016 B Bonds and Series 2016 C Bonds.

"Sinking Funds" means, collectively, the respective Sinking Funds established for the Series 2016 Bonds and the Prior Bonds.

"SRF Administrative Fee" means any administrative fee required to be paid pursuant to the Bond Purchase Agreement.

"SRF Program" means the State's Clean Water State Revolving Fund Program, under which the Authority purchases the water pollution control revenue bonds of local governmental entities satisfying certain legal and other requirements with the proceeds of a capitalization grant award from the United States Environmental Protection Agency and funds of the State.

"SRF Regulations" means the regulations set forth in Title 47, Series 31 of the West Virginia Code of State Regulations.

"State" means the State of West Virginia.

"Supplemental Resolution" means any resolution, ordinance or order of the Issuer supplementing or amending this Ordinance and, when preceded by the article "the," refers specifically to the supplemental resolution authorizing the sale of the Series 2016 C Bonds; provided, that any matter intended by this Ordinance to be included in the Supplemental Resolution with respect to the Series 2016 C Bonds, and not so included may be included in another Supplemental Resolution.

"Surplus Revenues" means the Net Revenues not required by the Bond Legislation to be set aside and held for the payment of or security for the Series 2016 Bonds, the Prior Bonds or any other obligations of the Issuer, including, without limitation, the Depreciation Fund, the Sinking Funds and the Reserve Accounts.

"System" means, collectively, the complete existing public combined waterworks, sewerage, and stormwater system of the Issuer, as presently existing in its entirety or any integral part thereof, and shall include the Sewer Treatment Plant Project and the Water Reservoir Project and any additions, betterments and improvements thereto hereafter acquired or constructed for the System from any sources whatsoever, both within and without the Issuer.

"Tap Fees" means the fees, if any, paid by prospective customers of the System in order to connect thereto.

Additional terms and phrases are defined in this Ordinance as they are used. Words importing singular number shall include the plural number in each case and vice versa; words importing persons shall include firms and corporations; and words importing the masculine, feminine or neutral gender shall include any other gender.

ARTICLE II

AUTHORIZATION OF ACQUISITION AND CONSTRUCTION OF THE SEWER TREATMENT PLANT PROJECT

Section 2.01. Authorization of Acquisition and Construction of the Sewer Treatment Plant Project. There is hereby authorized and ordered the acquisition and construction of the Project, at an estimated cost of not to exceed $140,000,000, in accordance with the plans and specifications which have been prepared by the Consulting Engineers, heretofore filed in the office of the Governing Body. The proceeds of the Series 2016 C Bonds hereby authorized shall be applied as provided in Article VI hereof. The Issuer will receive bids and will enter into contracts for the acquisition and construction of the Project, compatible with the financing plan submitted to the DEP and the Authority.

The cost of the Sewer Treatment Plant Project is estimated not to exceed $140,000,000, of which not to exceed $30,000,000 will be obtained from proceeds of the Series 2016 C Bonds, not to exceed $100,000,000 will be obtained from the proceeds of the Series 2016 A Bonds and not to exceed $30,000,000 will be obtained from the proceeds of the Series 2016 B Bonds.

ARTICLE III

AUTHORIZATION, TERMS, EXECUTION, REGISTRATION AND SALE OF BONDS; AUTHORIZATION AND EXECUTION OF BOND PURCHASE AGREEMENT

Section 3.01. Authorization of Bonds. For the purposes of capitalizing interest on the Series 2016 C Bonds, if any, funding a reserve account or purchasing a surety bond to fund a reserve account for the Series 2016 C Bonds, paying Costs of the Project not otherwise provided for and paying certain costs of issuance of the Series 2016 C Bonds and related costs, or any or all of such purposes, as determined by the Supplemental Resolution, there shall be issued the negotiable Series 2016 C Bonds of the Issuer. The Series 2016 C Bonds shall be issued in one or more series designated as "Combined Utility System Revenue Bonds, Series 2016 C (West Virginia SRF Program)," in the principal amount of not more than $30,000,000, for a term not to exceed forty (40) years, and shall have such terms as set forth hereinafter and in the Supplemental Resolution. The proceeds of the Series 2016 C Bonds remaining after purchasing a surety bond to fund the Series 2016 C Bonds Reserve Account or cash funding the Series 2016 C Bonds Reserve Account (if funded from Bond proceeds) and capitalization of interest, if any, shall be deposited in or credited to the Series 2016 C Bonds Construction Trust Fund established by Section 5.01 hereof, and applied as set forth in Article VI hereof.

Section 3.02. Terms of Bonds. The Series 2016 C Bonds shall be issued in such principal amount; shall bear interest at such rate or rates, not exceeding the then legal maximum, payable quarterly on such dates; shall mature on such dates (not to exceed forty (40) years), and in such amounts; and shall be redeemable, in whole or in part, all as the Issuer shall prescribe in a Supplemental Resolution or as specifically provided in the Bond Purchase Agreement. The Series 2016 C Bonds shall be payable as to principal at the office of the Paying Agent, in any coin or currency which, on the dates of payment of principal is legal tender for the payment of public or private debts under the laws of the United States of America. Interest, if any, on the Series 2016 C Bonds shall be paid by check or draft of the Paying Agent or its agent, mailed to the Registered Owner thereof at the address as it appears on the books of the Bond Registrar, or by such other method as shall be mutually agreeable so long as the Authority is the Registered Owner thereof.

As provided by the Supplemental Resolution, the Series 2016 C Bonds shall initially be issued in one or more series, fully registered to the Authority, with a record of advances and a debt service schedule attached, representing the aggregate principal amount of the respective Series 2016 C Bonds. The Series 2016 C Bonds shall be exchangeable at the option and expense of the Registered Owner for another fully registered Bond or Bonds of the same series in aggregate principal amount equal to the amount of said Bonds then Outstanding and being exchanged, with principal installments or maturities, as applicable, corresponding to the dates of payment of principal installments of said Bonds; provided, that the Authority shall not be obligated to pay any expenses of such exchange.

Subsequent series of Series 2016 C Bonds, if any, shall be issued in fully registered form and in denominations as determined by a Supplemental Resolution. Such Series 2016 C Bonds shall be dated and shall bear interest, if any, as set forth in a Supplemental Resolution.

Section 3.03. Execution of Bonds. The Series 2016 C Bonds shall be executed in the name of the Issuer by the Mayor, and the seal of the Issuer shall be affixed thereto or imprinted thereon and attested by the City Clerk. In case any one or more of the officers who shall have signed or sealed the Series 2016 C Bonds shall cease to be such officer of the Issuer before the Series 2016 C Bonds so signed and sealed have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any Series 2016 C Bonds may be signed and sealed on behalf of the Issuer by such person as at the actual time of the execution of such Bonds shall hold the proper office in the Issuer, although at the date of such Bonds such person may not have held such office or may not have been so authorized.

Section 3.04. Authentication and Registration. No Series 2016 C Bonds shall be valid or obligatory for any purpose or entitled to any security or benefit under this Bond Legislation unless and until the Certificate of Authentication and Registration on such Bond, substantially in the form set forth in Section 3.10 hereof shall have been manually executed by the Bond Registrar. Any such executed Certificate of Authentication and Registration upon any such Bond shall be conclusive evidence that such Bond has been authenticated, registered and delivered under this Bond Legislation. The Certificate of Authentication and Registration on any Series 2016 C Bonds shall be deemed to have been executed by the Bond Registrar if manually signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the Certificate of Authentication and Registration on all of the Bonds issued hereunder.

Section 3.05. Negotiability, Transfer and Registration. Subject to the provisions for transfer of registration set forth below, the Series 2016 C Bonds shall be and have all of the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the State of West Virginia, and each successive Holder, in accepting the Series 2016 C Bonds shall be conclusively deemed to have agreed that such Bonds shall be and have all of the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the State of West Virginia, and each successive Holder shall further be conclusively deemed to have agreed that said Bonds shall be incontestable in the hands of a bona fide holder for value.

So long as the Series 2016 C Bonds remain outstanding, the Issuer, through the Bond Registrar or its agent, shall keep and maintain books for the registration and transfer of such Bonds.

The registered Series 2016 C Bonds shall be transferable only upon the books of the Bond Registrar, by the registered owner thereof in person or by his attorney duly

authorized in writing, upon surrender thereto together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his duly authorized attorney.

In all cases in which the privilege of exchanging Series 2016 C Bonds or transferring the registered Series 2016 C Bonds are exercised, all Series 2016 C Bonds shall be delivered in accordance with the provisions of this Bond Legislation. All Series 2016 C Bonds surrendered in any such exchanges or transfers shall forthwith be canceled by the Bond Registrar. For every such exchange or transfer of Series 2016 C Bonds, the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the Bond Registrar incurred in connection therewith, which sum or sums shall be paid by the Issuer. The Bond Registrar shall not be obliged to make any such exchange or transfer of Series 2016 C Bonds during the period commencing on the 15th day of the month next preceding an interest payment date on the Series 2016 C Bonds or, in the case of any proposed redemption of Series 2016 C Bonds, next preceding the date of the selection of Bonds to be redeemed, and ending on such interest payment date or redemption date.

Section 3.06. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Series 2016 C Bonds shall become mutilated or be destroyed, stolen or lost, the Issuer may, in its discretion, issue, and the Bond Registrar shall, if so advised by the Issuer, authenticate and deliver, a new Bond of the same series and of like tenor as the Bonds so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, and upon the Holder's furnishing satisfactory indemnity and complying with such other reasonable regulations and conditions as the Issuer may prescribe and paying such expenses as the Issuer and the Bond Registrar may incur. All Bonds so surrendered shall be canceled by the Bond Registrar and held for the account of the Issuer. If any such Bond shall have matured or be about to mature, instead of issuing a substitute Bond, the Issuer may pay the same, upon being indemnified as aforesaid, and if such Bond be lost, stolen or destroyed, without surrender thereof.

Section 3.07. Bonds not to be Indebtedness of the Issuer. The Series 2016 C Bonds shall not, in any event, be or constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be payable solely from the Gross Revenues derived from the System as herein provided. No Holder or Holders of the Series 2016 C Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Series 2016 C Bonds or the interest, if any, thereon.

Section 3.08. Bonds Secured by Pledge of Gross Revenues; Lien Position with respect to Prior Bonds. The payment of debt service of the Series 2016 Bonds shall be secured by a first lien on the Gross Revenues derived from the System, on a parity with the lien on the Gross Revenues in favor of the Holders of the Prior Bonds. Such Gross

Revenues in an amount sufficient to pay the principal of and interest, if any, on the Series 2016 Bonds and the Prior Bonds and to make all other payments provided for in the Bond Legislation are hereby irrevocably pledged to such payments as they become due.

Section 3.09. Delivery of Bonds. The Issuer shall execute and deliver the Series 2016 C Bonds to the Registrar, and the Registrar shall authenticate, register and deliver the Series 2016 C Bonds to the original purchasers upon receipt of the documents set forth below:

A. If other than the Authority, a list of the names in which the Series 2016 C Bonds are to be registered upon original issuance, together with such taxpayer identification and other information as the Bond Registrar may reasonably require;

B. A request and authorization to the Bond Registrar on behalf of the Issuer, signed by an Authorized Officer, to authenticate and deliver the Series 2016 C Bonds to the original purchasers;

C. An executed and certified copy of the Bond Legislation;

D. An executed copy of the Bond Purchase Agreement; and

E. The unqualified approving opinion of bond counsel on the Series 2016 C Bonds.

Section 3.10. Form of Bonds. The text of the Series 2016 C Bonds shall be in substantially the following form, with such omissions, insertions and variations as may be necessary and desirable and authorized or permitted hereby, or by any Supplemental Resolution adopted prior to the issuance thereof:

[Remainder of Page Intentionally Blank]

(FORM OF SERIES 2016 C BOND)

UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
THE CITY OF MORGANTOWN
COMBINED UTILITY SYSTEM REVENUE BOND, SERIES 2016 C
(WEST VIRGINIA SRF PROGRAM)

No. CR-1 $

KNOW ALL MEN BY THESE PRESENTS: That on this the _____ day of _____, 2016, THE CITY OF MORGANTOWN, a municipal corporation and political subdivision of the State of West Virginia in Monongalia County of said State (the "Issuer"), for value received, hereby promises to pay, solely from the special funds provided therefor, as hereinafter set forth, to the WEST VIRGINIA WATER DEVELOPMENT AUTHORITY (the "Authority") or registered assigns the sum of _____ DOLLARS or such lesser amount as shall have been advanced to the Issuer hereunder and not previously repaid, as set forth in the "Record of Advances" attached as EXHIBIT A hereto and incorporated herein by reference, in quarterly installments on March 1, June 1, September 1 and December 1 of each year, commencing __ 1, 20__, to and including ____ _____ 1, 20__, as set forth on the "Debt Service Schedule" attached as EXHIBIT B hereto and incorporated herein by reference. The SRF Administrative Fee of _____ _____% (as defined in the hereinafter described Bond Legislation) shall be payable quarterly on March 1, June 1, September 1, and December 1 of each year, commencing __ _____ 1, 20__, as set forth on EXHIBIT B attached hereto.

This bond shall bear no interest. Principal installments of this Bond are payable in any coin or currency which, on the respective dates of payment of such installments, is legal tender for the payment of public and private debts under the laws of the United States of America, at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia (the "Paying Agent").

This Bond may be redeemed prior to its stated date of maturity in whole or in part, but only with the express written consent of the Authority on behalf of the West Virginia Department of Environmental Protection (the "DEP"), and upon the terms and conditions prescribed by, and otherwise in compliance with, the Bond Purchase (the "Bond Purchase Agreement") by and among the Issuer, the Authority, and the DEP, dated_ _____, 20___.

This Bond is issued (i) to pay a portion of the costs of acquisition and construction of certain extensions, additions, betterments and improvements to the sanitary

sewer portion of the existing combined waterworks, sewerage and stormwater system (the "Sewer Treatment Plant Project"); [(ii) fund the Series 2016 C Bonds Reserve Account]; and (iii) to pay certain costs of issuance of the Bonds of this Series (the "Seis 2016 C Bonds") and related costs. The Sewer Treatment Plant Project, and any further extensions, additions, betterments or improvements o the existing combined waterworks, sewerage and stormwater system are herein called the "System." This Bond is issued under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly Chapter 8, Article 20 and Chapter 22C, Article 2 of the West Virginia Code of 1931, as amended (collectively, the "Act"), a Bond Ordinance duly enacted by the Issuer on _____, 20___ and a Supplemental Resolution duly adopted by the Issuer on _____, 20____ (collectively, the "Bond Legislation"), and is subject to all the terms and conditions thereof. The Bond Legislation provides for the issuance of additional bonds under certain conditions, and such bonds would be entitled to be paid and secured equally and ratably from and by the funds and revenues and other security provided for the Bonds under the Bond Legislation.

THIS BOND IS ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF AND SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE ISSUER'S:

1. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2000 A (WEST VIRGINIA SRF PROGRAM), DATED FEBRUARY 29, 2000, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $7,842,000 (THE "SERIES 2000 A BONDS");

2. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2000 B (WEST VIRGINIA INFRASTRUCTURE FUND), DATED FEBRUARY 29, 2000, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $2,488,000 (THE "SERIES 2000 B BONDS");

3. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2006 A (WEST VIRGINIA SRF PROGRAM), DATED JUNE 30, 2006, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $6,410,191 (THE "SERIES 2006 A BONDS");

4. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2007 A (WEST VIRGINIA SRF PROGRAM), DATED AUGUST 14, 2007, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $8,500,000 (THE "SERIES 2007 A BONDS");

5. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 A (DIRECT PAYMENT BUILD AMERICA BONDS), DATED JANUARY 28, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $37,950,000 (THE "SERIES 2010 A BONDS");

6. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 B (WEST VIRGINIA SRF PROGRAM/ARRA), DATED JANUARY 28, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $81,600 (THE "SERIES 2010 B BONDS");

7. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 C (WEST VIRGINIA SRF PROGRAM), DATED JANUARY 28, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $15,380,227 (THE "SERIES 2010 C BONDS");

8. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 D (WEST VIRGINIA DWTRF PROGRAM), DATED JANUARY 28, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $9,317,286 (THE "SERIES 2010 D BONDS");

9. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 E (WEST VIRGINIA DWTRF PROGRAM/ARRA), DATED JANUARY 28, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $100,000 (THE "SERIES 2010 E BONDS");

10. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 F (BANK QUALIFIED), DATED JANUARY 28, 2010, ISSUED IN THE ORIGINAL AGGREGATE AMOUNT OF $7,250,000 (THE "SERIES 2010 F BONDS");

11. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 A (WEST VIRGINIA DWTRF PROGRAM), DATED AUGUST 24, 2012, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $570,000 (THE "SERIES 2012 A BONDS");

12. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 C (BANK QUALIFIED), DATED OCTOBER 5, 2012, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $2,330,000 (THE "SERIES 2012 C BONDS");

13. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 A (WEST VIRGINIA INFRASTRUCTURE FUND), DATED AUGUST 22, 2013, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $4,605,260 (THE "SERIES 2013 A BONDS");

14. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2014 B DATED JULY 23, 2014, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $505,421 (THE "SERIES 2014 B BONDS");

15. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2015 A (WEST VIRGINIA WATER DEVELOPMENT AUTHORITY), DATED MARCH 31, 2015,

ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $137,568 (THE "SERIES 2015 A BONDS");

16. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2015 B (WEST VIRGINIA WATER DEVELOPMENT AUTHORITY), DATED MARCH 31, 2015, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $4,586 (THE "SERIES 2015 D BONDS");

17. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2015 C (WEST VIRGINIA SRF PROGRAM), DATED MARCH 31, 2015, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $8,111,813 (THE "SERIES 2015 C BONDS");

18. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2015 D (WEST VIRGINIA SRF PROGRAM), DATED MARCH 31, 2015, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,688,394 (THE "SERIES 2015 D BONDS"); AND

19. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2015 E (WEST VIRGINIA SRF PROGRAM), DATED JUNE 11, 2015, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $662,300 (THE "SERIES 2015 E BONDS"), (AND COLLECTIVELY WITH THE BONDS LISYED ABOVE, THE "PRIOR BONDS");

20. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2016 A (TAX EXEMPT), DATED _____, 2016, ISSUED SIMULTANEOUSLY HEREWITH, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $_____ (THE "SERIES 2016 A BONDS");

21. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2016 B (TAX EXEMPT – EXTRAORDINARY REDEMPTION CALL), DATED _____, 2016, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $_____ (THE "SERIES 2016 B BONDS"); AND

22. [COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2016 D (TAX EXEMPT), DATED _____, 2016 ISSUED SIMULTANEOUSLY HEREWITH, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $_____ (THE "SERIES 2016 D BONDS").]

This Bond is payable only from and secured by a pledge of the Gross Revenues (as defined in the Bond Legislation) to be derived from the operation of the System, on a parity with the pledge of Gross Revenues in favor of the Holders of the Prior Bonds, the Series 2016 A Bonds, the Series 2016 B Bonds, [the Series 2016 D Bonds] and from monies in the Reserve Account created under the Bond Legislation for the Series 2016 C Bonds (the "Series 2016 C Bonds Reserve Account"), and unexpended proceeds of the Series 2016 C Bonds. Such Gross Revenues shall be sufficient to pay the principal of

and interest, if any, on all bonds which may be issued pursuant to the Act and which shall be set aside as a special fund hereby pledged for such purpose. This Bond does not constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provisions or limitations, nor shall the Issuer be obligated to pay the same, except from said special fund provided from the Gross Revenues, the monies in the Series 2016 C Bonds Reserve Account and unexpended proceeds of the Series 2016 C Bonds. Pursuant to the Bond Legislation, the Issuer has covenanted and agreed to establish and maintain just and equitable rates and charges for the use of the System and the services rendered thereby, which shall be sufficient, together with other revenues of the System, to provide for the reasonable expenses of operation, repair and maintenance of the System, and to leave a balance each year equal to at least 115% of the maximum amount payable in any year for principal of and interest, if any, on the Series 2016 C Bonds and all other obligations secured by a lien on or payable from such revenues on a parity with or junior or subordinate to the Series 2016 C Bonds including the Prior Bonds, the Series 2016 A Bonds, the Series 2016 B Bonds, and [Series 2016 D Bonds]; provided however, that, so long as there exists in the Series 2016 C Bonds Reserve Account an amount at least equal to the maximum amount of principal and interest, if any, which will become due on the Series 2016 C Bonds in the then current or any succeeding year, and in the respective reserve accounts established for any other obligations Outstanding on a parity with or junior and subordinate to the Series 2016 C Bonds, including the Prior Bonds, the Series 2016 A Bonds, the Series 2016 B Bonds, [and the Series 2016 D Bonds], an amount at least equal to the requirement therefor, such percentage may be reduced to 110%. The Issuer has entered into certain further covenants with the Registered Owners of the Series 2016 C Bonds for the terms of which reference is made to the Bond Legislation. Remedies provided the Registered Owners of the Series 2016 C Bonds are exclusively as provided in the Bond Legislation, to which reference is here made for a detailed description thereof.

Subject to the registration requirements set forth herein, this Bond is transferable, as provided in the Bond Legislation, only upon the books of the Registrar (as defined in the Bond Legislation) by the Registered Owner, or by its attorney duly authorized in writing, upon the surrender of this Bond, together with a written instrument of transfer satisfactory to the Registrar, duly executed by the Registered Owner or its attorney duly authorized in writing.

Subject to the registration requirements set forth herein, this Bond, under the provision of the Act is, and has all the qualities and incidents of, a negotiable instrument under the Uniform Commercial Code of the State of West Virginia.

All money received from the sale of this Bond, after reimbursement and repayment of all amounts advanced for preliminary expenses as provided by law and the Bond Legislation, shall be applied solely to payment of the Costs of the Project and costs of issuance described in the Bond Legislation, and there shall be and hereby is created and granted a lien upon such monies, until so applied, in favor of the Registered Owner of this Bond.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond do exist, have happened, and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other obligations of the Issuer, does not exceed any limit prescribed by the Constitution or statutes of the State of West Virginia and that a sufficient amount of the Gross Revenues of the System has been pledged to and will be set aside into said special fund by the Issuer for the prompt payment of the principal of and interest, if any, on this Bond.

All provisions of the Bond Legislation, resolutions and statutes under which this Bond is issued shall be deemed to be a part of the contract evidenced by this Bond to the same extent as if written fully herein.

[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, THE CITY OF MORGANTOWN has caused this Bond to be signed by its Mayor, and its corporate seal to be hereunto affixed and attested by its City Clerk, and has caused this Bond to be dated the day and year first written above.

[SEAL]

By: _____
Mayor

ATTEST:

By: _____
City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the Series 2016 C Bonds described in the within-mentioned Bond Legislation and has been duly registered in the name of the registered owner set forth above, as of the date set forth below.

Date:_____, 2016.

UNITED BANK, INC.,
as Registrar

By: _____
Its: Authorized Officer

EXHIBIT A

RECORD OF ADVANCES

AMOUNT	DATE	AMOUNT	DATE
(1) $		(19)	
(2)		(20)	
(3)		(21)	
(4)		(22)	
(5)		(23)	
(6)		(24)	
(7)		(25)	
(8)		(26)	
(9)		(27)	
(10)		(28)	
(11)		(29)	
(12)		(30)	
(13)		(31)	
(14)		(32)	
(15)		(33)	
(16)		(34)	
(17)		(35)	
(18)		(36)	

TOTAL _____

EXHIBIT B

DEBT SERVICE SCHEDULE

(Form of)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto the within Bond and does hereby irrevocably constitute and appoint _____, Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

Dated: _____, 20___.

_____

In the presence of:

_____

Section 3.11. Sale of Bonds; Approval and Ratification of Execution of Bond Purchase Agreement. The Series 2016 C Bonds shall be sold to the Authority, pursuant to the terms and conditions of the Bond Purchase Agreement. If not so authorized by previous ordinance or resolution, the Mayor are specifically authorized and directed to execute the Bond Purchase Agreement in the form approved by Supplemental Resolution, and the City Clerk is directed to affix the seal of the Issuer, attest the same and deliver the Bond Purchase Agreement to the Authority, and any such prior execution and delivery is hereby authorized, approved, ratified and confirmed.

Section 3.12. Filing of Amended Schedule. Upon completion of the acquisition and construction of the Project, the Board will file with the Authority and the DEP, a schedule setting forth the actual costs of the Project and sources of funds therefor.

ARTICLE IV

[RESERVED]

ARTICLE V

FUNDS AND ACCOUNTS; SYSTEM REVENUES AND APPLICATION THEREOF

Section 5.01. Establishment of Funds and Accounts with Depository Bank. The following special funds or accounts are hereby created with (or continued if previously established by the Prior Ordinances) and shall be held by the Depository Bank, separate and apart from all other funds or accounts of the Depository Bank or the Issuer and from each other:

(1) Revenue Fund (established by the Prior Ordinances);

(2) Depreciation Fund (established by the Prior Ordinances);

(3) Operation and Maintenance Fund (established by the Prior Ordinances); and

(4) Series 2016 C Bonds Construction Trust Fund.

Section 5.02. Establishment of Funds and Accounts with Commission. The following special funds or accounts are hereby created (or continued if previously established by the Prior Ordinances) with and shall be held by the Commission,

separate and apart from all other funds or accounts of the Commission or the Issuer and from each other:

(1) Series 2000 A Bonds Sinking Fund (established by Prior Ordinances);

(2) Series 2000 A Bonds Reserve Account (established by Prior Ordinances);

(3) Series 2000 B Bonds Sinking Fund (established by Prior Ordinances);

(4) Series 2000 B Bonds Reserve Account (established by Prior Ordinances);

(5) Series 2006 A Bonds Sinking Fund (established by Prior Ordinances);

(6) Series 2006 A Bonds Reserve Account (established by Prior Ordinances);

(7) Series 2007 A Bonds Sinking Fund (established by Prior Ordinances);

(8) Series 2007 A Bonds Reserve Account (established by Prior Ordinances);

(9) Series 2010 A Bonds Sinking Fund (established by Prior Ordinances);

(10) Series 2010 A Bonds Reserve Account (established by Prior Ordinances);

(11) Series 2010 C Bonds Sinking Fund (established by Prior Ordinances);

(12) Series 2010 C Bonds Reserve Account (established by Prior Ordinances);

(13) Series 2010 D Bonds Sinking Fund (established by Prior Ordinances);

(14) Series 2010 D Bonds Reserve Account (established by Prior Ordinances);

(15) Series 2010 E Bonds Sinking Fund (established by Prior Ordinances);

(16) Series 2010 E Bonds Reserve Account (established by Prior Ordinances);

(17) Series 2010 F Bonds Sinking Fund (established by Prior Ordinances);

(18) Series 2010 F Bonds Reserve Account (established by Prior Ordinances);

(19) Series 2012 A Bonds Sinking Fund (established by Prior Ordinances);

(20) Series 2012 A Bonds Reserve Account (established by Prior Ordinances);

(21) Series 2012 C Bonds Sinking Fund (established by Prior Ordinances);

(22) Series 2012 C Bonds Reserve Account (established by Prior Ordinances);

(23) Series 2013 A Bonds Sinking Fund (established by Prior Ordinances);

(24) Series 2013 A Bonds Reserve Account (established by Prior Ordinances);

(25) Series 2014 B Bonds Sinking Fund (established by Prior Ordinances);

(26) Series 2014 B Bonds Reserve Account (established by Prior Ordinances);

(27) Series 2015 A Bonds Sinking Fund (established by Prior Ordinances);

(28) Series 2015 A Bonds Reserve Account (established by Prior Ordinances);

(29) Series 2015 B Bonds Sinking Fund (established by Prior Ordinances);

(30) Series 2015 B Bonds Reserve Account (established by Prior Ordinances);

(31) Series 2015 C Bonds Sinking Fund (established by Prior Ordinances);

(32) Series 2015 C Bonds Reserve Account (established by Prior Ordinances);

(33) Series 2015 D Bonds Sinking Fund (established by Prior Ordinances);

(34) Series 2015 D Bonds Reserve Account (established by Prior Ordinances);

(35) Series 2015 E Bonds Sinking Fund (established by Prior Ordinances);

(36) Series 2015 E Bonds Reserve Account (established by Prior Ordinances);

(37) Series 2016 A Bonds Sinking Fund (established by Prior Ordinances);

(38) Series 2016 A Bonds Reserve Account (established by Prior Ordinances);

(39) Series 2016 B Bonds Sinking Fund (established by Prior Ordinances);

(40) Series 2016 B Bonds Reserve Account (established by Prior Ordinances);

(41) Series 2016 C Bonds Sinking Fund and

(42) Series 2016 C Bonds Reserve Account.

Section 5.03. System Revenues; Flow of Funds. A. The entire Gross Revenues derived from the operation of the System and all parts thereof shall be deposited upon receipt by the Issuer in the Revenue Fund. The Revenue Fund shall constitute a trust fund for the purposes provided in the Prior Ordinances and this Bond Legislation and shall be kept separate and distinct from all other funds of the Issuer and the Depository Bank and used only for the purposes and in the manner provided in the Prior Ordinances and this Bond Legislation. All moneys at any time on deposit in the Revenue Fund shall be disposed of only in the following manner and order of priority:

(1) The Issuer shall first, on the first day of each month, transfer from the Revenue Fund and simultaneously remit to the Commission the amounts required by the Prior Ordinances to pay interest on the Series 2006 A Bonds, Series 2007 A Bonds, Series 2010 A Bonds, Series 2010 C Bonds, Series 2010 D Bonds, Series 2010 E Bonds, Series 2010 F Bonds, Series 2012 A Bonds, Series 2012 C Bonds and Series 2014 B Bonds.

(2) The Issuer shall next, on the first day of each month, transfer from the Revenue Fund and simultaneously remit to the Commission (i) the amounts required by the Prior Ordinances to pay the principal of the Prior Bonds; and (ii) to the Commission commencing 4 months prior to the first date of payment of principal of the Series 2016 C Bonds, for deposit in the Series 2016 C Bonds Sinking Fund, an amount equal to 1/3rd of the amount of principal which will mature and become due on the Series 2016 C Bonds on the next ensuing quarterly principal

payment date; provided that, in the event the period to elapse between the date of such initial deposit in the Series 2016 C Bonds Sinking Fund and the next quarterly principal payment date is less than 3 months, then such monthly payments shall be increased proportionately to provide, 1 month prior to the next quarterly principal payment date, the required amount of principal coming due on such date.

(3) The Issuer shall next, on the first day of each month, transfer from the Revenue Fund and simultaneously remit to the Commission (i) for deposit in the respective Reserve Accounts for the Prior Bonds, the amounts required by the Prior Ordinances; (ii) commencing 4 months prior to the first date of payment of principal of the Series 2016 C Bonds, if not fully funded upon issuance of the Series 2016 C Bonds or otherwise provided for pursuant to a surety bond, for deposit in the Series 2016 C Bonds Reserve Account, an amount equal to 1/120th of the Series 2016 C Bonds Reserve Requirement; provided, that no further payments shall be made into the Series 2016 C Bonds Reserve Account when there shall have been deposited therein, and as long as there shall remain on deposit therein, an amount equal to the Series 2016 C Bonds Reserve Requirement.

(4) The Issuer shall next, each month, transfer from the Revenue Fund and deposit in the Operation and Maintenance Fund, an amount sufficient to pay the current Operating Expenses of the System.

(5) The Issuer shall next, from the moneys remaining in the Revenue Fund, on the first day of each month transfer to the Depreciation Fund, an amount equal to 2.5% of the Gross Revenues each month (as previously set forth in the Prior Ordinances and not in addition thereto), exclusive of any payments for account of any Reserve Account. All funds in the Depreciation Fund shall be kept apart from all other funds of the Issuer or of the Depository Bank and shall be invested and reinvested in accordance with Article VIII hereof. Withdrawals and disbursements may be made from the Depreciation Fund for replacements, emergency repairs, improvements or extensions to the System; provided, that any deficiencies in the Reserve Accounts (except to the extent such deficiency exists because the required payments into such accounts have not, as of the date of determination of a deficiency, funded such accounts to the maximum extent required hereof) shall be promptly eliminated with moneys from the Depreciation Fund.

Moneys in the Series 2016 C Bonds Sinking Fund shall be used only for the purposes of paying principal of and interest, if any, on the Series 2016 C Bonds, as the same shall become due. Moneys in the Series 2016 C Bonds Reserve Account shall be used only for the purpose of paying principal of and interest, if any, on the Series 2016 C Bonds, as the same shall come due, when other moneys in the Series 2016 C Bonds Sinking Fund are insufficient therefor, and for no other purpose.

All investment earnings on moneys in the Series 2016 C Bonds Sinking Fund and the Series 2016 C Bonds Reserve Account shall be returned, not less than once each year, by the Commission to the Issuer, and such amounts shall, during construction of the Project, be deposited in the Series 2016 C Bonds Construction Trust Fund, and following completion of construction of the Project, shall be deposited in the Revenue Fund and applied in full, first to the next ensuing interest payment, if any, due on the Series 2016 C Bonds, and then to the next ensuing principal payment due thereon.

Any withdrawals from the Series 2016 C Bonds Reserve Account which results in a reduction in the balance therein to below the Series 2016 C Bonds Reserve Requirement shall be subsequently restored from the first Gross Revenues available after all required payments have been made in full in the order set forth above.

As and when additional Bonds ranking on a parity with the Series 2016 C Bonds are issued, provision shall be made for additional payments into the respective sinking fund sufficient to pay the interest, if any, on such additional parity Bonds and accomplish retirement thereof at maturity and to accumulate a balance in the respective reserve account in an amount equal to the requirement thereof.

The Issuer shall not be required to make any further payments into the Series 2016 C Bonds Sinking Fund or the Series 2016 C Bonds Reserve Account, when the aggregate amount of funds therein are at least equal to the aggregate principal amount of the Series 2016 C Bonds issued pursuant to this Bond Legislation then Outstanding and all interest to accrue until the maturity thereof.

Interest, principal or reserve payments, whether made for a deficiency or otherwise, shall be made on a parity and pro rata, with respect to the Prior Bonds and the Series 2016 Bonds, in accordance with the respective principal amounts then Outstanding.

The Commission is hereby designated as the fiscal agent for the administration of the Series 2016 C Bonds Sinking Fund and Series 2016 C Bonds Reserve Account created hereunder, and all amounts required for said accounts shall be remitted to the Commission from the Revenue Fund by the Issuer at the times provided herein. The Issuer shall make the necessary arrangements whereby required payments into said accounts shall be automatically debited from the Revenue Fund and electronically transferred to the Commission on the dates required hereunder.

Moneys in the Series 2016 C Bonds Sinking Fund and the Series 2016 C Bonds Reserve Account shall be invested and reinvested by the Commission in accordance with Section 8.01 hereof.

The Series 2016 C Bonds Sinking Fund and the Series 2016 C Bonds Reserve Account shall be used solely and only for, and are hereby pledged for, the purpose of servicing the Series 2016 C Bonds under the conditions and restrictions set forth herein.

B. The Issuer shall on the first day of each month (if such day is not a business day, then the next succeeding business day), deposit with the Commission the required interest, if any, principal and reserve payments with respect to the Series 2016 C Bonds and all such payments shall be remitted to the Commission with appropriate instructions as to the custody, use and application thereof consistent with the provisions of this Bond Legislation. The Issuer shall, on the first day of each month (if the first day is not a business day, then the first business day of each month) deposit with the Commission, the SRF Administrative Fee as set forth in the Schedule Y attached to the Bond Purchase Agreement.

C. Whenever all of the required and provided transfers and payments from the Revenue Fund into the several special funds, as hereinabove provided, are current and there remains in the Revenue Fund a balance in excess of the estimated amounts required to be so transferred and paid into such funds during the following month or such other period as required by the Act, such excess shall be considered as surplus revenues. Surplus Revenues may be used for any lawful purpose of the System.

D. The Issuer shall remit from the Revenue Fund to the Commission, the Registrar, the Paying Agent or the Depository Bank, on such dates as the Commission, the Registrar, the Paying Agent or the Depository Bank, as the case may be, shall require such additional sums as shall be necessary to pay their respective charges and fees then due. In the case of payments to the Commission under this paragraph, the Issuer shall, make the necessary arrangements whereby such required payments shall be automatically debited from the Revenue Fund and electronically transferred to the Commission on the dates required.

E. The moneys in excess of the maximum amounts insured by FDIC in any of the funds and accounts shall at all times be secured, to the full extent thereof in excess of such insured sum, by Qualified Investments as shall be eligible as security for deposits of state and municipal funds under the laws of the State.

F. If on any monthly payment date the revenues are insufficient to place the required amount in any of the funds and accounts as hereinabove provided, the deficiency shall be made up in the subsequent payments in addition to the payments which would otherwise be required to be made into the funds and accounts on the subsequent payment dates; provided, however, that the priority of curing deficiencies in the funds and accounts herein shall be in the same order as payments are to be made pursuant to this Section 5.03,

and the revenues shall be applied to such deficiencies before being applied to any other payments hereunder.

G. All remittances made by the Issuer to the Commission shall clearly identify the fund or account into which each amount is to be deposited.

H. The Gross Revenues of the System shall only be used for purposes of the System.

I. All Tap Fees, as received, shall be deposited in the Revenue Fund and may be used for any lawful purpose of the System.

Section 5.04. Reserve Account Letter of Credit or Surety Bond. With the advance written consent of the Authority, the Issuer may, in lieu of funding the Series 2016 C Bonds Reserve Account with cash or Qualified Investments, satisfy the Series 2016 C Bonds Reserve Requirement by obtaining a reserve account letter of credit, a surety bond, or other credit facility satisfactory to the Authority in an amount equal to the Series 2016 C Bonds Reserve Requirement. The Issuer hereby authorizes the purchase of a reserve account letter of credit, a surety bond, or other credit facility satisfactory to the Authority, all as set forth in a Supplemental Resolution, and the execution and delivery of any applicable reimbursement agreement or note in such forms as shall be described in a Supplemental Resolution.

ARTICLE VI

BOND PROCEEDS; CONSTRUCTION DISBURSEMENTS

Section 6.01. Application of Bond Proceeds; Pledge of Unexpended Bond Proceeds. From the moneys received from the sale of the Series 2016 C Bonds, the following amounts shall be first deducted and deposited in the order set forth below:

A. From the proceeds of the Series 2016 C Bonds, there shall first be deposited with the Commission in the Series 2016 C Bonds Sinking Fund, the amount, if any, set forth in the Supplemental Resolution as capitalized interest.

B. Next, from the proceeds of the Series 2016 C Bonds, the Issuer may purchase a surety bond to fund the Series 2016 C Bonds Reserve Account as set forth in the Supplemental Resolution, or there shall be deposited with the Commission in the Series 2016 C Bonds Reserve Account, the amount, if any, set forth in the Supplemental Resolution for funding of the Series 2016 C Bonds Reserve Account.

C. As the Issuer receives advances of the remaining moneys derived from the sale of the Series 2016 C Bonds, such moneys shall be deposited with the Depository Bank in the Series 2016 C Bonds Construction Trust Fund and applied solely to payment of

the costs of the Project in the manner set forth in Section 6.02 hereof and until so expended, are hereby pledged as additional security for the Series 2016 C Bonds.

D. After completion of construction of the Project, as certified by the Consulting Engineers, and all costs have been paid, any remaining proceeds of the Series 2016 C Bonds shall be expended as approved by the DEP.

Section 6.02. Disbursements From the Series 2016 C Bond Construction Trust Fund. On or before the closing date, the Board shall have delivered to the Authority and the DEP a report listing the specific purposes for which the proceeds of the Series 2016 C Bonds will be expended and the disbursement procedures of such proceeds, including an estimated monthly draw schedule. Payments for Costs of the Project shall be made monthly.

The Issuer hereby appoints and designates the Board, and the Authorized Officers thereof, as its agent (i) for the review and approval of all invoices for the Project to be paid from the proceeds of the Series 2016 C Bonds; (ii) to take any and all actions necessary to apply for and obtain a commitment from the DEP, specifically including, but not limited to, any administrative loan documents required by DEP; and (iii) to act on and execute documents on behalf of the Issuer for any and all federal and state actions as they relate to the planning, design and/or construction of the Project.

Except as provided in Section 6.01 hereof, disbursements from the Series 2016 C Bonds Construction Trust Fund shall be made only after submission to, and approval from, the Authority and the DEP of a completed and signed "Payment Requisition Form," a form of which is attached to the Bond Purchase Agreement, in compliance with the construction schedule.

Pending such application, moneys in the Series 2016 C Bonds Construction Trust Fund shall be invested and reinvested in Qualified Investments at the written direction of the Issuer.

ARTICLE VII

ADDITIONAL COVENANTS OF THE ISSUER

Section 7.01. General Covenants of the Issuer. All the covenants, agreements and provisions of this Bond Legislation shall be and constitute valid and legally binding covenants of the Issuer and shall be enforceable in any court of competent jurisdiction by any Holder or Holders of the Series 2016 C Bonds. In addition to the other covenants, agreements and provisions of this Bond Legislation, the Issuer hereby covenants and agrees with the Holders of the Series 2016 C Bonds as hereinafter provided in this Article VII. All such covenants, agreements and provisions shall be irrevocable, except as provided herein, as long as any of the Series 2016 C Bonds or the interest, if any, thereon is Outstanding and unpaid.

Section 7.02. Bonds not to be Indebtedness of the Issuer. The Series 2016 C Bonds shall not be nor constitute an indebtedness of the Issuer within the meaning of any constitutional, statutory or charter limitation, but shall be payable solely from the funds pledged for such payment by this Bond Legislation. No Holder or Holders of the Series 2016 C Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Series 2016 C Bonds or the interest, if any, thereon.

Section 7.03. Bonds Secured by Pledge of Gross Revenues; Lien Position with respect to Prior Bonds. The payment of debt service of the Series 2016 Bonds shall be secured by a first lien on the Gross Revenues derived from the System, on a parity with the lien on the Gross Revenues in favor of the Holders of the Prior Bonds. Such Gross Revenues in an amount sufficient to pay the principal of and interest, if any, on the Series 2016 Bonds and the Prior Bonds and to make all other payments provided for in the Bond Legislation are hereby irrevocably pledged to such payments as they become due.

Section 7.04. Rates and Charges. The Issuer has obtained any and all approvals of rates and charges required by State law and has taken any other action required to establish and impose such rates and charges, with all requisite appeal periods having expired without successful appeal and the Issuer shall supply an opinion of counsel to such effect. Such rates and charges shall be sufficient to comply with the requirements of the Bond Purchase Agreement and the Issuer shall supply a certificate of certified public accountant to such effect.

So long as the Series 2016 C Bonds are outstanding, the Issuer covenants and agrees to fix and collect rates, fees and other charges for the use of the System and to take all such actions necessary to provide funds sufficient to produce the required sums set forth in the Bond Legislation and in compliance with the Bond Purchase Agreement. In the event the schedule of rates, fees and charges initially established for the System in connection with the Series 2016 C Bonds shall prove to be insufficient to produce the required sums set forth in this Bond Legislation and the Bond Purchase Agreement, the Issuer hereby covenants and agrees that it will, to the extent or in the manner authorized by law, immediately adjust and increase such schedule of rates, fees and charges and take all

such actions necessary to provide funds sufficient to produce the required sums set forth in this Bond Legislation and the Bond Purchase Agreement.

Section 7.05. Sale of the System. So long as the Prior Bonds are outstanding, the Issuer shall not sell, mortgage, lease or otherwise dispose of or encumber the System, or any part thereof, except as provided in the Prior Ordinances. Additionally, so long as the Series 2016 C Bonds are outstanding and except as otherwise required by law or with the written consent of the Authority, the System may not be sold, mortgaged, leased or otherwise disposed of, except as a whole, or substantially as a whole, and only if the net proceeds to be realized shall be sufficient to fully pay all the Bonds Outstanding, in accordance with Article X hereof. The proceeds from any such sale, mortgage, lease or other disposition of the System shall, with respect to the Series 2016 C Bonds, immediately be remitted to the Commission for deposit in the Series 2016 C Bonds Sinking Fund, and, with the written permission of the Authority, or in the event the Authority is no longer a Bondholder, the Issuer shall direct the Commission to apply such proceeds to the payment of principal of and interest, if any, on the Series 2016 C Bonds. Any balance remaining after the payment of the Series 2016 C Bonds and interest, if any, thereon shall be remitted to the Issuer by the Commission unless necessary for the payment of other obligations of the Issuer payable out of the revenues of the System.

The foregoing provision notwithstanding, the Board shall have and hereby reserves the right to sell, lease or otherwise dispose of any of the property comprising a part of the System hereinafter determined in the manner provided herein to be no longer necessary, useful or profitable in the operation thereof. Prior to any such sale, lease or other disposition of such property, if the amount to be received therefor, together with all other amounts received during the same Fiscal Year for such sales, leases or other dispositions of such properties, is not in excess of $1,000,000, the Board shall, by resolution, determine that such property comprising a part of the System is no longer necessary, useful or profitable in the operation thereof and may then provide for the sale of such property. The proceeds of any such sale shall be deposited in the Revenue Fund. If the amount to be received from such sale, lease or other disposition of said property, together with all other amounts received during the same Fiscal Year for such sales, leases or other dispositions of such properties, shall be in excess of $1,000,000 but not in excess of $5,000,000, the Board shall first, determine, that such property comprising a part of the System is no longer necessary, useful or profitable in the operation thereof and may then, if it be so advised, by resolution duly adopted, authorize such sale, lease or other disposition of such property upon public bidding. The proceeds of any such sale shall be deposited in the Depreciation Fund. The payment of such proceeds into the Depreciation Fund shall not reduce the amount required to be paid into such account by other provisions of this Bond Legislation.

No sale, lease or other disposition of the properties of the System shall be made by the Board if the proceeds to be derived therefrom, together with all other amounts received during the same Fiscal Year for such sales, leases or other dispositions of such properties, shall be in excess of $5,000,000 and insufficient to pay all Bonds then Outstanding, without the prior approval and consent in writing of the Holders, or their duly authorized representatives, of the Bonds then Outstanding. The Issuer shall prepare the

form of such approval and consent for execution by the then Holders of the Bonds for the disposition of the proceeds of the sale, lease or other disposition of such properties of the System.

Section 7.06. Issuance of Other Obligations Payable Out of Revenues and General Covenant Against Encumbrances. Except as provided for in Section 7.06 and Section 7.07 hereof, the Issuer shall not issue any other obligations whatsoever payable from the revenues of the System which rank prior to, or equally, as to lien on and source of and security for payment from such revenues with the Series 2016 Bonds and the Prior Bonds. All obligations issued by the Issuer after the issuance of the Series 2016 C Bonds and payable from the revenues of the System, except such additional parity Bonds, shall contain an express statement that such obligations are junior and subordinate, as to lien on and source of and security for payment from such revenues and in all other respects, to the Series 2016 C Bonds; provided, that no such subordinate obligations shall be issued unless all payments required to be made into all funds and accounts established by this Bond Legislation have been made and are current at the time of the issuance of such subordinate obligations.

Except as provided above, the Issuer shall not create, or cause or permit to be created, any debt, lien, pledge, assignment, encumbrance or any other charge having priority over or being on a parity with the lien of the Series 2016 C Bonds, and the interest, if any, thereon, upon any of the income and revenues of the System pledged for payment of the Series 2016 C Bonds and the interest, if any, thereon in this Bond Legislation, or upon the System or any part thereof.

The Issuer shall give the Authority prior written notice of its issuance of any other obligations to be used for the System, payable from the revenues of the System or from any grants for the Project, or any other obligations related to the Project or the System.

Section 7.07. Parity Bonds. So long as the Prior Bonds are outstanding, the limitations on the issuance of parity obligations set forth in the Prior Ordinances shall be applicable. In addition, no Parity Bonds, payable out of the revenues of the System, shall be issued after the issuance of the Series 2016 C Bonds pursuant to this Bond Legislation, without the prior written consent of the Authority and without complying with the conditions and requirements herein provided (unless less restrictive than the provisions of the Prior Ordinances).

All Parity Bonds issued hereunder shall be on a parity in all respects with the Series 2016 C Bonds.

No such Parity Bonds shall be issued except for the purpose of financing the costs of design, acquisition or construction of extensions, additions, improvements or betterments to the System or refunding any outstanding Bonds, or both such purposes.

No Parity Bonds shall be issued at any time, however, unless and until there has been procured and filed with the City Clerk a written statement by the Independent

Certified Public Accountants, reciting the conclusion that the Net Revenues actually derived, subject to the adjustments hereinafter provided for, from the System during any 12 consecutive months, within the 18 months immediately preceding the date of the actual issuance of such Parity Bonds, plus the estimated average increased annual Net Revenues expected to be received in each of the 3 succeeding years after the completion of the improvements to be financed by such Parity Bonds, if any, shall not be less than 115% of the largest aggregate amount that will mature and become due in any succeeding Fiscal Year for principal of and interest on the following:

1. The Bonds then Outstanding;

2. Any Parity Bonds theretofore issued pursuant to the provisions contained in this Bond Legislation then Outstanding; and

3. The Parity Bonds then proposed to be issued.

The "estimated average increased annual Net Revenues expected to be received in each of the 3 succeeding years," as that term is used in the computation provided in the above paragraph, shall refer only to the increased Net Revenues estimated to be derived from the improvements to be financed by such Parity Bonds and any increase in rates enacted by the Issuer, the time for appeal of which shall have expired (without successful appeal) prior to the issuance of such Parity Bonds, and shall not exceed the amount to be stated in a certificate of the Independent Certified Public Accountants, which shall be filed in the office of the City Clerk prior to the issuance of such Parity Bonds.

The Net Revenues actually derived from the System during the 12 consecutive month period hereinabove referred to may be adjusted by adding to such Net Revenues such additional Net Revenues which would have been received, in the opinion of the Independent Certified Public Accountants, on account of increased rates, rentals, fees and charges for the System enacted by the Issuer, the time for appeal of which shall have expired (without successful appeal) prior to issuance of such Parity Bonds. For purposes of this test, the terms "Gross Revenues" and "Net Revenues" shall not include proceeds from the sale of capital assets.

All covenants and other provisions of this Bond Legislation (except as to details of such Parity Bonds inconsistent herewith) shall be for the equal benefit, protection and security of the Holders of the Bonds and the Holders of any Parity Bonds theretofore or subsequently issued from time to time within the limitations of and in compliance with this section. All Bonds, regardless of the time or times of their issuance, shall rank equally with respect to their lien on the Gross Revenues of the System, and their source of and security for payment from the Gross Revenues, without preference of any Bond over any other. The Issuer shall comply fully with all the increased payments into the various funds and accounts created in this Bond Legislation required for and on account of such Parity Bonds, in addition to the payments required for Bonds theretofore issued pursuant to this Bond Legislation.

Parity Bonds shall not be deemed to include bonds, notes, certificates or other obligations subsequently issued, the lien of which on the revenues of the System is subject to the prior and superior lien of the Series 2016 C Bonds on such revenues. The Issuer shall not issue any obligations whatsoever payable from revenues of the System, or any part thereof, which rank prior to or, except in the manner and under the conditions provided in this section, equally, as to lien on and source of and security for payment from such revenues, with the Series 2016 C Bonds.

No Parity Bonds shall be issued at any time, however, unless all of the payments into the respective funds and accounts provided for in this Bond Legislation with respect to the Bonds then Outstanding, and any other payments provided for in this Bond Legislation and the Prior Ordinances, shall have been made in full as required to the date of delivery of the Parity Bonds, and the Issuer then be in full compliance with all the covenants, agreements and terms of this Bond Legislation and the Prior Ordinances.

Section 7.08. Books; Records and Audit. The Board shall keep complete and accurate records of the cost of acquiring the Project site and the costs of acquiring, constructing and installing the Project. The Board shall permit the Authority and the DEP, or their agents and representatives, to inspect all books, documents, papers and records relating to the Project and the System at all reasonable times for the purpose of audit and examination. The Board shall submit to the Authority and the DEP such documents and information as they may reasonably require in connection with the acquisition, construction and installation of the Project, the operation and maintenance of the System and the administration of the loan or any grants or other sources of financing for the Project.

The Board shall permit the Authority and the DEP, or their agents and representatives, to inspect all records pertaining to the operation and maintenance of the System at all reasonable times following completion of construction of the Project and commencement of operation thereof, or, if the Project is an improvement to an existing system, at any reasonable time following commencement of construction.

The Board will keep books and records of the System, which shall be separate and apart from all other books, records and accounts of the Issuer, in which complete and correct entries shall be made of all transactions relating to the System, and any Holder of a Bond or Bonds issued pursuant to this Bond Legislation shall have the right at all reasonable times to inspect the System and all parts thereof and all records, accounts and data of the Issuer relating thereto.

The accounting system for the System shall follow current generally accepted accounting principles and safeguards to the extent allowed and as prescribed by the Public Service Commission of West Virginia. Separate control accounting records shall be maintained by the Board. Subsidiary records as may be required shall be kept in the manner and on the forms, books and other bookkeeping records as prescribed by the Board. The Board shall prescribe and institute the manner by which subsidiary records of the accounting system which may be installed remote from the direct supervision of the Board shall be reported to such agent of the Issuer as the Board shall direct.

The Board shall file with the Authority and the DEP, or any other original purchaser of the Series 2016 C Bonds, and shall mail in each year to any Holder or Holders of the Series 2016 C Bonds, requesting the same, an annual report containing the following:

(A.) A statement of Gross Revenues, Operating Expenses, Net Revenues and Surplus Revenues derived from and relating to the System.

(B.) A balance sheet statement showing all deposits in all the funds and accounts provided for in this Bond Legislation and the status of all said funds and accounts.

(C.) The amount of any Bonds, notes or other obligations payable from the revenues of the System outstanding.

The Board shall also, at least once a year, cause the books, records and accounts of the System to be audited by Independent Certified Public Accountant (and to the extent legally required, in compliance with the applicable OMB Circular, or any successor thereof, and the Single Audit Act, or any successor thereof), and shall mail upon request, and make available generally, the report of the Independent Certified Public Accountant, or a summary thereof, to any Holder or Holders of the Series 2016 C Bonds and shall submit said report to the Authority and the DEP, or any other original purchaser of the Series 2016 C Bonds. Such audit report submitted to the Authority and the DEP shall include a statement that notes whether the results of tests disclosed instances of noncompliance that are required to be reported under government auditing standards and, if there are, describes the instances of noncompliance and the audited financial statements shall include a statement that notes whether the revenues of the System are adequate to meet the Issuer's Operating Expenses and debt service and reserve requirements.

Subject to the terms, conditions and provisions of the Bond Purchase Agreement and the Act, the Issuer has acquired, or shall do all things necessary to acquire, the proposed site of the Project and shall do, is doing or has done all things necessary to construct the Project in accordance with the plans, specifications and designs prepared by the Consulting Engineers. All real estate and interests in real estate and all personal property constituting the Project and the Project site heretofore or hereafter acquired shall at all times be and remain the property of the Issuer.

The Issuer shall provide the DEP with all appropriate documentation to comply with any special conditions established by federal and/or state regulations as set forth in Exhibit E of the Bond Purchase Agreement or as promulgated from time to time.

The Board shall permit the Authority and the DEP, or their agents and representatives, to enter and inspect the Project site and Project facilities at all reasonable times. Prior to, during and after completion of construction and commencement of operation of the Project, the Board shall also provide the Authority and the DEP, or

their agents and representatives, with access to the System site and System facilities as may be reasonably necessary to accomplish all of the powers and rights of the Authority and the DEP with respect to the System pursuant to the Act.

Section 7.09. Rates. Prior to the issuance of the Series 2016 C Bonds, equitable rates or charges for the use of and service rendered by the System shall be established all in the manner and form required by law, and copies of such rates and charges so established will be continuously on file with the City Clerk, which copies will be open to inspection by all interested parties. The schedule of rates and charges shall at all times be adequate to produce Gross Revenues from the System sufficient to pay Operating Expenses and to make the prescribed payments into the funds created hereunder. Such schedule of rates and charges shall be changed and readjusted whenever necessary so that the aggregate of the rates and charges will be sufficient for such purposes. In order to assure full and continuous performance of this covenant, with a margin for contingencies and temporary unanticipated reduction in income and revenues, the Issuer hereby covenants and agrees that the schedule of rates or charges from time to time in effect shall be sufficient, together with other revenues of the System (i) to provide for all Operating Expenses of the System, and (ii) to leave a balance each year equal to at least 115% of the maximum amount required in any year for payment of principal of and interest, if any, on the Series 2016 C Bonds and all other obligations secured by a lien on or payable from such revenues on a parity with the Series 2016 C Bonds, including the Series 2016 A Bonds, Series 2016 B Bonds, [Series 2016 D Bonds] and the Prior Bonds; provided, that in the event that amounts equal to or in excess of the reserve requirements are on deposit in the Series 2016 C Bonds Reserve Account, and any reserve accounts for obligations on a parity with the Series 2016 C Bonds are funded at least at the requirement therefor, such balance each year need only equal at least 110% of the maximum amount required in any year for payment of principal of and interest, if any, on the Series 2016 C Bonds and all other obligations secured by a lien on or payable from such revenues on a parity with the Series 2016 C Bonds , including the Series 2016 A Bonds, Series 2016 B Bonds, [Series 2016 D Bonds] and the Prior Bonds. In any event, the Issuer shall not reduce the rates or charges for services set forth in the rate ordinances described in Section 7.04.

Section 7.10. Operating Budget and Monthly Financial Report. The Board shall annually, at least 45 days preceding the beginning of each Fiscal Year, prepare and adopt by resolution a detailed, balanced budget of the estimated revenues and expenditures for operation and maintenance of the System during the succeeding Fiscal Year and shall submit a copy of such budget to the Authority and the DEP within 30 days of adoption thereof.

Commencing on the date contracts are executed for the acquisition and construction of the Project and for 2 years following the completion of the Project, the Board shall each month complete a "Monthly Financial Report," a form of which is attached to the Bond Purchase Agreement, and forward a copy of such report to the Authority and the DEP by the 20th day of each month.

Section 7.11. Engineering Services and Operating Personnel. The Board shall obtain a certificate of the Consulting Engineers in the form attached to the Bond Purchase Agreement, stating, among other things, that the Project has been or will be constructed in accordance with the approved plans, specifications and designs as submitted to the DEP, the Project is adequate for the purposes for which it was designed, the funding plan as submitted to the Authority and the DEP is sufficient to pay the costs of acquisition and construction of the Project, and all permits required by federal and state laws for construction of the Project have been obtained.

The Board shall provide and maintain competent and adequate engineering services satisfactory to the Authority and the DEP covering the supervision and inspection of the development and construction of the Project and bearing the responsibility of assuring that construction conforms to the plans, specifications and designs prepared by the Consulting Engineers, which have been approved by all necessary governmental bodies. Such engineer shall certify to the Authority and the DEP and the Issuer at the completion of construction that construction of the Project is in accordance with the approved plans, specifications and designs, or amendments thereto, approved by all necessary governmental bodies.

The Issuer shall require the Consulting Engineers to submit Record Drawings, as defined in the SRF Regulations, to it within 60 days of the completion of the Project. The Issuer shall notify the DEP in writing of such receipt. The Issuer shall submit a "Performance Certificate," a form of which is attached to the Bond Purchase Agreement as Exhibit A, to the DEP within 60 days of the end of the first year after the Project is completed.

The Issuer shall require the Consulting Engineers to submit the final Operation and Maintenance Manual, as defined in the SRF Regulations, to the DEP when the Project is 90% completed. The Issuer shall at all times provide operation and maintenance of the System in compliance with all state and federal standards.

The Issuer shall employ qualified operating personnel properly certified by the State before the Project is 50% complete and shall retain such a certified operator to operate the System during the entire term of the Bond Purchase Agreement. The Issuer shall notify the DEP in writing of the certified operator employed at the 50% completion stage.

The Issuer shall serve the additional customers at the location(s) as set forth in Certificate of Engineer. The Issuer shall not reduce the amount of additional customers served by the project without the prior written approval of the Board of the Water Development Authority. Following completion of the Project the Issuer shall certify to the Authority the number of customers added to the System.

Section 7.12. No Competing Franchise. To the extent legally allowable, the Issuer will not grant or cause, consent to or allow the granting of, any franchise or permit

to any person, firm, corporation, body, agency or instrumentality whatsoever for the providing of any services which would compete with services provided by the System.

Section 7.13. Enforcement of Collections. The Board will diligently enforce and collect all fees, rentals or other charges for the services and facilities of the System, and take all steps, actions and proceedings for the enforcement and collection of such fees, rentals or other charges which shall become delinquent to the full extent permitted or authorized by the Act, the rules and regulations of the Public Service Commission of West Virginia and other laws of the State of West Virginia.

Whenever any fees, rates, rentals or other charges for the services and facilities of the System shall remain unpaid for a period of 20 days after the same shall become due and payable, the user of the services and facilities shall be delinquent until such time as all such rates and charges are fully paid. To the extent authorized by the laws of the State and the rules and regulations of the Public Service Commission of West Virginia, rates, rentals and other charges, if not paid, when due, shall become a lien on the premises served by the System. The Issuer further covenants and agrees that, it will, to the full extent permitted by law and the rules and regulations promulgated by the Public Service Commission of West Virginia, discontinue and shut off the services of the stormwater portion of the System and any services and facilities of the waterworks portion of the System, to all users of the services of the stormwater system delinquent in payment of charges for the services of the stormwater system and will not restore such services of either the waterworks system or the stormwater system until all delinquent charges for the services of the stormwater system, plus reasonable interest and penalty charges for the restoration of service, have been fully paid and shall take all further actions to enforce collections to the maximum extent permitted by law. If the waterworks facilities are not owned by the Issuer, the Issuer shall use diligent efforts to enter into a termination agreement with the provider of such water services, subject to any required approval of such agreements by the Public Service Commission of West Virginia.

Section 7.14. No Free Services. The Board will not render or cause to be rendered any free services of any nature by the System, nor will any preferential rates be established for users of the same class; and in the event the Issuer or the Board, or any department, agency, instrumentality, officer or employee of either shall avail itself or themselves of the facilities or services provided by the System, or any part thereof, the same rates, fees or charges applicable to other customers receiving like services under similar circumstances shall be charged the Issuer, the Board and any such department, agency, instrumentality, officer or employee. The revenues so received shall be deemed to be revenues derived from the operation of the System, and shall be deposited and accounted for in the same manner as other revenues derived from such operation of the System.

Section 7.15. Insurance and Construction Bonds. A. The Board hereby covenants and agrees that so long as the Series 2016 C Bonds remain Outstanding, the Board will, as an Operating Expense, procure, carry and maintain insurance with a reputable insurance carrier or carriers as is customarily covered with respect to works and properties

similar to the System. Such insurance shall initially cover the following risks and be in the following amounts:

(1) FIRE, LIGHTNING, VANDALISM, MALICIOUS MISCHIEF AND EXTENDED COVERAGE INSURANCE, on all above-ground insurable portions of the System in an amount equal to the actual cost thereof. In time of war the Board will also carry and maintain insurance to the extent available against the risks and hazards of war. The proceeds of all such insurance policies shall be placed in the Depreciation Fund and used only for the repairs and restoration of the damaged or destroyed properties or for the other purposes provided herein for the Depreciation Fund. The Board will itself, or will require each contractor and subcontractor to, obtain and maintain builder's risk insurance (fire and extended coverage) to protect the interests of the Issuer, the Board, the Authority, the prime contractor and all subcontractors as their respective interests may appear, in accordance with the Bond Purchase Agreement, during construction of the Project on a 100% basis (completed value form) on the insurable portion of the Project, such insurance to be made payable to the order of the Authority, the Issuer, the Board, the contractors and subcontractors, as their interests may appear.

(2) PUBLIC LIABILITY INSURANCE, with limits of not less than $1,000,000 per occurrence to protect the Board from claims for bodily injury and/or death and not less than $500,000 per occurrence from claims for damage to property of others which may arise from the operation of the System, and insurance with the same limits to protect the Issuer and the Board from claims arising out of operation or ownership of motor vehicles of or for the System.

(3) WORKERS' COMPENSATION COVERAGE FOR ALL EMPLOYEES OF OR FOR THE SYSTEM ELIGIBLE THEREFOR; AND PERFORMANCE AND PAYMENT OR COMPLETION BONDS, such bonds to be in the amounts of not less than 100% of the amount of any construction contract and to be required of each contractor dealing directly with the Board and such payment bonds will be filed with the Clerk of the County Commission of the County in which such work is to be performed prior to commencement of construction of any additions, extensions or improvements for the System in compliance with West Virginia Code, Section 38-2-39.

(4) FIDELITY BONDS will be provided as to every officer and employee of the Board or the Issuer having custody of the revenues or of any other funds of the System, in an amount at least

equal to the total funds in the custody of any such person at any one time.

(5) FLOOD INSURANCE, if the System facilities are or will be located in designated special flood or mudslide-prone areas and to the extent available at reasonable cost to the Issuer.

(6) BUSINESS INTERRUPTION INSURANCE, to the extent available at reasonable cost to the Issuer.

B. The Board shall require all contractors engaged in the construction of the Project to furnish a performance bond and a payment bond, each in an amount equal to 100% of the contract price of the portion of the Project covered by the particular contract as security for the faithful performance of such contract. The Board shall verify such bonds prior to commencement of construction.

The Board shall also require all contractors engaged in the construction of the Project to carry such workers' compensation coverage for all employees working on the Project and public liability insurance, vehicular liability insurance and property damage insurance in amounts adequate for such purposes and as is customarily carried with respect to works and properties similar to the Project; provided, that the amounts and terms of such coverage are satisfactory to the Authority and the DEP. The Board shall verify such insurance prior to commencement of construction. In the event the Bond Purchase Agreement so requires, such insurance shall be made payable to the order of the Authority, the Issuer, the Board, the prime contractor and all subcontractors, as their interests may appear.

Section 7.16. Mandatory Use. The mandatory use of the stormwater facilities of the System is essential and necessary for the protection and preservation of the public health, comfort, safety, convenience and welfare of the inhabitants and residents of, and the economy of, the Issuer. Accordingly, to the extent permitted by the laws of the State and the rules and regulations of the Public Service Commission of West Virginia, every owner, tenant or occupant of any real property located near the stormwater portion of the System, and where stormwater from real property affects or drains into the stormwater portion of the System, shall be deemed to be a user served by the stormwater portion of the System and it is declared that the mandatory use of the stormwater portion of the System by such real property owner is necessary and essential for the health and welfare of the inhabitants and residents of the Issuer and the State. To the extent permitted by the laws of the State and the rules and regulations of the Public Service Commission of West Virginia, every such owner, tenant or occupant shall, after a 30-day notice of the availability of the stormwater portion of the System, pay the rates and charges established therefor.

Section 7.17. Completion of Project; Permits and Orders. The Board shall complete the Project as promptly as possible and operate and maintain the System as a revenue-producing utility in good condition and in compliance with all federal and state requirements and standards.

The Board has obtained all permits required by state and federal laws for the acquisition and construction of the Project, all orders and approvals from the DEP necessary for the acquisition and construction of the Project and the operation of the System and all approvals for issuance of the Series 2016 C Bonds required by state law, with all requisite appeal periods having expired without successful appeal and the Issuer shall supple an opinion of counsel to such effect.

Section 7.18. Compliance with Bond Purchase Agreement and Law. The Issuer and the Board shall perform, satisfy and comply with all the terms and conditions of the Bond Purchase Agreement and the Act. Notwithstanding anything herein to the contrary, the Issuer and the Board shall provide the DEP with copies of all documents submitted to the Authority.

The Issuer and the Board shall also comply with all applicable laws, rules and regulations issued by the Authority and the DEP or other state, federal or local bodies in regard to the acquisition and construction of the Project and the operation, maintenance and use of the System.

The Issuer shall perform an annual maintenance audit which maintenance audit shall be submitted to the Authority and the Public Service Commission of West Virginia in the manner prescribed by and the guidelines established by the Authority and the Public Service Commission of West Virginia.

Section 7.19. RESERVED.

Section 7.20. Securities Laws Compliance. The Issuer shall provide the Authority, in a timely manner, with any and all information that may be requested of it (including its annual audit report, financial statements, related information and notices of changes in usage and customer base) so that the Authority may comply with the provisions of SEC Rule 15c2-12 (17 CFR Part 240).

Section 7.21. Contracts; Change Orders; Public Releases. A. The Issuer shall, simultaneously with the delivery of the Series 2016 C Bonds or immediately thereafter, enter into written contracts for the immediate acquisition or construction of the Project.

B. The Issuer shall submit all proposed change orders to the DEP for written approval. The Issuer shall obtain the written approval of the DEP before expending any proceeds of the Series 2016 C Bonds held in "contingency" as set forth in the schedule attached to the Certificate of the Consulting Engineer. The Issuer shall also obtain the written approval of the DEP before expending any proceeds of the Series 2016 C Bonds made available due to bid or construction or project underruns.

C. The Issuer shall list the funding as being provided by the Authority and the DEP in any press release, publication, program bulletin, sign or other public

communication that references the Project, including but not limited to any program document distributed in conjunction with any ground breaking or dedication of the Project.

Section 7.22. Statutory Mortgage Lien. For the further protection of the Holders of the Series 2016 Bonds, a statutory mortgage lien upon the System is granted and created by the Act, which statutory mortgage lien is hereby recognized and declared to be valid and binding, shall take effect immediately upon delivery of the Series 2016 Bonds, and shall be on a parity with the statutory mortgage lien in favor of the Holders of the Prior Bonds.

ARTICLE VIII

INVESTMENT OF FUNDS

Section 8.01. Investments. Any monies held as a part of the funds and accounts created by this Bond Legislation, other than the Revenue Fund, shall be invested and reinvested by the Commission, the Depository Bank, or such other bank or national banking association holding such fund or account, as the case may be, at the written direction of the Issuer in any Qualified Investments to the fullest extent possible under applicable laws, this Bond Legislation, the need for such monies for the purposes set forth herein and the specific restrictions and provisions set forth in this Section 8.01.

Any investment shall be held in and at all times deemed a part of the fund or account in which such monies were originally held, and the interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account. The investments held for any fund or account shall be valued at the lower of cost or then current market value, or at the redemption price thereof if then redeemable at the option of the holder, including the value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held in the "Consolidated Fund." The Commission, the Depository Bank, or such other bank or national banking association, as the case may be, shall sell and reduce to cash a sufficient amount of such investments whenever the cash balance in any fund or account is insufficient to make the payments required from such fund or account, regardless of the loss on such liquidation. The Depository Bank or such other bank or national banking association, as the case may be, may make any and all investments permitted by this section through its own investment or trust department and shall not be responsible for any losses from such investments, other than for its own negligence or willful misconduct.

The Depository Bank shall keep complete and accurate records of all funds, accounts and investments, and shall distribute to the Issuer, at least once each year, or more often as reasonably requested by the Issuer, a summary of such funds, accounts and investment earnings. The Issuer shall retain all such records and any additional records with respect to such funds, accounts and investment earnings so long as any of the Series 2016 C Bonds are Outstanding and as long thereafter as necessary to assure the exclusion of

interest, if any, on the Series 2016 C Bonds from gross income for federal income tax purposes.

Section 8.02. Covenants as to Use of Proceeds. The Issuer covenants (i) to comply with the Code and all Regulations from time to time in effect and applicable to the Series 2016 C Bonds as may be necessary in order to maintain the status of the Series 2016 C Bonds as governmental bonds; (ii) that it shall not take, or permit or suffer to be taken, any action with respect to the Issuer's use of the proceeds of the Series 2016 C Bonds which would cause any bonds, the interest on which is exempt from federal income taxation under Section 103(a) of the Code, issued by the Authority or the DEP, as the case may be, from which the proceeds of the Series 2016 C Bonds are derived, to lose their status as tax-exempt bonds; and to take such action, or refrain from taking such action, as shall be deemed necessary by the Issuer, or requested by the Authority or the DEP, to ensure compliance with the covenants and agreements set forth in this Section, regardless of whether such actions may be contrary to any of the provisions of this Ordinance.

The Issuer shall annually furnish to the Authority, information with respect to the Issuer's use of the proceeds of the Series 2016 C Bonds and any additional information requested by the Authority.

ARTICLE IX

DEFAULT AND REMEDIES

Section 9.01. Events of Default. Each of the following events shall constitute an "Event of Default" with respect to the Series 2016 C Bonds:

(1) If default occurs in the due and punctual payment of the principal of or interest, if any, on any Series 2016 C Bonds; or

(2) If default occurs in the Issuer's observance of any of the covenants, agreements or conditions on its part relating to the Series 2016 C Bonds set forth in this Bond Legislation, any supplemental resolution or in the Series 2016 C Bonds, and such default shall have continued for a period of 30 days after the Issuer shall have been given written notice of such default by the Commission, the Depository Bank, the Registrar, the Paying Agent or any other Paying Agent or a Holder of a Bond; or

(3) If the Issuer or Board files a petition seeking reorganization or arrangement under the federal bankruptcy laws or any other applicable law of the United States of America; or

(4) If default occurs with respect to the Prior Bonds or the Prior Ordinances; or

(5) If deafualt occurs with respect to the Series 2016 A Bonds, Series 2016 B Bonds or Series 2016 D Bonds or the respective ordinances authorizing the Series 2016 A Bonds, Series 2016 B Bonds and Series 2016 D Bonds.

Section 9.02. Remedies. Upon the happening and continuance of any Event of Default, any Registered Owner of a Bond may exercise any available remedy and bring any appropriate action, suit or proceeding to enforce his or her rights and, in particular, (i) bring suit for any unpaid principal or interest then due, (ii) by mandamus or other appropriate proceeding enforce all rights of such Registered Owners including the right to require the Issuer to perform its duties under the Act and the Bond Legislation relating thereto, including but not limited to the making and collection of sufficient rates or charges for services rendered by the System, (iii) bring suit upon the Bonds; (iv) by action at law or bill in equity require the Issuer to account as if it were the trustee of an express trust for the Registered Owners of the Bonds, and (v) by action or bill in equity enjoin any acts in violation of the Bond Legislation with respect to the Bonds, or the rights of such Registered Owners; provided, however, that all rights and remedies of the Holders of the Series 2016 Bonds shall be on a parity with those of the Holders of the Prior Bonds.

Section 9.03. Appointment of Receiver. Any Registered Owner of a Bond may, by proper legal action, compel the performance of the duties of the Issuer under the Bond Legislation and the Act, including, the completion of the Project and after commencement of operation of the System, the making and collection of sufficient rates and charges for services rendered by the System and segregation of the revenues therefrom and the application thereof. If there be any Event of Default with respect to such Bonds, any Registered Owner of a Bond shall, in addition to all other remedies or rights, have the right by appropriate legal proceedings to obtain the appointment of a receiver to administer the System or to complete the acquisition and construction of the Project on behalf of the Issuer, with power to charge rates, rentals, fees and other charges sufficient to provide for the payment of Operating Expenses of the System, the payment of the Bonds and interest and the deposits into the funds and accounts hereby established, and to apply such rates, rentals, fees, charges or other revenues in conformity with the provisions of this Bond Legislation and the Act.

The receiver so appointed shall forthwith, directly or by his or her or its agents and attorneys, enter into and upon and take possession of all facilities of said System and shall hold, operate and maintain, manage and control such facilities, and each and every part thereof, and in the name of the Issuer exercise all the rights and powers of the Issuer with respect to said facilities as the Issuer itself might do.

Whenever all that is due upon the Bonds and interest thereon and under any covenants of this Bond Legislation for reserve, sinking or other funds and upon any other obligations and interest thereon having a charge, lien or encumbrance upon the revenues of the System shall have been paid and made good, and all defaults under the provisions of this Bond Legislation shall have been cured and made good, possession of

the System shall be surrendered to the Issuer upon the entry of an order of the court to that effect. Upon any subsequent default, any Registered Owner of any Bonds shall have the same right to secure the further appointment of a receiver upon any such subsequent default.

Such receiver, in the performance of the powers hereinabove conferred upon him or her or it, shall be under the direction and supervision of the court making such appointment, shall at all times be subject to the orders and decrees of such court and may be removed thereby, and a successor receiver may be appointed in the discretion of such court. Nothing herein contained shall limit or restrict the jurisdiction of such court to enter such other and further orders and decrees as such court may deem necessary or appropriate for the exercise by the receiver of any function not specifically set forth herein.

Any receiver appointed as provided herein shall hold and operate the System in the name of the Issuer and for the joint protection and benefit of the Issuer and Registered Owners of the Bonds. Such receiver shall have no power to sell, assign, mortgage or otherwise dispose of any assets of any kind or character belonging or pertaining to the System, but the authority of such receiver shall be limited to the completion of the Project and the possession, operation and maintenance of the System for the sole purpose of the protection of both the Issuer and Registered Owners of such Bonds and the curing and making good of any Event ofDefault with respect thereto under the provisions of this Bond Legislation, and the title to and ownership of said System shall remain in the Issuer, and no court shall have any jurisdiction to enter any order or decree permitting or requiring such receiver to sell, assign, mortgage or otherwise dispose of any assets of the System.

ARTICLE X

PAYMENT OF BONDS

Section 10.01. Payment of Bonds. If the Issuer shall pay or there shall otherwise be paid to the Holders of the Series 2016 C Bonds, the principal of and interest, if any, due or to become due thereon, at the times and in the manner stipulated therein and in this Bond Legislation, then the pledge of Gross Revenues and other moneys and securities pledged under this Bond Legislation and all covenants, agreements and other obligations of the Issuer to the Registered Owners of the Series 2016 C Bonds shall thereupon cease, terminate and become void and be discharged and satisfied, except as may otherwise be necessary to assure the exclusion of interest, if any, on the Series 2016 C Bonds from gross income for federal income tax purposes.

ARTICLE XI

MISCELLANEOUS

Section 11.01. Amendment or Modification of Bond Legislation. Prior to the issuance of the Series 2016 C Bonds, this Ordinance may be amended or supplemented

in any way by the Supplemental Resolution. Following issuance of the Series 2016 C Bonds, no material modification or amendment of this Ordinance, or of any ordinance, resolution or order amendatory or supplemental hereto, that would materially and adversely affect the rights of Registered Owners of the Series 2016 C Bonds shall be made without the consent in writing of the Registered Owners of the Series 2016 C Bonds so affected and then Outstanding; provided, that no change shall be made in the maturity of any Bond or Bonds or the rate of interest thereon, or in the principal amount thereof, or affecting the unconditional promise of the Issuer to pay such principal and interest out of the funds herein pledged therefor without the consent of the Registered Owner thereof. No amendment or modification shall be made that would reduce the percentage of the principal amount of the Series 2016 C Bonds required for consent to the above-permitted amendments or modifications. Notwithstanding the foregoing, this Bond Legislation may be amended without the consent of any Bondholder as may be necessary to assure compliance with Section 148(f) of the Code relating to rebate requirements or otherwise as may be necessary to assure the excludability of interest on the Series 2016 C Bonds from gross income of the holders thereof.

Section 11.02. Bond Legislation Constitutes Contract. The provisions of the Bond Legislation shall constitute a contract between the Issuer and the Registered Owners of the Bonds, and no change, variation or alteration of any kind of the provisions of the Bond Legislation shall be made in any manner, except as in this Bond Legislation provided.

Section 11.03. Severability of Invalid Provisions. If any section, paragraph, clause or provision of this Ordinance should be held invalid by any court of competent jurisdiction, the invalidity of such section, paragraph, clause or provision shall not affect any ofthe remaining provisions of this Ordinance, the Supplemental Resolution or the Series 2016 C Bonds.

Section 11.04. Headings, Etc. The headings and catchlines of the articles, sections and subsections hereof are for convenience of reference only, and shall not affect in any way the meaning or interpretation of any provision hereof.

Section 11.05. Conflicting Provisions Repealed; Prior Ordinances. All ordinances, orders or resolutions and or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed; provided, that in the event of any conflict between this Ordinance and the Prior Ordinances, the Prior Ordinances shall control (unless less restrictive), so long as the Prior Bonds are outstanding.

Section 11.06. Covenant of Due Procedure, Etc. The Issuer covenants that all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in the adoption of this Ordinance do exist, have happened, have been performed and have been taken in regular and due time, form and manner as required by and in full compliance with the laws and Constitution of the State of West Virginia applicable thereto; and that the Mayor, the City Manager, the City Clerk and members of the Governing Body and the Board were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

Section 11.07. Appointment. The Issuer does hereby appoint, designate and approve the hiring of Steptoe & Johnson PLLC, Morgantown, West Virginia, as bond counsel to the Issuer and the Board in connection with the issuance by the Issuer of the Series 2016 C Bonds.

Section 11.08. Statutory Notice and Public Hearing. Upon adoption hereof, an abstract of this Ordinance determined by the Governing Body to contain sufficient information as to give notice of the contents hereof shall be published once a week for 2 successive weeks within a period of fourteen consecutive days, with at least 6 full days intervening between each publication, in the *Dominion Post*, a newspaper published and of general circulation in The City of Morgantown, together with a notice stating that this Ordinance has been adopted and that the Issuer contemplates the issuance of the Series 2016 C Bonds, and that any person interested may appear before the Governing Body upon a date certain, not less than ten days subsequent to the date of the first publication of such abstract of this Ordinance and notice, and present protests, and that a certified copy of this Ordinance is on file with the Governing Body for review by interested persons during office hours of the Governing Body. At such hearing, all objections and suggestions shall be heard and the Governing Body shall take such action as it shall deem proper in the premises.

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Section 11.09. Effective Date. This Ordinance shall take effect immediately following public hearing and final reading hereof.

Passed on First Reading: September 6, 2016

Passed on Second Reading: September 20, 2016

Passed on Final Reading
Following Public Hearing: October 4, 2016

THE CITY OF MORGANTOWN

By: _____
Mayor

627490.00049

CERTIFICATION

Certified a true copy of an Ordinance duly enacted by the Council of THE CITY OF MORGANTOWN on the _____ day of November, 2016.

[SEAL]

_____
City Clerk

THE CITY OF MORGANTOWN
COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2016 C
(WEST VIRGINIA SRF PROGRAM)

BOND ORDINANCE

ARTICLE I
STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance.
Section 1.02. Findings.
Section 1.03. Bond Legislation Constitutes Contract.
Section 1.04. Definitions.

ARTICLE II
AUTHORIZATION OF ACQUISITION AND CONSTRUCTION OF THE PROJECT

Section 2.01. Authorization of Acquisition and Construction of the Project.

ARTICLE III
AUTHORIZATION, TERMS, EXECUTION, REGISTRATION AND SALE OF BONDS; AUTHORIZATION AND EXECUTION OF BOND PURCHASE AGREEMENT

Section 3.01. Authorization of Bonds.
Section 3.02. Terms of Bonds.
Section 3.03. Execution of Bonds.
Section 3.04. Authentication and Registration.
Section 3.05. Negotiability, Transfer and Registration
Section 3.06. Bonds Mutilated, Destroyed, Stolen or Lost.
Section 3.07. Bonds not to be Indebtedness of the Issuer.
Section 3.08. Bonds Secured by Pledge of Gross Revenues; Lien Position with respect to Prior Bonds.
Section 3.09. Delivery of Bonds.
Section 3.10. Form of Bonds.
Section 3.11. Sale of Bonds; Approval and Ratification of Execution of Bond Purchase Agreement.
Section 3.12. Filing of Amended Schedule.

ARTICLE IV
[RESERVED]

ARTICLE V
FUNDS AND ACCOUNTS; SYSTEM REVENUES AND APPLICATION THEREOF

Section 5.01. Establishment of Funds and Accounts with Depository Bank.
Section 5.02. Establishment of Funds and Accounts with Commission.
Section 5.03. System Revenues; Flow of Funds.
Section 5.04. Reserve Account Letter of Credit or Surety Bond.

ARTICLE VI
BOND PROCEEDS; CONSTRUCTION DISBURSEMENTS

Section 6.01. Application of Bond Proceeds; Pledge of Unexpended Bond Proceeds
Section 6.02. Disbursements From the Series 2016 C Bond Construction Trust Fund.

ARTICLE VII
ADDITIONAL COVENANTS OF THE ISSUER

Section 7.01. General Covenants of the Issuer.
Section 7.02. Bonds not to be Indebtedness of the Issuer.
Section 7.03. Bonds Secured by Pledge of Gross Revenues; Lien Position with respect to Prior Bonds.
Section 7.04. Rates and Charges.
Section 7.05. Sale of the System.
Section 7.06. Issuance of Other Obligations Payable Out of Revenues and General Covenant Against Encumbrances.
Section 7.07. Parity Bonds.
Section 7.08. Books; Records and Audit.
Section 7.09. Rates.
Section 7.10. Operating Budget and Monthly Financial Report.
Section 7.11. Engineering Services and Operating Personnel.
Section 7.12. No Competing Franchise.
Section 7.13. Enforcement of Collections.
Section 7.14. No Free Services.
Section 7.15. Insurance and Construction Bonds.
Section 7.16. Mandatory Use.
Section 7.17. Completion of Project; Permits and Orders.
Section 7.18. Compliance with Bond Purchase Agreement and Law.
Section 7.19. RESERVED.
Section 7.20. Securities Laws Compliance.
Section 7.21. Contracts; Change Orders; Public Releases.
Section 7.22. Statutory Mortgage Lien.

ARTICLE VIII
INVESTMENT OF FUNDS

Section 8.01. Investments.
Section 8.02. Covenants as to Use of Proceeds

ARTICLE IX
DEFAULT AND REMEDIES

Section 9.01. Events of Default.
Section 9.02. Remedies
Section 9.03. Appointment of Receiver.

ARTICLE X
PAYMENT OF BONDS

Section 10.01. Payment of Bonds.

ARTICLE XI
MISCELLANEOUS

Section 11.01. Amendment or Modification of Bond Legislation.
Section 11.02. Bond Legislation Constitutes Contract.
Section 11.03. Severability of Invalid Provisions.
Section 11.04. Headings, Etc.
Section 11.05. Conflicting Provisions Repealed; Prior Ordinances.
Section 11.06. Covenant of Due Procedure, Etc.
Section 11.07. Appointment.
Section 11.08. Statutory Notice and Public Hearing.
Section 11.09. Effective Date.
SIGNATURES
CERTIFICATION

AN ORDINANCE AMENDING THE FY 2016-2017 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

The City of Morgantown hereby ordains:

That the FY 2016-2017 Annual Budget of the General Fund of the City of Morgantown is amended as shown in the Request for Revision to Approved Budget (Revision 02) attached hereto and made a part of this ordinance.

First Reading:

Adopted: _____ Mayor

Filed:

Recorded: _____ City Clerk

LGSD BR (Ver. 2014)

Ora Ash, Deputy State Auditor
West Virginia State Auditor's Office
200 West Main Street
Clarksburg, WV 26301
Phone: 627-2415 ext. 5114
Fax: 627-2417

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
FY: 2016-2017
Fund: General
Rev. No. 2
Pg. of No. 1 of 1

City of Morgantown
GOVERNMENT ENTITY

389 Spruce Street
STREET OR PO BOX

Morgantown — CITY
26505 — ZIP CODE

Municipality
Government Type

Person To Contact Regarding Request:
Name: James Goff
Phone: 304-284-7407
Fax: 304-284-7430

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

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

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
699	Contingencies*	3,234,416		25,000	3,209,416
422	Personnel Office	119,972	25,000		144,972
415	City Clerk				
417	City Attorney				
420	Engineering				
422	Personnel Office				
439	Data Processing				
700	Police Department				
706	Fire Department				
750	Streets and Highways				
901	Visitors Bureau				

NET INCREASE/(DECREASE) Expenditures

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

James Goff
AUTHORIZED SIGNATURE OF ENTITY

9/13/16
APPROVAL DATE

AN ORDINANCE AMENDING SECTIONS 521.07 AND 521.09 TO PERMIT ALCOHOL SALES FOR ON-PREMISES CONSUMPTION BEGINNING AT TEN O'CLOCK IN THE MORNING ON SUNDAYS

The City of Morgantown hereby ordains that City Code sections 521.07 and 521.09 are amended as follows (new matter underlined, deleted matter ~~stricken~~):

521.07 ACTS PROHIBITED BY NONINTOXICATING BEER LICENSEE.

(a) No licensee under West Virginia Code Article 11-16, his, her, its or their servants, agents or employees shall sell, give or dispense, and no individual shall drink or consume, in or on any licensed premises or in any rooms directly connected therewith, nonintoxicating beer or cooler on weekdays between the hours of 2:00 a.m. and 7:00 a.m., or between the hours of 2:00 a.m. and 1:00 p.m. on any Sunday, except in private clubs licensed under the provisions of West Virginia Code Article 60-7, where the hours shall conform with the hours of sale of alcoholic liquors; provided that any holder of a valid Class A license issued by the West Virginia Alcohol Beverage Control Administration, or any successor entity, may sell, give or dispense the beverages regulated by this Section only for consumption on the licensed premises beginning at 10:00 a.m. on Sunday.

521.09 ACTS PROHIBITED BY PRIVATE CLUB LICENSEE.

(a) No person licensed under West Virginia Code Article 60-7, or his agent, employee or member thereof, on such licensee's premises shall:

(1) Sell or offer for sale any alcoholic liquors other than from the original package or container;

(2) Authorize or permit any disturbance of the peace; obscene, lewd, immoral or improper entertainment, conduct or practice; gambling or any slot machine, multiple coin console machine, multiple coin console slot machine or device in the nature of a slot machine;

(3) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating beer, wine or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine or alcoholic liquors on the licensee's premises, by any person less than twenty-one years of age;

(4) Sell, give away, or permit the sale of, gift to or the procurement of any nonintoxicating beer, wine or alcoholic liquors, for or to any person known to be deemed legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;

(5) Sell, give or dispense nonintoxicating beer, wine or alcoholic liquors in or on any licensed premises or in any rooms directly connected therewith, between the hours

of 3:00 a.m. and 1:00 p.m. on Sunday; provided that any holder of a valid Class A license issued by the West Virginia Alcohol Beverage Control Administration, or any successor entity, may sell, give or dispense nonintoxicating beer, wine or alcoholic liquors only for consumption on the licensed premises beginning at 10:00 a.m. on Sunday.

This Ordinance shall be effective upon the date of adoption.

FIRST READING:

ADOPTED:

FILED:

RECORDED:

_____
MAYOR

_____
CITY CLERK

AN ORDINANCE CREATING A NEW ARTICLE 951 IN THE CITY CODE PROVIDING FOR TAXI STANDS

WHEREAS, West Virginia Code section 8-12-5f authorizes the City of Morgantown to adopt an ordinance regulating taxicabs and taxi stands within the City, and Section 8-12-5f limits the authority to regulate to the specific areas identified in the Code section; and

WHEREAS, taxi service is an important public service in the City of Morgantown and is an essential component of the public transit network; and

WHEREAS, the City intends to establish taxi stands pursuant to the authority granted by the West Virginia Code to promote accessibility and use of taxi services in a safe and appropriate manner;

NOW, THEREFORE, the City of Morgantown hereby ordains that a new Article 951 is established as follows:

951.1. Application

(a) Common carrier Taxicab services: This article shall apply to all taxicabs operated as common carriers pursuant to the authority of the West Virginia Public Service Commission within the municipal boundaries of the City of Morgantown. Each person or entity having a current certificate of convenience and necessity to operate as a common carrier by motor vehicle in the transportation of passengers in taxicab service for a service area including the City of Morgantown shall be subject to the provisions of this article.

(b) Other passenger services: This article shall not apply to motor vehicle common carrier services other than taxicab services, nor shall this article apply to transportation services that do not operate as common carriers.

951.2. Taxi Stand Locations

Taxi stand locations established: There are hereby established taxi stands within the City at the following locations:

(a) Taxi Stand 1: Spaces designated as 407 and 409 on High Street between Willey Street and Forrest Avenue.

(b) Taxi Stand 2: Spaces designated as 21 and 22 on Chestnut Street between Fayette Street and Willey Street

Taxi stand locations are depicted on Table 951.2.1.

951.3. Taxi Stand Operations

(a) High Street taxi stand:

(i) No more than four taxicabs may occupy the High Street taxi stand at any time, and no more than two taxicabs of a single certificated common carrier may occupy the taxi stand at one time.

(ii) Any individual operator of a taxicab who is determined by the City Manager to be responsible for exceeding the permitted number of taxicabs in the taxi stand may be barred from using any taxi stand within the City for a period not to exceed six months.

(iii) Any common carrier whose taxicabs the City Manager determines have exceeded the permitted number of taxicabs in the taxi stand three times or more within any calendar year may be barred from using any taxi stand within the city for a period not to exceed twelve months.

(b) Chestnut Street taxi stand:

(i) No more than two taxicabs may occupy the Chestnut Street taxi stand at any time, and no more than one taxicab of a single certificated common carrier may occupy the taxi stand at one time.

(ii) Any individual operator of a taxicab who is determined by the City Manager to be responsible for exceeding the permitted number of taxicabs in the taxi stand may be barred from using any taxi stand within the City for a period not to exceed six months.

(iii) Any common carrier whose taxicabs the City Manager determines have exceeded the permitted number of taxicabs in the taxi stand three times or more within any calendar year may be barred from using any taxi stand within the city for a period not to exceed twelve months.

(c) Operation of taxi stands: No common carrier nor its agent may act as attendant at any taxi stands. Taxicab operators may only use the taxi stand for accepting or depositing passengers.

(d) Exclusive use. Taxi stands are designated solely for the use of common carrier taxicab services and authorized city personnel. No individual other than a taxicab operator for a licensed common carrier may accept or deposit passengers at the taxi stand.

(e) Hours of operation. Taxi stands may be used between the hours of 8 p.m. and 5 a.m.; provided, however, that such use shall occur only when appropriate signage designating an operating taxi stand has been placed or permitted to be placed at the site by the Morgantown Parking Authority.

951.99. Penalty.

Each violation of any provision of this article shall be punishable by a fine not exceeding five hundred dollars ($500.00). Each day any violation continues shall constitute a separate offense, unless another provision of this Code specifically provides otherwise.

This ordinance shall be effective upon the date of adoption.

FIRST READING:

_____
Mayor

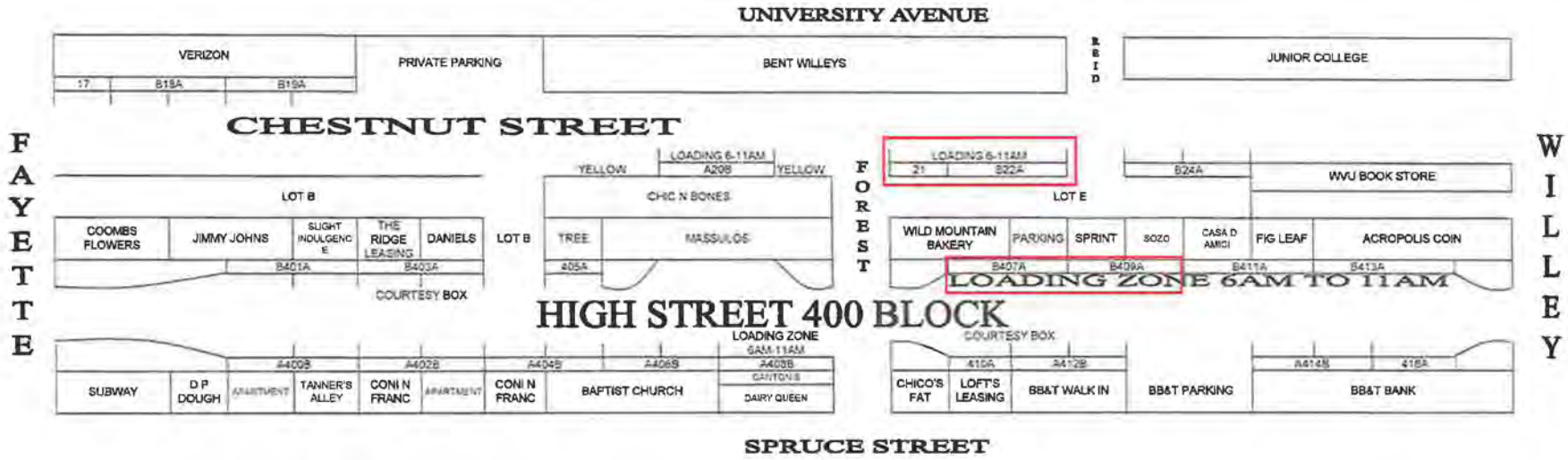
ADOPTED:

FILED:

_____
City Clerk

RECORDED:

TABLE 951.2.1. Taxi Stand Locations



RESOLUTION NO. 16- _____

A RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF MOTOR VEHICLES FOR A HIGHWAY SAFETY ENFORCEMENT PROJECT

BE IT RESOLVED by the City of Morgantown that the City Manager or his designee is authorized to execute the attached Grant Agreement, together with any additional documents referenced therein, which is incorporated in this Resolution by reference, to provide for the execution of a Highway Safety Enforcement Project.

Adopted this ___ day of October, 2016.

_____
Marti Shamberger, Mayor
City of Morgantown

_____
Linda Tucker, Clerk
City of Morgantown

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Motor Vehicles
5707 MacCorkle Avenue, Southeast
Post Office Box 17600
Charleston, West Virginia 25317-0010 • (304) 558-3900
TDD: (800) 742-6991 • (800) 642-9066

Earl Ray Tomblin
Governor

Paul A. Mattox, Jr., P. E.
Cabinet Secretary

September 2, 2016

City of Morgantown
Glen Kelly
Interim City Manager
389 Spruce Street
Morgantown, West Virginia 26505

Dear Mr. Kelly:

Your Highway Safety Grant proposal has been approved for $78,000. This award may be used for a Highway Safety Enforcement Project in Morgantown.

I am pleased to see a continued commitment to improving the safety of West Virginians as they travel our State's roadways. Projects such as this are a significant step toward achieving our common goal of reducing traffic crashes, injuries, and fatalities statewide.

Please let me know if my Highway Safety program staff or I can be of further assistance.

Sincerely,

Pat Reed
Governor's Representative
for Highway Safety

PR/ta

GRANT CONTRACT AGREEMENT

BETWEEN THE

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

DIVISION OF MOTOR VEHICLES

AND

CITY OF MORGANTOWN

F17-HS-18

This **AGREEMENT**, entered into this **30th** day of **September 2016**, by the Secretary of Administration, for and on behalf of the State of West Virginia, Department of Transportation, Division of Motor Vehicles hereinafter referred to as "DMV," and **City of Morgantown** hereinafter referred to as "Subgrantee."

Whereas, DMV is the recipient of a National Highway Traffic Safety Administration appropriation from the United States Department of Transportation, and

Whereas, the Subgrantee is an eligible applicant, who is desirous of receiving funds **for a Highway Safety Enforcement Project in Morgantown.**

Now, Therefore, the parties hereto mutually agree as follows:

1. The Subgrantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.

2. DMV agrees to assist the Subgrantee to perform such tasks and functions as set forth in the application which is attached hereto and made part hereof, hereinafter referred to as Attachment A.

3. The Subgrantee shall do, perform, and carry out in a satisfactory manner as determined by DMV all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.

4. The Subgrantee will commence its duties under the Agreement on **October 1, 2016**, and to continue those services/activities until **September 30, 2017**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.

5. In consideration of the services rendered by the Subgrantee, the sum of up to **$78,000** shall be obligated by DMV and said amount shall be deemed to be the maximum compensation to be received for this agreement unless a written modification is entered into between the parties amending the Agreement.

6. It is the understanding of all parties, to this Agreement; that DMV by joining in the Agreement neither pledges, nor promises to pledge, the credit of the State of West Virginia, nor does it promise payment of the compensation hereunder from monies from the "Treasury of the State of West Virginia."

7. To be eligible for any and all payments of the grant amount, the Subgrantee shall submit a Request for Reimbursement no more frequently than once a month to DMV. Upon receipt of said request, DMV shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. The Subgrantee shall submit both a fiscal report detailing expenditures and a narrative progress report on a monthly basis by the 20th day of the following month.

8. The Subgrantee hereby represents that it possesses the legal authority to contract for this Agreement. Furthermore that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, or motion of similar action, which the Subgrantee's governing body has clearly adopted or passed; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Subgrantee is a State agency, the completed application signed by the agency head is sufficient.

9. The Subgrantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that DMV has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.

10. If, through any cause, the Subgrantee shall fail to fulfill in a necessary and proper manner his obligations under this Agreement, the DMV may withhold payments to the Subgrantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the DMV reasons for taking said action.

11. DMV and Subgrantee may from time to time require changes in the scope of services performed hereunder. Subgrantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation here-under or work to be performed, which are mutually agreed upon between the parties shall be in writing.

12. If for any reason funds received by DMV are suspended or terminated, in whole or in part,

funding for this agreement shall cease.

13. The Subgrantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to DMV a final report on forms provided by DMV. Said reports shall reflect actual costs incurred during the terms of this Agreement.

14. The parties hereto agree that notice shall be given by personal service or served when mailed certified US Mail, postage prepaid, return receipt requested to the following addresses:

    a. Governor's Highway Safety Program
    5707 MacCorkle Avenue, SE
    Post Office Box 17600
    Charleston, West Virginia 25317-0010

    b. **Subgrantee Mailing Address:**
    City of Morgantown
    389 Spruce Street
    Morgantown, West Virginia 26505

15. The Subgrantee shall hold and save DMV and its officers, agents, and employees harmless form liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent, of representative of the Subgrantee.

IN WITNESS WHEREOF, the parties hereto attach their signatures representing that each is acting with full authority.

_____

Glen Kelly
Interim City Manager
City of Morgantown

_____

Pat Reed
Commissioner
Division of Motor Vehicles

Revised 2016

GOVERNOR'S HIGHWAY SAFETY PROGRAM West Virginia Division of Motor Vehicles STATE OF WEST VIRGINIA		FISCAL SUMMARY Page 4		
SAFE COMMUNITIES 402 **Grantee: City of Morgantown** **Budget Categories: F17-HS-18-402**	**Estimated Project Costs**	**Local Funds [Match]**	**Federal Funds Approved**	**Highway Safety Account #:**
Travel & Conferences			**$ 1,000.00**	**SA17-18-18**
Project Director Travel	$ 1,000.00			
TOTAL PROJECT COSTS:	**$ 1,000.00**			
TOTAL LOCAL FUNDS:		**$ -**	**$ -**	
TOTAL FEDERAL FUNDS:			**$ 1,000.00**	
TOTAL APPROVED PROJECT:			**$ 1,000.00**	

GOVERNOR'S HIGHWAY SAFETY PROGRAM West Virginia Division of Motor Vehicles STATE OF WEST VIRGINIA		FISCAL SUMMARY Page 4		
OCCUPANT PROTECTION 405b **Grantee: City of Morgantown** **Budget Categories: F17-HS-18-405b**	**Estimated Project Costs**	**Local Funds [Match]**	**Federal Funds Approved**	**Highway Safety Account #:**
Enforcement			**$ 10,000.00**	**HV17-01-18**
CIOT May Blitz (May 12-29, 2017)	$ 4,000.00			
CIOT Mini Enforcement Wave Nov. 4-20, 2016	$ 2,000.00			
CIOT Mini Enforcement Wave March 3-19, 2017	$ 2,000.00			
CIOT Mini Enforcement Wave Aug. 4-20, 2017	$ 2,000.00			
TOTAL PROJECT COSTS:	**$ 10,000.00**			
TOTAL LOCAL FUNDS:		**$ -**	**$ -**	
TOTAL FEDERAL FUNDS:			**$ 10,000.00**	
TOTAL APPROVED PROJECT:			**$ 10,000.00**	

GOVERNOR'S HIGHWAY SAFETY PROGRAM West Virginia Division of Motor Vehicles STATE OF WEST VIRGINIA		FISCAL SUMMARY Page 4		
IMPAIRED DRIVING 405d **Grantee: City of Morgantown** **Budget Categories: F17-HS-18-405d**	**Estimated Project Costs**	**Local Funds [Match]**	**Federal Funds Approved**	**Highway Safety Account #:**
Enforcement			**$ 48,500.00**	**HV17-01-18**
DUI Enforcement OT	$ 20,000.00			
Sobriety Checkpoints	$ 3,000.00			
Underage Enforcement	$ 25,000.00			
DRE Enforcement	$ 500.00			
Travel & Conferences			**$ 1,500.00**	**TR17-07-18**
Statewide DUI Conference	$ 1,500.00			
Training			**$ 2,000.00**	**TR17-07-18**
DRE Training	$ 2,000.00			
December 13 - 31, 2016 - DSOGPO National Enforcement Crackdown				
August 18 - September 3, 2017 - DSOGPO National Enforcement Crackdown				
Thanksgiving (Nov. 22 - 27, 2016), West Virginia Day (June 18 - 21, 2017) and the Fourth of July weekend (June 30 - July 5, 2017) - State Blitzes				
TOTAL PROJECT COSTS:	**$ 52,000.00**			
TOTAL LOCAL FUNDS:		**$ -**	**$ -**	
TOTAL FEDERAL FUNDS:			**$ 52,000.00**	
TOTAL APPROVED PROJECT:			**$ 52,000.00**	

GOVERNOR'S HIGHWAY SAFETY PROGRAM West Virginia Division of Motor Vehicles STATE OF WEST VIRGINIA		FISCAL SUMMARY Page 4		
DIV OF HIGHWAYS-DISTRACTED DRIVING Grantee: City of Morgantown Budget Categories: F17-HS-18-DOHDD	Estimated Project Costs	Local Funds [Match]	Federal Funds Approved	Highway Safety Account #:
Enforcement			$ 15,000.00	DD17-01-18
Distracted Driving Enforcement *Reminder: April 2017 is Distracted Driving Awareness Month	$ 15,000.00			
TOTAL PROJECT COSTS:	$ 15,000.00			
TOTAL LOCAL FUNDS:		$ -	$ -	
TOTAL FEDERAL FUNDS:			$ 15,000.00	
TOTAL APPROVED PROJECT:			$ 15,000.00	

RESOLUTION

WHEREAS, *City Administration has presented to Morgantown City Council a 2016-2017 budget for the Airport Improvement Fund and has requested that City Council review and approve the same;*

WHEREAS, *the budget in question, a copy of which is hereto attached, appears to not only be in proper form, but also, acceptable as to income and expenditures set forth therein;*

WHEREAS, *City Council is of the opinion that it should approve said budget.*

NOW, THEREFORE, BE IT RESOLVED by the City of Morgantown this _____ day of _____, 2016, that the 2016-2017 Airport Improvement Fund Budget hereto attached is approved.

_____
Mayor

_____
City Clerk

Morgantown Municipal Airport
Airport Improvement Fund
Proposed Budget for Fiscal Year 2017

Revenues	**FY17 Budget**
FAA 3513	2,109
State 3513	234
FAA 3614	2,608
State 3614	290
FAA 3715	906,967
State 3715	43,052
FAA 3816	498,552
State 3816	27,698
FAA 3916	135,022
State 3916	7,501
	1,624,033
PFC	35,000
Interest	500
Contribution from Capital Escrow - Local Match	100,000
Contribution from Capital Escrow - Runway Extension	1,000,000
MCDA Contribution	500,000
MCDA Purchase of Property	1,170,000
	2,805,500
TOTAL REVENUES	4,429,533
Expenditures	
Runway Extension/Hangar-Design/Environmental Assessment	542,000
Hangar Construction	1,670,000
Runway Extension	500,000
Grant 3513/FAA and State	2,343
Grant 3614/FAA and State	2,898
Grant 3715/FAA and State	950,019
Grant 3816/FAA and State	526,250
Grant 3916/FAA and State	142,523
Local Match/Capital Outlay	91,348
Contingency	2,152
Total Expenditures	4,429,533
EXCESS/(DEFICIENCY)	-

RESOLUTION NO. 16-_____

A RESOLUTION SUPPORTING PASSAGE OF THE EXCESS LEVY TO SUPPORT MONONGALIA COUNTY SCHOOLS

WHEREAS, the Monongalia County Schools' Excess Levy is proposed for the purpose of providing an anticipated $28,300,000 over a period of five years for the general operating budget; and

WHEREAS, Monongalia County Schools relies on these local levy dollars for nearly one quarter of the operating budget to pay for expenses like textbooks, training, supplemental learning opportunities, and special programs; and

WHEREAS, Monongalia County Schools provides high quality education to students who live in the City of Morgantown; and

WHEREAS, the entire amount of revenue generated by the levy remains within Monongalia County providing services that directly benefit Monongalia County Schools students and protecting important educational opportunities; and

WHEREAS, students in Monongalia County have benefitted from Monongalia County Schools' Excess Levy for 43; and

WHEREAS, the Morgantown City Council desires to formally express its support for the Monongalia County Schools' Excess Levy;

NOW, THEREFORE, BE IT RESOLVED that the Morgantown City Council hereby endorses the passage of the Monongalia County Schools Excess Levy on the General Election ballot of November 8, 2016.

Adopted this ___ day of October, 2016.

_____
Marti Shamberger, Mayor
City of Morgantown

_____
Linda Tucker, Clerk
City of Morgantown