

REGULAR MEETING October 6, 2015: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, October 6, 2015 at 7:01 p.m.

PRESENT: City Manager Jeff Mikorski, City Clerk Linda Tucker, Mayor Marti Shamberger, City Attorney Ryan Simonton, Assistant City Manager Glen Kelly and Council Members: Deputy Mayor Bill Kawecki, Wes Nugent, Jenny Selin, Jay Redmond, and Nancy Ganz. (Ron Bane was absent)

The meeting was called to order by Mayor Shamberger.

APPROVAL OF MINUTES: Minutes from the September 15, 2015 meeting were approved as printed.

CORRESPONDENCE: Mayor, Marti Shamberger acknowledged several Proclamations: National Substance Abuse Prevention Month; Domestic Violence Awareness Month; Fire Prevention Week; General Aviation Appreciation Week; Arbor Day; Mayor Marti Shamberger also announced The National Sexual Violence Resource Center Visionary Voice Award to Larry Hasley from the Morgantown Police Department.

UNFINISHED BUSINESS: None

BOARDS AND COMMISSIONS: City Clerk, Linda Tucker informed Council that Deputy Mayor Kawecki, now has majority of the members for the Morgantown Housing Advisory Commission. City Clerk requested a Special Meeting to interview candidates on October 20th, 2015 at 6:00 pm. Council approved by unanimous consent to move forward with the Special Meeting. The City Clerk will then advertise to fill the position for a realtor. City Clerk updated Council on the rest of the positions that are being advertised: Board of Zoning, Morgantown Utility Board, Planning Commission, and Sister Cities.

PUBLIC PORTION:

Mayor Shamberger declared the Public Portion open.

Mark Brazaitis, 734 Courtney Avenue, spoke on behalf of the Southpoint Neighborhood Association, South Hills and South Park and indeed for all of Morgantown. He is honored to present several specific suggestions to fulfill the vision of the Morgantown Comprehensive Plan in relation to the forest. Our Council Members and City Manager were given a number of suggestions related to grants the city could apply for in order to buy land from landowners and maintain it as public space. He is submitting them again with several additions. The WVU Law School provides a service to help cities apply for grants and also the state organizations that do the same. Passing a park and recs fee would be a step in the right direction. He feels that Morgantown has an excellent economic resources it could and should tap into. The Morgantown Comprehensive Plan designates the area in question as “reserve” land and the County is even stronger. Mark suggests that using the land as a visionary recreation space and the City should keep half of the forest green. Another is the Morgantown Ice Area that nets up to \$200,000 per year and a state-of-art recreation facility which already has a promise of financial support from WVU could easily quintuple this at a net of \$1 million a year and is not an unreasonable ambition. If this is not this particular facility, it could be something similar with potential partners including the county, state, WVU, and private benefactors. He mentions that as a private citizen we can continue to offer suggestions to our City about how to go about finding and applying for the grants. **(Exhibit A)**

Toni Christini, 931 Southpoint Circle, spoke about the crisis of demographics, planning, and finance that is crashing into Morgantown and the city around. He mentions that the Ordinance that was brought up at the COW Meeting last week was not posted on the webpage nor was it brought up here tonight. He also thinks that a \$2.00 fee would be more appropriate than a \$3.00 fee. There are several City

Council members that are for the Parks & Rec. Ordinance and others who have not said if they are for it or not. Why? If you do not vote for this you will be likely increasing the loss of the green space for the extremely unpopular result of a flood traffic through your neighborhoods. Morgantown needs to fulfill the legacy in which they have built a good foundation and acts of the Parks & Recreation component of the proposed Ordinance that can make a great contribution to that legacy in this unrepresented time.

Trevor Rudy, 914 Southpoint Circle, highlighted key concerns of the neighborhoods in Southpoint Circle, South Park, and South Hill. First point being is safety which accesses to Buckhannon that has been proposed in the development and that it is current position is extremely dangerous and increasing volume of traffic in a neighborhood that is livable and walkable and putting that many cars on the road is asking for unfortunate tragedy and some point and time. He also mentions another concern about the waste water run-off and asks if the City can work with MUB to ensure that the run-off is appropriately managed and that it does not impact the natural quality of life in Southpoint Circle. The last concern he has is if the City can look into the City's Wards and Boundaries to see if they can accomplish the land within the City limits which would clearly provide an opportunity for Zoning in which would help protect the quality of life the neighborhoods have.

Mike Callen, 1420 Western Avenue, spoke about the economic statistics that relates to the area and specifically the one in particular that related to the user fee and that is more than one quarter of our local workforce comes from out of the area. They have no means of supporting the infrastructure and feels that this is an untapped resource and when you have more than a quarter of our workers that have no basis to obtain any support to support our economy and the quality of life and he feels that is one factor that would do well for a user fee.

James Giuliani, 256 Prarie Avenue, spoke in reference to an application that he submitted for an accessory dwelling in which was administratively denied by the Planning Department. His only choice now is to appeal to the Board of Zoning Appeal and it will be held on October 12th, 2015 at 6:30 pm to appeal the decision. He has been coming to the City Council meetings now since June 2014 requesting help for himself and his neighbors on a problem created by the City Planner by allowing a permit to be issued for an expansion of a non-conforming use. He states that this is very important to him and he feels that the public needs to be aware of the meeting that will affect everyone. **(Exhibit B – Also handout that was given was recorded and filed in vault)**

Kyle Haugh, 650 Price Street, spoke in reference to the user fee. He is opposed to the fee and expressed concern about the citizen that earns a lower wage and the potential burden this would place on them. He also mentions that most of the roads in the city are state roads and some people who come to work in the city does not take city roads. He does mention to Council that maybe they should look at this user fee again and try to come up with something else besides all city employees to pay this.

John Miles, 138 Wagner Road, commented on a previous person who spoke saying "that renters do not pay property taxes" they do pay property taxes. He discusses the issue about the user fee and what he thinks the monies will be used for once it is be obtained. He does not feel the money that will be collected will go toward the roads that need fixed and for police protection. He does mention that some of the City Council members state that if we bring in more Theatres, Art and make our recreation better, our town would be booming. Because of this situation that the city is in, he feels that the city has inadequately misfunded money.

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

SPECIAL COMMITTEE REPORTS: Councilor Selin announced that the Green Team is sponsoring 3 Community Forums that can be given to the city, City Clerk, and then to Council Members: Air Quality Forum on October 8th, Water Quality Forum on October 29th, and Recycling and Waste Forum on November

10th. Councilor Nugent and Deputy Mayor Kawecki attended a meeting in concert with Chamber of Commerce with Congressman McKinley and shared our issues about our roads and transportation and feels that Congressman McKinley has a better understanding of our desires.

NEW BUSINESS:

AN ORDINANCE AMENDING SECTIONS 1505.01 AND 1511.02 OF THE MORGANTOWN CITY CODE TO GRANT CITY FIRE MARSHALS AND DEPUTY FIRE MARSHALS ARREST AUTHORITY AT FIRE SCENES AND FOR CERTAIN VIOLATIONS OF THE FIRE PREVENTION CODE: The above entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTIONS 1505.01 AND 1511.02 OF THE MORGANTOWN CITY CODE TO GRANT CITY FIRE MARSHALS AND DEPUTY FIRE MARSHALS ARREST AUTHORITY AT FIRE SCENES AND FOR CERTAIN VIOLATIONS OF THE FIRE PREVENTION CODE.

City Manager explained, motion by Nugent, second by Kawecki, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE ANNEXING PROPERTY OF THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS AND WEST VIRGINIA DEPARTMENT OF TRANSPORTATION IN MORGAN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN: The above entitled Ordinance was presented for first reading.

AN ORDINANCE ANNEXING PROPERTY OF THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS AND West Virginia DEPARTMENT OF TRANSPORTATION IN MORGAN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN.

City Manager explained, motion by Nugent, second by Ganz, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE ANNEXING PROPERTY OF AIRPARK, LLC IN MORGAN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN: The above entitled Ordinance was presented for first reading.

AN ORDINANCE ANNEXING PROPERTY OF AIRPARK, LLC IN MORGAN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN.

City Manager explained, motion by Selin, second by Ganz, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLM PROPERTIES, INC. TO LIST RENTAL SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT: The above entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLM PROPERTIES, INC. TO LIST RENTAL SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

City Manager explained, motion by Ganz, second by Kawecki, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE CREATING A NEW ARTICLE 745 IN THE CITY CODE TO ESTABLISH A SERVICE FEE FOR PUBLIC RIGHTS-OF-WAY AND POLICE SERVICE: The above entitled Ordinance was presented for first reading.

AN ORDINANCE CREATING A NEW ARTICLE 745 IN THE CITY CODE TO ESTABLISH A SERVICE FEE FOR PUBLIC RIGHTS-OF-WAY AND POLICE SERVICE.

City Manager explained, after discussion, motion by Kawecki, second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 4-2. Nugent and Redmond voted No.

A RESOLUTION APPROVING AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION PROVIDING A SCHOOL RESOURCE OFFICER AT SOUTH MIDDLE SCHOOL: The above entitled Resolution was presented for first reading.

A RESOLUTION APPROVING AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION PROVIDING A SCHOOL RESOURCE OFFICER AT SOUTH MIDDLE SCHOOL

City Manager explained, motion by Nugent, second by Kawecki, to pass the above entitled Resolution. Motion carried 6-0.

A RESOLUTION APPROVING EXECUTION OF DEED OF RELEASE WITH FEDERAL AVIATION ADMINISTRATION: The above entitled Resolution was presented for first reading.

A RESOLUTION APPROVING EXECUTION OF DEED OF RELEASE WITH FEDERAL AVIATION ADMINISTRATION

City Manager explained, motion by Kawecki, second by Selin, to pass the above entitled Resolution. Motion carried 6-0.

CITY MANAGERS REPORT:

New Business:

1. Agreement with West Virginia Radio Corporation

The attached agreement with the West Virginia Radio Corporation allows the trimming of a few trees along Deckers Creek in Marilla Park to allow satellite signals to reach the West Virginia Radio Corporation's dishes at their facility on Earl Core Road. Over the years, trees along the creek grew tall enough to interface with satellite signals needed for emergency broadcasting service. The Tree Board's recommendation was to allow the trimming of the trees but make sure the creek bank was protected with additional plantings and repair if any of the trimmed trees fail. I recommend Council to authorize me to sign the agreement and move the project forward.

Changes were done at the last minute and not done in time for the meeting. It will be on the next Council meeting on October 20th.

2. To the person who spoke and said that there was consequences to his speaking City Manager, Jeff Mikorski stated that City Administration never has and never will look to people speaking in the public to provide information in any way for enforcement issues.

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: City Attorney, Ryan Simonton reported that the Circuit Court upheld the BZA site plan for the VFW sight and he thanked everyone involved.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Absent

Deputy Mayor Kawecki: No Report

Councilor Nugent: Councilor Nugent noted that the MPO draft public policies are online at plantogether.org for citizens to review. Councilor Nugent then asked the City Manager to give an update for University Avenue on completion. City Manager gave an update stating that they are meeting weekly and hoping that they can meet the deadline for October 15th. Councilor Nugent then asked, with the frustration and the traffic patterns in town, is there any way that the traffic pattern can steer visitors to allow traffic to the downtown patrons?

Assistant City Manager Glen Kelly: Assistant City Manager Glen Kelly mentioned the vacant property at the Airport and stated that at this time we have two prospects which will be updated with an ADA ramp.

Councilor Selin: Councilor Selin mentioned that the citizens complained that Channel 15 is still not audible, and that City Council needs to move into their microphones. Councilor Selin commented on the user fee, stating the need to improve roads and emergency response and that we are competing with other communities. She then thanked the 16 students that helped with Good Neighbor Day. She also suggested that when we are doing the paving project that we take a photo of project before and after. Councilor Selin encourages speakers coming to council be given their voice and open dialogue.

Councilor Redmond: Councilor Redmond expressed his gratitude to all of the public speakers this

evening. Councilor Redmond mentioned that he will be voting no on the user fee not because he is against the fee, but that Council has not done their due diligence. Councilor Redmond thanked City Administration for handling concerns on the Development issues for the South Park, Southpoint, and South High neighborhood associations on their concerns on this new development.

Councilor Ganz:

Councilor Ganz noted that she looks forward to the results of the user fee and funds for other sources that will prevail. Councilor Ganz thanked the citizens that came to council and gave their input. She then reported that on October 8th at 6:30 pm. at the Health Department there will be a public hearing for Prestige Capitol Ventures by the State Alcohol Beverage Control Administration.

Mayor Shamberger:

Mayor Shamberger noted that she has had a busy week; there were WVU 30 Students in her Ward for Neighborhood Day cleanup day; attended the Women of Color luncheon; saw “Batter not Broken” at the Met Theatre; attended Chinese Autumn Festival; spoke at the WV Wellness Conference. She reminded citizens that if garbage cans are left out, call the Police Department or Code and if you see street lights out, report those to Mon Power. She then mentioned an idea to Council that maybe next year there be a Diversity Weekend Celebration.

ADJOURNMENT: There being no further items of business or discussion, motion by Selin, second by Ganz to adjourn. Motion carried by unanimous consent at 9:00 p.m.

City Clerk

Mayor

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

Remarks of Mark Brazaitis
Morgantown City Council Meeting
October 6, 2015

My name is Mark Brazaitis. I have been a resident of Morgantown since 2000. So have my wife, Julie, and my daughters, Annabel, and Rebecca. (Technically, Rebecca has been a resident since 2002—she was born in Mon General Hospital on the 4th of July. Annabel and Rebecca are here with me tonight because the issue about which I am about to speak affects them and all young people in our city and county.)

Thank you for allowing me to speak tonight on behalf of South Park, South Hills, and Southpoint and their neighborhood associations *and, indeed, for all of Morgantown.*

I'm honored to present to you a position paper from the three neighborhoods and their respective associations, and as signed by their presidents, Paul Steel from South Park, Dave Harshbarger from South Hills, and Bill Wesson from South Point, in favor of preserving all of the roughly .5 square miles of forest behind the Circle K. off Dorsey Avenue—or as much of it as possible—in order to ensure, in alignment with the Morgantown Comprehensive Plan and the Monongalia County Comprehensive Plan, the continued preservation of the local ecology, its environment, wildlife, woods, and green space; the safety and quality of local neighborhoods; and the overall well-being of the city and county.

It is our position that (and I will read now from the position paper):

Our position paper offers specific suggestions to fulfill the vision of the Morgantown Comprehensive Plan in relation to the forest. Members of the city council and the city manager have been informed of our position paper previously, but I am glad it is now an official part of the record.

We have offered to our city council members and our city manager a number of suggestions related to grants (federal and otherwise) the city could apply for in order to buy the land from the landowners and maintain it as public space. I submit them again here with several additions.

The WVU Law School provides a service to help cities such as ours find and apply for such grants. There are state organizations that do the same.

Passing a park and recs fee would be another extraordinary step in the right direction.

In short: Morgantown has excellent economic resources it could, and should, tap into.

On first blush, purchasing the land from the landowners might seem like the least-realizable option we, as a city, have to resolve this situation. In fact, it's quite possibly the most realizable option. (Without question it would be the best possible outcome.)

The Morgantown Comprehensive Plan designates the area in question as "reserve" land. (The county's Comprehensive Plan is even stronger in its designation of the space as a not-appropriate-for-development zone.) In other words, the city's smart blueprint for growth confirms what we've all been saying: This land is best left the way it is or used as public space. The Comprehensive Plan is the city's implicit (and even explicit) promise to all of us. The landowners have expressed a willingness to sell the property, and it would be contradictory to Morgantown's Comprehensive Plan if the city did not do everything it could to secure the necessary grants to buy the land—or as much of it as possible.

It's the city manager's job—and the city manager is certainly qualified to perform this job—to do what is in the city's best interests. Clearly, because of the Comprehensive Plan, and because of the detailed and thoughtful position paper from three major neighborhoods in the city, it is in the city's best interest to buy the land for use as a public space.

I have suggested using the land as a visionary recreation space. The city could keep the upper half of the forest green—create picnic areas and refine the forest's existing nature trails. It could use the bottom half of the property to realize what our community has long been planning: the building of a public recreation facility, which would encompass a year-long ice rink and an indoor swimming pool.

The charming but outdated Morgantown Ice Area nets upwards of \$200,000 a year. A state-of-the-art recreation facility, which already has a promise of financial support from WVU, could easily quintuple this. A net of \$1 million a year isn't an unreasonable ambition.

If it isn't this particular facility, it could be something similar, with potential partners including the county, the state, WVU, and private benefactors.

As private citizens, we can continue to offer suggestions to our city about how to go about finding and applying for grants. We can solicit private contributions as well. But it's up to our city manager to do his job and work vigorously and creatively to apply for and win grants that will make a land purchase possible.

It's definitely possible. And what seems somewhat daunting now will one day, when the land becomes public (and perhaps becomes an extraordinary recreation space with picnic areas and trails), seem both visionary and obvious.

Everyone can win here. The landowners can secure a reasonable return on their investment. The city can honor its Comprehensive Plan and secure a remarkable green space (home to two endangered species). All of us can breathe a little fresh air and enjoy an invigorating walk in the woods.

This is a decision not just for tomorrow but for the next century. We are a "great small city." Let's keep this land the way the city has designated it—and thereby remain great.

Possible funding sources for purchase of forest behind Circle K off Dorsey Avenue:

West Virginia Outdoor Heritage Conservation Fund:

[:http://www.wvcommerce.org/resources/conservation/ohcf/default.aspx](http://www.wvcommerce.org/resources/conservation/ohcf/default.aspx)

West Virginia Land and Conservation Fund:

<http://www.wvcommerce.org/people/communityresources/infrastructure/landandwaterconservationfund/default.aspx>

The Conservation Trust:

<http://www.nationalgeographic.com/explorers/grants-programs/conservation-trust/>

The Land and Water Conservation Fund:

<http://www.fs.fed.us/land/staff/LWCF/>

U.S. Forest Service Grants:

<http://www.fs.fed.us/working-with-us/grants>

Bureau of Land Management:

http://www.blm.gov/wo/st/en/prog/energy/cost_recovery_regulations/pre-application.html

Parks and Recreation Funding (via The Grant Helpers.com):

<http://www.thegranthelpers.com/municipal-grants/parks---recreation-grants>

Partnership for Sustainable Communities:

<http://www.sustainablecommunities.gov/>

The Claude Worthington Benedum Foundation:

<http://www.benedum.org/programs/community.shtml>

An overview of Federal Grants: <http://www.grants.gov/>

WVU College of Law Land Use and Sustainable Development Law Clinic:

<http://landuse.law.wvu.edu/>

NEIGHBORHOODS' POSITION PAPER ON MAJOR SOUTH MORGANTOWN DEVELOPMENT

The position of several Morgantown neighborhoods - South Hills, South Park, and Southpoint - in relation to a massive new development project proposed to stretch from East Oak Grove Cemetery and the Circle K on Dorsey Avenue to and along the border of South Park to South Hills and Southpoint neighborhoods is as follows:

In firm alignment with the vision and blueprint of Morgantown's Comprehensive Plan, these several city neighborhoods are committed to protecting and promoting:

- 1) the local ecology, its environment, wildlife, woods, and green space;
- 2) the safety and quality of life of the local neighborhoods;
- 3) and the overall well-being of the city and county.

The development project would grossly impact adjacent neighborhoods and the city as a whole. We are committed to maintaining and improving city livability: by minimizing neighborhood through traffic, by maximizing safety and walkability, by preserving the environment, by protecting wildlife, by providing open space for healthy exercise and enjoyment, by boosting social and economic well-being in alignment with Morgantown's vision and blueprint. Such commitment has the potential to raise the bar for maintaining and improving quality of life in both longstanding neighborhoods and in new areas of the city.

The detailed position and priorities of South Park, South Hills, and Southpoint neighborhoods are as follows:

1) ECOLOGY & QUALITY OF LIFE

that the city and county co-operate to protect and promote the local ecology and the neighborhoods' quality of life through a) public purchase and set-asides of as much of the existing wilderness as possible, especially along the borders of South Park, South Hills, and Southpoint, and through b) annexation of the greater development project area to provide a revenue stream for land purchase, and to zone it appropriately.

2) SAFETY & QUALITY OF LIFE

that the city, county, and state co-operate to protect and promote the safety and quality of life of the neighborhoods by responsible traffic management that allows no new intersection or traffic direct from the development project to Buckhannon Avenue, nor to any local neighborhood road: that is, the city, county, and state must prohibit any traffic direct through the adjacent neighborhoods of South Park, South Hills, Southpoint; all new subdivision traffic must proceed via the collector/arterial road that is Dorsey Avenue, which itself connects directly to the arterials Greenbag Road and University Avenue.

3) CITY & COUNTY WELL-BEING

that the city and county co-operate to annex and zone the development project and surrounds, thereby providing the city a major new revenue stream that with deliberate financing may be used to purchase greenbelts adjacent to the existing neighborhoods to help preserve the local ecology, the environment and wildlife, and to lessen the damage done to Morgantown's status as a green and healthy and livable city.

SUMMARY OF IMPERATIVES

In regard to the massive new development project, the key priorities and imperatives of the several

neighborhoods are for the local ecology, for neighborhood safety and neighborhood quality of life, and for city and county well-being. It is the emphatic and carefully considered view of the several neighborhoods that these imperatives must be addressed 1) by public purchase and stewardship of as much of the development land as possible; 2) by annexation and zoning of the greater development area; 3) and by the responsible management of traffic, i.e., a prohibition against access to South Park, South Hills, and Southpoint via any road but the collector/arterial road that is Dorsey Avenue with its direct connections to larger arterials.

NEIGHBORHOOD IMPERATIVES ALIGNED WITH MORGANTOWN COMPREHENSIVE PLAN

The Morgantown Comprehensive Plan's "core elements [of] Land Management, Transportation, Environment, Neighborhoods and Housing, Community Facilities and Services, and Economic Development" are met here by the several neighborhoods' efforts to forge collaboration between the public and the city and county governments and business interests; and by the neighborhoods' advocacy of protecting the environment, wildlife, and green space; and by the neighborhoods' advocacy of proper, safe, and livable traffic management, as well as by the neighborhoods' equally strong advocacy of annexation, which enables zoning with its many benefits for new and existing housing and land management, and which will improve city finances for attending to local social needs, including ecological health, recreational opportunities, preservation of open space, quality infrastructure, expanded social services, and much more.

William Wasson
Pres. South Point Neighbors Association

Paul B. Stal
Pres. South Park Association Neighbors

Dave Harschbraeger
South Hills Association
I recognize this is private
land in the county w/ limited
restrictions, but hope legally
do what is best for the
city.

**Attention to the Citizens of Morgantown and the
City Council**

I am here tonight to make you aware of an application I made for an accessory dwelling, which was administratively denied by the Planning Department and the City Planner who is only the member of the Planning Department. This has now left me no other opportunity but to make an appeal to the BZA.

There was a brand new accessory dwelling built only 120 ft. from my house. It was built by only obtaining a building permit and nothing else was required. After much thought about this I decided to apply for my own permit to improve my already existing pre-Civil War home with its own accessory dwelling for an existing kitchen and guesthouse. I would love to improve upon this amazing building by adding modern heating and cooling, to improve the kitchen, and add a bath with modern plumbing. It is important to note that the Alexander Wade House is a National Landmark and is an important historical structure that deserves consideration of this important project (our home is located at 256 Prairie Ave. and the other home is 200 Prairie Ave.

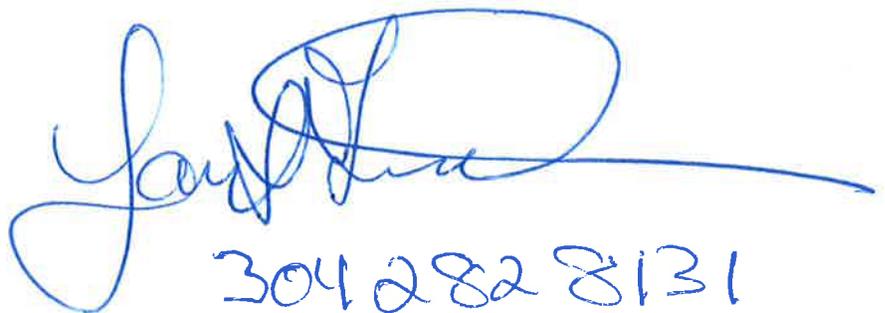
The other party was simply awarded a permit and built, as they wanted. Even though, this was a non-conforming dwelling in a B4 District not a residential one. Whereas, I have been required to pay legal fees, spend time and energy, and to bear the burden of proof when I cannot get the same rights and privileges as my neighbor (only 120 ft. away).

I have now been coming to the City Council since June 2014 requesting help for myself and my neighbors on the problem created by the City Planner by allowing a permit to be issued for an expansion of a non-conforming use. Under the Morgantown Zoning Ordinance all non-conforming uses

which want to be increased have to go before the BZA for approval. I have spent a lot of time and energy to do the right thing by and for the community. I am here tonight to let the City Council and the public know about a meeting being held on October 12, 2015 at 6:30 pm to appeal the City Planner's administrative decision before the BZA for an accessory dwelling use.

Accessory dwellings exist all around the U.S. and most feel they improve our communities. The American Planning Association and the AARP are supporters of these dwellings (please see hand outs.) *Filed in Archives Visit*

It is very important to me that the public is aware of this meeting as it affects all of us. There has been very little notice informing citizens of this meeting. So tonight I want to bring this issue to your attention. It is time for favoritism and incompetence to end, and for everyone to have an equal voice no matter how much money, connections, or power they have. I have gone to extremes to bring this issue to the city's attention. I beg you to ensure that all citizens have equal opportunity to enjoy their homes.

A handwritten signature in blue ink, appearing to read 'Alex Jewel', with a large, stylized flourish extending to the right.

304 282 8131

alexjewel@

comcast.net.