Office of the City Clerk

The City of Morgantown

Linda L. Tucker, CMC
389 Spruce Street, Room 10
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
ltucker@morgantownwv.gov

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

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE TO THE FLAG**

4. **APPROVAL OF MINUTES:** **Special Meeting and Regular Meeting May 17, 2016.**

5. **CORRESPONDENCE:** **Proclamation-High Point Motocross National Weekend**

6. **PUBLIC HEARINGS:**

   A. **AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.**

   B. **AN ORDINANCE AMENDING THE FY 2015-2016 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.**

   C. **AN ORDINANCE AMENDING ARTICLE 145 AND SECTIONS 1387.01 AND 1387.02 OF THE CITY CODE RELATING TO THE MORGANTOWN PLANNING COMMISSION.**

7. **UNFINISHED BUSINESS:**

   A. Consideration of **APPROVAL** of **(SECOND READING)** and **(ADOPTION)** of **AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE**

SAME APPLIES TO THE COAL SEVERANCE FUND. (First reading May 17, 2016)

B. Consideration of **APPROVAL** of **(SECOND READING)** and **(ADOPTION)** of **AN ORDINANCE AMENDING THE FY 2015-2016 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 May 17, 2016)**

C. Consideration of **APPROVAL** of **(SECOND READING)** and **(ADOPTION)** of **AN ORDINANCE AMENDING ARTICLE 145 AND SECTIONS 1387.01 AND 1387.02 OF THE CITY CODE RELATING TO THE MORGANTOWN PLANNING COMMISSION. (Tabled May 3, 2016) (First reading May 17, 2016)**

D. 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 ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2016-2017.**

B. Consideration of **APPROVAL** of **(FIRST READING)** of **AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3(B) (SHIFT DIFFERENTIAL), III-4 (HAZARDOUS DUTY PAY), AND III-5 (SPECIAL SUPERVISION DIFFERENTIAL) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS WITHIN EACH.**

C. Consideration of **APPROVAL** of **(FIRST READING)** of **AN ORDINANCE AMENDING ARTICLES 1329.02, 1369.07, AND 1369.11 OF THE PLANNING AND ZONING CODE AS THEY RELATE TO WALL SIGNS.**

D. Consideration of **APPROVAL** of **(FIRST READING)** of **AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLM PROPERTIES, INC. TO LIST**

RENTAL SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

E. Consideration of **APPROVAL** of **(FIRST READING)** of **AN ORDINANCE AMENDING CITY CODE SECTION 155.03 PROVIDING FOR THE COMPOSITION AND MEMBERSHIP OF THE PARKING AUTHORITY.**

F. Consideration of **APPROVAL** of **A RESOLUTION AUTHORIZING AGREEMENT WITH D.O.H. FOR PLACEMENT OF NETWORK FACILITIES IN RIGHTS-OF WAY.**

G. Consideration of **APPROVAL** of **A RESOLUTION THAT THE CITY WILL HEREBY SET FORTH A PUBLIC HEARING REGARDING CREATION OF THE CITY OF MORGANTOWN DEVELOPMENT FUND DISTRICT NO. 5 AND APPROVAL OF A PROJECT PLAN FOR UPPER FALLING RUN PROJECT NO. 1 AND ISSUANCE OF TAX INCREMENT FINANCING OBLIGATIONS.**

H. Consideration of **APPROVAL** of **A RESOLUTION APPROVING THE BUDGET FOR THE AIRPORT FOR THE FISCAL YEAR 2016-17.**

11. CITY MANAGER'S REPORT:

New Business:

1. **Match for Deckers Creek Rail-Trail Grant**

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

Office of the City Manager

The City of Morgantown

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

Thursday, June 02, 2016

City Manager's Report for City Council Meeting on June 7, 2016

New Business:

1. **Match for Deckers Creek Rail-Trail Grant**
   Monongalia County Rail Trail Conservancy (MRTC) was awarded a grant to add lighting to the trail under pass below University Avenue, and one or two pole lights along the Deckers Creek trail. It will also add trail amenity directional signage in the same location. The Department of Highways grant of $34,320 needs to be matched with $8,580 to complete the project, and the original match funding is no longer available. I recommend the City Council allocate $8,580 from Capital Escrow contingency to complete this trail project.

   The City has a long and successful history with MRTC and working with them to complete trail projects within the City. We are currently matching two other MRTC grants totaling $60,000 that will be under construction soon.

Jeff Mikorski ICMA-CM,
Morgantown City Manager

SPECIAL MEETING May 17, 2016:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, May 17, 2016 at 5:50 p.m.

PRESENT: Mayor Marti Shamberger, Deputy Mayor Bill Kawecki and Council Members, Ron Bane, Wes Nugent, Jenny Selin, Jay Redmond, Nancy Ganz and City Clerk Linda Tucker were present.

The meeting was called to order by Mayor Shamberger.

INTERVIEWS TO VACANCIES ON THE MORGANTOWN ICC APPEAL BOARD AND MET THEATRE COMMISSION:

Questions were posed to the following candidates from Council:

Jim Pompili- Builder-ICC Appeal Board
Rick McEwuen-Met
Joshua Williamson-Met
Tina Tallaksen-Met
Kacy Weidebush-Met

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) motion by Selin, second by Ganz, to go into executive session in order to discuss personnel matters. Present: Council. Time: 7:01 p.m.

ADJOURNMENT:

There being no further business, Council adjourned the Special Meeting at 7:06 p.m.

City Clerk

Mayor

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

REGULAR MEETING May 17, 2016: The Regular Meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, May 17, 2016 at 7:10 p.m.

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

The meeting was called to order by Mayor Shamberger.

APPROVAL OF MINUTES: The following minutes were approved by acclamation: May 3, 2016 and COW Meeting April 26, 2016 approved with a minor amendment.

CORRESPONDENCE: No Correspondence.

The Mayor declared this Public Hearing open.

PUBLIC HEARING - AN ORDINANCE VACATING, ABANDONING, AND ANNULLING A PORTION OF FIFTH STREET MEASURING APPROXIMATELY FORTY (40) FEET IN WIDTH AND APPROXIMATELY ONE HUNDRED (100) FEET IN LENGTH LOCATED AND SITUATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA.

Dave Biafora, 6200 Mid Atlantic Drive, commented that there is conflicting information given to contractors on these annulments. He noted that City Administration develops these forms and Council is given the wrong information. He suggested a moratorium on everything until this Council could resolve these problems.

James Giuliani, 256 Prairie Avenue, referenced the City of Morgantown Annulment Application and stated that Standard was never told they had to fill the application out for Wall Street. He pointed out instructions from the application and commented that the ordinance should not be passed under these conditions. **(Exhibit A)**

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

PUBLIC HEARING - AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH M.T. POCKETS THEATRE, INC. FOR SPACE AT THE WOODBURN SCHOOL SITE.

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

PUBLIC HEARING - AN ORDINANCE DESIGNATING A STREET IN THIRD WARD AS JUNCTION STREET.

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

UNFINISHED BUSINESS:

AN ORDINANCE ANNULLING A PORTION OF FIFTH STREET IN THE FOURTH WARD: The below entitled Ordinance was presented for second reading.

AN ORDINANCE VACATING, ABANDONING, AND ANNULLING A PORTION OF FIFTH STREET MEASURING APPROXIMATELY FORTY (40) FEET IN WIDTH AND

APPROXIMATELY ONE HUNDRED (100) FEET IN LENGTH LOCATED AND SITUATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA.

After explanation by City Attorney and comments from Council. Selin and Kawecki rescinded their motion. Motion by Nugent, second by Redmond to table the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH M.T. POCKETS: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH M.T. POCKETS THEATRE, INC. FOR SPACE AT THE WOODBURN SCHOOL SITE.

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

AN ORDINANCE DESIGNATING A STREET IN THIRD WARD AS JUNCTION STREET: The below entitled Ordinance was presented for second reading.

AN ORDINANCE DESIGNATING A STREET IN THIRD WARD AS JUNCTION STREET.

After discussion, motion by Selin, second by Kawecki, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 145 AND SECTIONS 1387.01 AND 1387.02 OF THE CITY CODE RELATING TO THE MORGANTOWN PLANNING COMMISSION: The below entitled Ordinance was presented for first reading and was tabled.

AN ORDINANCE AMENDING ARTICLE 145 AND SECTIONS 1387.01 AND 1387.02 OF THE CITY CODE RELATING TO THE MORGANTOWN PLANNING COMMISSION.

Motion by Selin, second by Kawecki to take Ordinance from the table. City Manager, Jeff Mikorski explained ordinance and City Attorney, Ryan Simonton gave legal direction. Motion by Kawecki to amend ordinance under Section 1387.01(A) (1) adding the Morgantown Planning Commission shall consist of one representative from each ward. Question called, motion carried 7-0.

Motion by Nugent, second by Selin to amend ordinance under Section 1387.01(A) (1) adding to the Morgantown Planning Commission that no more than two from each ward be representative. After discussion, motion carried, 5-2. (Kawecki & Ganz voting No)

After discussion, vote was taken on the main motion. Motion carried 6-1. (Bane voted No)

BOARDS AND COMMISSIONS: Council by acclamation appointed Jim Pompili to the ICC Appeal Board and Rick McEwuen, Joshua Williamson, Tina Tallaksen and Kacy Weidebush to the Met Theatre Board. Councilor Nugent gave an update on the Parking Authority a stated that the authority will be making some Code changes and will update Council as they proceed.

PUBLIC PORTION:

Mayor Shamberger declared the Public Portion open.

Dave Biafora, 6200 Mid Atlantic Drive, commented that this Council and City Administration are sending out different signals to contractors and the community on these outdated City Codes. He suggested that Council have a moratorium on all ordinances until this conflicting information can be addressed.

James Giuliani, 256 Prairie Avenue, stated that he was very disappointed in Council, Administration, and the decision they have been making for the City. He referenced form **(Exhibit B)** COM-105 "City of Morgantown Application" and noted that no permanent structures can be built on the annulled area and the City does retain the right to open the annulled right-of-way for public use. He mentioned that he was raised as a child to do what was right and this Council is creating doubt and deception with their procedures. Mayor Shamberger asked that Mr. Giuliani please leave the Chambers for violating Council rules for public comment.

Ken Downey, 417 Linden Street, requested Council to review the Urban Agriculture Ordinance because there are twelve ducks and four chickens in his neighborhood. He stated this issue needs to be addressed by Council right away due to the smell, and there are too many farm animals at that location.

Joe Yip, 1389 University Avenue, stated that Wall Street is not a dead end street.

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

SPECIAL COMMITTEE REPORTS: Councilor Nugent reported that there would be a discussion about the University Corridor at the MPO Meeting on Thursday May 19, 2016 at 9 p.m. in Council Chambers.

NEW BUSINESS:

AN ORDINANCE AMENDING THE FY 2015-2016 BUDGET COAL SEVERANCE FUND: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

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

AN ORDINANCE AMENDING THE FY 2015-2016 BUDGET GENERAL FUND: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE FY 2015-2016 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.

City Manager explained, after discussion, motion by Kawecki, second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

A RESOLUTION AUTHORIZING CITY MANAGER TO ACT ON BEHALF OF THE CITY INTO AGREEMENT WITH THE WEST VIRGINIA DIVISION OF MOTOR VEHICLES TO ADMINISTER GRANT FUNDS : The above entitled Resolution was presented for Council's approval.

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

A RESOLUTION ESTABLISHING GARRETT STREET AS THE HONORARY GENE ARDEN VANCE JR. MEMORIAL DRIVE: The above entitled Resolution was presented for Council's approval.

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

CITY MANAGERS REPORT: (Exhibit C)

New Business:

1. **2016 Bid Approval for Paving City Streets**
   As seen in the attached memo from Damien Davis, Public Works Director and City Engineer, advertisements for the installation of asphalt bids received three bidders. City Manager Jeff Mikorski agrees with the City Engineer's analysis and recommends approving the low bidder, Parrotta Paving Co. for $675,743.00. The Total cost with Greer's bid on the asphalt ($792,800) is $1,468,543 more. Additional streets on the contingency list will be added to the paving contract, as funding is available.

   Motion by Selin, second by Kawecki to suspend the rules and have Damien Davis explain the bids and find out answers from Council. Motion carried 6-1. (Ron Bane voting no)

2. **Honorary City Street Naming Protocol**
   With the request for an honorary City Street name for Sgt. Gene Vance, City Council wanted to have a protocol for the honorary naming of City Streets. Attached is a draft protocol that City Council can modify and/or approve for the procedure for establishing an honorary street name.

   After discussion, motion by Selin, second by Ganz, to vote on protocol with minor amendments. Motion carried 7-0.

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:	Councilor Bane apologized to the citizens about the ducks and chickens at 417 Linden Street. He stated that he has asked the City Manager, Jeff Mikorski the status of the Chicken Ordinance various times and the City needs to move this forward.
Deputy Mayor Kawecki:	No Report.

Councilor Nugent:

Councilor Nugent asked the City Manager, Jeff Mikorski when Council will be receiving monthly financial reports. City Manager, Jeff Mikorski responded saying that Council should receive financial reports in May. He requested an update on the reopening of University Avenue from the City Manager, Jeff Mikorski. City Manager, Jeff Mikorski stated there has been a ROW Permit authorized, flagman will be moving traffic in that area until construction, and paving is completed. He noted seeing a boxed truck with LED panels on all four sides, which could be a traffic hazard. He requested that City Administration explore City Ordinances on how to regulate this type of truck for this could be a concern. He mentioned the Wiles Hill/Highland Neighborhood Meeting being held on May 18th at the Boparc Senior Center and that the City Manager, Jeff Mikorski will be attending. He requested an update on a time line for evaluations for the City Clerk and City Manager. He commented that there has been various statements made about pending litigation and he has heard it enough. He commented that he is willing to place this item on the COW but doubts if Council will approve such item for the agenda.

Councilor Selin:

Councilor Selin noted that Rosie's and Girls Scouts planted Dogwood Trees at the Botanical Garden honoring Rosie the Riveters. She announced that Bike to work day is on May 20th and the Bike Rodeo is at South Middle School on May 22nd. She requested the monies from the Contingency for one time Funds would appreciate funding for ADA Street compliance. She mentioned Council priorities and suggested reviewing Branding as a project for 2016. She appreciates City Staff, Volunteers, and all the work they do for the City. She noted that City Administration has to be proactive and at times is reactive, due to staffing. She

reminded all the City must move forward in a positive way.

Councilor Redmond:

Councilor Redmond shared his frustration with Councilor Bane about the Urban Agriculture Ordinance that Council needs to address this right away. He mentioned the annulment issue and form presented in the packet and stated, "we have stepped in it again". He stated that it is important that the City follow procedures, by not doing so is creating doubt and perception of some impropriety to the community.

Councilor Ganz:

Councilor Ganz stated that she wrote a report and realized it was not appropriate for this evening because it was about thank yous. She noted receiving a thank you from students she helped and citizens that elected her for my vision for the City. She stated that many volunteers got thank yous when the Levies passed for all their hard work. She reported that the City and County are working together with the National Safety Council in making a safe community. She remarked that she received no thank you notes this evening from developers, the people she works with that filed a petition against me along with 25 other residents. Councilor Nugent stated to the Chair, "Point of Order" it is not 25 that is an incorrect statement. He then asked the Chair how long we are going to have to tolerate these comments. Mayor Shamberger gaveled Councilor Nugent out of order. Councilor Nugent argued the fact with the Mayor, and she stated that Councilor Bane was out of order also. Councilor Ganz mentioned Senate Bill 267 passed by the Legislature will change the paradigm of this issue so that it will never happen again. Councilor Nugent interrupted stating that Councilor Ganz is wrong in her comments that it will happen again. Mayor Shamberger summonsed Councilor Nugent that he was out of order and he stated he did not think so, and she should have the Police

escort him from the meeting. He stated the Senate Bill 267 that was passed was not the bill that was presented to the Municipal League. Deputy Mayor Kawecki called for point of order. Mayor Shamberger noted to Councilors Bane and Nugent that they both were out of order this evening. Council Ganz stated that when situations like this occur we have a lost opportunity to work together. She reminded Council that we were elected by the people to build infrastructure, pave roads, encourage volunteers and govern our City. She stated that she has a vision that this Council will one day work together again as a team and not continue this ongoing chipping at each other.

Mayor Shamberger:

Mayor Shamberger commented she had calls from residents in the South Park area about an odor and requested City Manager, Jeff Mikorski to check into this incident. She reminded everyone of the laying of the wreath at the Public Safety Building in honor of our Police at 10 am on 5-18-16. She commended the Police Department on the logistics for the Presidential Candidate Bernie Sanders speaking event. She attended and presented certificates to over 200 International Students and thanked the City Clerk's office for preparing them. She and Deputy Mayor Kawecki were given a tour of the Federal Correctional Institute. She attended Coalition for Community on Homeless dinner and presented Certificates for Eastwood Elementary. She made the following announcements: Community Leadership Forum, 5-18-16; Morgantown Poets, 5-19-16; Story time at Decker's Creek, 5-19-16; Botanic Garden Plant Sale, 5-21-16; Read to Rover, 5-26-16, Botanic Garden Plant Walk, 5-28-16; Gene Vance Memorial Day, 5- 29-16 and on 6-15-16 Partners in Education Celebration at Skyview Elementary. She mentioned that Fire Chief Mark Caravasos was recognized by the Center for Public Safety

Excellence and the Morgantown Police Department will test for Police Officers on 5-21-16. She apologized for losing her temper this evening and stated she feels very much a victim on this issue. She noted that she is reminded daily of the lawsuit and feels it has upset our community and is still not resolved.

ADJOURNMENT: There being no further business, motion by Selin, second by Ganz to adjourn by unanimous consent at 10:10 p.m.

City Clerk

Mayor

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

Exhibit A

Subject: Fwd: Annulment Addition
From: James <alexjewel@comcast.net>
Date: 5/17/2016 4:07 PM
To: Jennifer Johnson <jennifer@paragonwv.com>

Sent from my iPad

Begin forwarded message:

From: "Catherine S. Loeffler" <loefflercs@hh-law.com>
Date: May 13, 2016 at 2:07:50 PM EDT
To: "alexjewel@comcast.net" <alexjewel@comcast.net>, "JRSOMNI@aol.com" <JRSOMNI@aol.com>
Cc: "Samuel H. Simon" <ssimon@hh-law.com>
Subject: Annulment Addition

James,

Attached is a Word document that includes the argument we are going to add to the Objections to the BZA regarding the annulment of Wall Street. Please let us know as soon as you can if this meets with your approval because we need to send the Objections to the BZA today. Please note that this argument may conflict with your plans for the Richwood Development based on your recent e-mails with John.

Thanks,

Catherine

Catherine S. Loeffler
Attorney At Law
HoustonHarbaugh
Three Gateway Center | 22nd Floor
401 Liberty Avenue | Pittsburgh, PA 15222
loefflercs@hh-law.com | (412) 288-2262 | Fax (412) 281-4499 | **hh-law.com**

CONFIDENTIALITY STATEMENT | If you have received this email in error, please notify Houston Harbaugh immediately at administrator@hh-law.com or 412-281-5060 and delete the original message and all copies. Please be aware that if you are not the intended recipient, you are not authorized to keep, use, disclose, copy or distribute this email without the author's prior permission. This message may contain information that is confidential and/or subject to the attorney-client privilege. If you are the intended recipient and you do not wish to receive electronic messages from us in the future which contain information that is confidential and/or subject to the attorney-client privilege, then please respond to the sender to this effect. Thank you.

H. Regarding the pending annulment of Wall Street, The Standard cannot build the Project, a permanent structure, on an annulled area pursuant to the City's requirements to obtain a street annulment.

Currently pending is the annulment of a dead-end street, known as Wall Street, by the Morgantown City Council. Wall Street runs directly through the Project site between University Avenue and the CSX right-of-way, but it is owned by the City. The Contractor wants Wall Street annulled and the street demolished in order to erect the Project on the Site. An annulment is a public process that requires input from local citizens and interested parties through documentation and hearings. The annulment was conditionally approved by City Council, pending subsequent approvals by the Planning Commission and the BZA.

In order to request an annulment, a party must complete a Street Annulment Application (the "Annulment Application"), which can be found on the City of Morgantown's website. The first page of the Annulment Application is titled "Conditions and Instructions for Annulment" and proceeds to set forth a list of requirements in order to have the street annulled. Section (h) states in relevant part: "No permanent structures can be built on the annulled area." As a corollary, Section (i) states: "The city does retain the right to open the annulled right-of-way for public use at such a point in time as deemed necessary." Finally, the last paragraph of the Instructions states the following: "Permanent Release Annulment requires all of the above [which includes Sections (h) and (i)] plus letters from each utility company stating that they have no need and will not need the right-of-way at any point in the future."

Thus, pursuant to the City's own requirements for requesting a street annulment, The Standard cannot build a massive apartment complex, which is unquestionably a permanent structure, on an annulled area. Otherwise, the City would not be able to re-open the annulled area for public use at some point in the future. Therefore, the Project must be rejected.

Attachments:

Annullment Addition to Objections to BZA (H1212957x9CF62).doc 25.0 KB

Exhibit B

City of Morgantown Annulment Application

Form: COM-105

Conditions and Instructions for Annulment

1. It is recommended that the applicant consult with the city engineer to review the possibility of annulment.

Some considerations for annulment are:

a. Must not land lock any properties;
b. Requires Plat/s of Survey;
c. Requires signature of ALL adjacent property owners;
d. Signatures must be notarized;
e. $100.00 fee for annulment;
f. Requires approval of the City Engineer and City Council;
g. Permanent Right-of-Way will be maintained;
h. No permanent structures can be built on the annulled area. If utilities do or do not exist within the right-of-way, the annulment ordinance retains a permanent Right-of-Way.
i. The city does retain the right to open the annulled right-of-way for public use at such a point in time as deemed necessary.

2. Applicant must apply for annulment at the office of the City Engineer. Forms available at the office of the city engineer.
3. The applicant must have a survey plat showing the property lines and the area to be considered for annulment must be submitted at the time of application.
4. A non-refundable fee of $100.00 is required with the application.
5. The city attorney will prepare a draft ordinance for the annulment which will go before the Committee of the Whole (meets last Tuesday of each month).
6. Upon release from the Committee of the Whole, the ordinance must be read and approved by City Council (meets on 1st and 3rd Tuesdays of each month).
7. The ordinance must be read and approved at two city council meetings.
8. Once final approval by city council is granted, the ordinance must be submitted to the city clerk for recording and copied to the city engineer.
9. The annulment must also be recorded at the court house.

Permanent Release Annulment requires all of the above plus letters from each utility company stating that they have no need and will not need the right-of-way at any point in the future. The letters need to be signed by an authorized company representative for each utility and must be submitted with the application for annulment.

THIS AGREEMENT made this _____ day of _____, 20_, by and between:

ENTER PARTIES

Parties of the first part, grantors, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, part of the second part, grantee.

WITNESSETH

THAT WHEREAS, the grantors are the owners of the following lots and parcels of land, situate in the _____ Ward of the City of Morgantown, Morgan District, Monongalia County, West Virginia.

ENTER PARCELS

WHEREAS, the said grantors have petitioned the Common Council of the City of Morgantown for an annulment, has filed this agreement in duplicate and have paid the required fees, the street to be annulled being:

ENTER STREET DESCRIPTION

WHEREAS, it appears that said street is not used nor useful as a public way within the City of Morgantown, West Virginia, and is not necessary for public uses and purposes, and that the rights of the public will not be prejudiced by such an annulment, that the property of no person will be injured by the same, and that such annulment will promote public interest; and,

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the sum of One Dollar ($1.00) cash in hand paid by each of the parties hereto to the other, and other good and valuable considerations, including the annulment of said street, the conveyance of the easements and rights of way hereinafter described, and the release and quit clam for street purposes, the parties hereto mutually covenant and agree as follows:

1. The grantors grant and conveys unto the grantee, the City of Morgantown, West Virginia, a municipal corporation, its successor municipalities or assigns, a perpetual easement and right of way for the purpose of laying, relaying, constructing, maintaining, and inspecting, storm and sanitary sewers therein or thereon with the right to make surveys and construct and maintain manholes as may be necessary or proper in, on, or through said part of said annulled public way and said grantors do also grant and convey a perpetual right of way and easement for such utility installations including gas and water mains and electric and telephone transmission lines, as shall in the judgment of said grantee, its successor municipalities or assigns, be necessary or proper for public uses and purposes in, on, over, under and through said part of said public

way so vacated abandoned and annulled. The easements and rights of ways so granted and conveyed shall be _____ feet in width and located:

ENTER DESCRIPTION

2. It is stipulated and agreed between the parties hereto that the City of Morgantown, its successor municipalities or assigns, shall not be liable for any damages in the use of said easements and rights of way, or in the construction or maintenance of any facilities hereinabove described in, on, under, and through the easements and rights of way so granted and conveyed.

3. A map or plat showing the part of the public way so vacated, abandoned, and annulled is attached to this agreement as a part hereof and to be recorded herewith.

4. For the considerations aforesaid the said grantee, The City of Morgantown, West Virginia, hereby releases and quit claims, unto the said grantors their heirs, personal representatives and assigns, all of its easements and rights of way for street purposes in said annulled public way subject to the easements and rights of ways hereinbefore granted for sewer and public utility purposes so that the said grantors shall have that moiety or part of said public way so vacated, abandoned, and annulled which is adjacent to his/their property for his/their full use and enjoyment in fee simple, except to said sewer and public utility easements and rights of way.

5. The parties hereto further covenant and agree as follows:

ENTER DESCRIPTION

WITNESS the following signatures and seals:

_____(SEAL)

_____(SEAL)

_____(SEAL)

_____(SEAL)

THE CITY OF MORGANTOWN, WEST VIRGINIA, a municipal corporation

By:_____
City Manager

ATTEST:

_____
City Clerk

STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for the County and State aforesaid do certify that _____, who signed the foregoing writing bearing date the _____ day of _____, 200___, for _____, a corporation, has this day in my said County before me acknowledged the said writing to be the act and deed of said corporation.

Given under my hand and notarial seal this _____ day of _____, 20____.

My commission expires _____.

_____
Notary Public

Exhibit C

The City of Morgantown

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

Office of the City Manager

Thursday, May 12, 2016

City Manager's Report for City Council Meeting on May 17, 2016

New Business:

1. **2016 Bid Approval for Paving City Streets**
   As seen in the attached memo from Damien Davis, Public Works Director and City Engineer, advertisements for the installation of asphalt bids received three bidders. I agree with the City Engineer's analysis and recommend approving the low bidder, Parrotta Paving Co. for $675,743.00. The Total cost with Greer's bid on the asphalt ($792,800) is $1,468,543. Additional streets on the contingency list will be added to the paving contract as funding is available.

2. **Honorary City Street Naming Protocol**
   With the request for an honorary City street name for Sgt. Gene Vance, City Council wanted to have a protocol for the honorary naming of City Streets. Attached is a draft protocol that City Council can modify and/or approve for the procedure for establishing an honorary street name.

Jeff Mikorski ICMA-CM,
Morgantown City Manager

Memo
City of Morgantown
Public Works Department

To: Jeff Mikorski, City Manager

From: J. Damien Davis, Public Works Director and City Engineer

Subject: Street Paving Project – Bid Call 2016-06

Date: May 12, 2016

Bids were opened at 10:00am on May 12, 2016. The results are as follows:

CONTRACTOR	COST
Parrotta Paving Co.	$675,743.00
Dodd General Contractors	$1,117,530.66
Mountaineer Contractors, Inc.	$1,366,640.00

Engineering has reviewed the submitted bid for completeness and adherence to the Bid Call requirement. I recommend award to Parrotta Paving Co.

Morgantown City Council Honorary Street Naming Protocol

Council Policy:

The City of Morgantown will take applications for naming City Streets in honor of individuals that either had a significant linage to the City or had a significant cultural, historical, or humanitarian impact on the City. The requested location for the honorary street designation should have a geographical relationship to the honoree (i.e. honoree lived or worked at the location requested for recognition). A maximum of two honorary street names will be designated each year.

Protocol:

- Individuals or groups wishing to propose honorary street name designation will complete the application form and sign fee, and submit it to the City Manager's Office for review. Individual letters of support are encouraged and should be attached to the application.
- If the application is complete, City Manager will include application on a City Council Committee of the Whole meeting agenda for Council for review.
- If there is unanimous support within Council for the request, the request will be forwarded to an upcoming Regular City Council meeting as a resolution.
- Upon approval by City Council, the Public Works Department will be tasked with creating an honorary Street Sign that will be placed along the designated City Street.
- Signs will be double-sided, brown with white lettering identifying the honoree and year of designation.
- Designation signage will be limited to one sign. In addition to the signs required at the designation location, up to four commemorative signs can be provided to applicant.
- Honorary street designation ceremonies can be planned by the requestor by obtaining a Special Event Permit from the City Manager's Office.
- City will maintain a map of honorary streets on the City's web page with information about the honoree.

Office of the City Manager

The City of Morgantown

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

Honorary Street Naming Application

Applicant Information:

Date of submission: _____

Applicant's Name: _____

Organization/Company: _____

Street Address: _____

Telephone Number: _____

E-mail Address: _____

4. Honorary Street Name Request:

Name of Honoree: _____

Location: _____

Intersecting streets at each end of the one-block length:

_____

5. Criteria (additional pages, and letters of support must be attached):
Please provide a detailed explanation of the criteria that applies to the honoree.

- Cultural Impact on the City:

_____

_____

_____

_____

- Historical Impact on the City:

_____

_____

_____

_____

- Humanitarian Impact on the City:

_____

_____

_____

_____

- Significant Lineage to the City:

_____

_____

_____

_____

6. Geographic Location:
   Please provide a detailed explanation of the relationship between the requested honorary street location and the honoree's impact on the City.

   _____

   _____

   _____

   _____

7. Signature of Applicant:

   _____ _____
   Signature Date

Submit application to:
Morgantown City Manager
389 Spruce Street
Morgantown, WV 26505

Boards & Commissions Available Positions

Board/Commission	Vacancy/Term	Name of Applicants	Res./Non Res.	Ward	Code Sec.	Other
Human Rights Commission	5	**Advertising**	Resident		153	**Special Meeting**
Museum Commission	1	**Charlie Byrer**	Resident		168	**Special Meeting**
Parking Authority	1	**Advertising**	Resident		155	**Special Meeting**
Sister Cities	2	**Advertising**	Resident		172.02	**Special Meeting**
Traffic Commission	4	**Advertising**	Resident	1,5,6	151	**At Large Vacancy**
						Special Meeting
Urban Landscape will be updated 1st of the year, per Marchetta Maupin. (Code Sec.163)						

Will be set up for interviews once bios are received.

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.

5/31/2016

ARTICLE 153
Human Rights

153.01 Declaration of policy.
153.02 Definitions.
153.03 City Human Rights Commission established.
153.04 Composition and membership.
153.05 Officers.
153.06 Meetings, bylaws and rules.
153.07 Commission status and objectives.
153.08 Powers; functions; services.
153.09 Complaints; procedures.

CROSS REFERENCES

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

153.01 DECLARATION OF POLICY.

In order to build an inclusive community, the City will dedicate deliberate and continuous attention to the human relations and human rights of its residents and visitors.

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

The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness, handicap or familial status is contrary to the principles of freedom and quality of opportunity and is destructive to a free and democratic society.

This City policy is based on the recognition and vision that the diversity found in our city brings forth richness in our community, a greater understanding of our world, a multitude of talent to benefit collective needs, and an opportunity for enhanced living and learning for all. Inherent in this policy is a commitment to encourage and endeavor to bring about equal opportunity, mutual understanding and respect for persons of all ages, abilities, ancestry, blindness, color, disability or handicap, ethnicities, familial status, national origins, sex, sexual orientations, races, religion and other backgrounds or orientations.
(Ord. 12-34. Passed 7-17-12.)

153.02 DEFINITIONS.

When used in this article:

(a) "Person" means one or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons.

(b) "Commission" means the Human Rights Commission of the City.

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

(d) "Discriminate" or "discrimination" means to exclude from, or fail or refuse to extend to, a person equal opportunities in employment, public accommodations, housing, or other real property transactions because of race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation or familial status. Discriminate includes to separate or segregate based on any of these characteristics.

(e) "Race, religion, color, national origin, ancestry, sex, age, blindness, handicap or disability, and familial status" are defined herein to be equivalent to the definitions in the West Virginia Human Rights Act, Code 5-11-3.

(f) "Sexual orientation" means having a preference for heterosexuality, homosexuality, being transgendered, or bisexuality, having a history of such preference or being identified with such preference.

(g) "National League of Cities" means the National League of Cities and its various institutes and programs which relate to diversity in municipal populations throughout the United States and to efforts to support development of more equitable and sustainable communities.

(h) "Neighborhood Coordinating Council" means the inter-neighborhood entity established by the City in 2005 to facilitate information exchange between the City administration and neighborhoods and among neighborhood organizations within the City.

(i) "Sister City Program" means a national intercultural exchange program established in 1956 to promote global cooperation and intercultural understanding at the municipal level; stimulate connections, competitiveness and collaboration as well as development in a global market; and support citizen diplomacy on the part of individuals of all ages. The City of Morgantown has established a Sister Cities Commission to support its Sister City relationships established since 1978.

(j) "Martin Luther King Day" celebrations means special observances related to the national holiday to celebrate respect for individuals of all backgrounds and origin.

(k) "Teen Court" program means the Teen Court Program established by resolution August 2007.

(l) "Youth Commission" means the Youth Commission of the City established by ordinance. (Ord. 12-34. Passed 7-17-12.)

153.03 CITY HUMAN RIGHTS COMMISSION ESTABLISHED.

There is hereby established in the City a Human Rights Commission.
(Ord. 12-34. Passed 7-17-12.)

153.04 COMPOSITION AND MEMBERSHIP.

The Human Rights Commission shall consist of seven members to be appointed by City Council. The members shall be residents of and in the City. The Commission may appoint, with the approval of City Council, ex-officio members who shall have the privilege of participation without the right to vote.

Commissioners shall serve for two-year terms beginning with the first meeting after the beginning of the municipal fiscal year. Four of the first seven members shall be appointed to serve terms of two years, while three shall be appointed to serve terms of one year. Thereafter, terms of office for all commissioners will be staggered with two-year terms. Members may be reappointed to subsequent two-year terms.
(Ord. 12-34. Passed 7-17-12.)

153.05 OFFICERS.

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

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

(c) Fiscal Responsibilities: The Human Rights Commission shall not have the authority to maintain any independent banking or other financial account. Any such account, if requested, shall be maintained by the City Manager.
(Ord. 12-34. Passed 7-17-12.)

153.06 MEETINGS, BYLAWS AND RULES.

The Human Rights Commission shall meet as often as is deemed necessary by its members, upon call of the chairman. The Commission shall adopt its own bylaws and rules, subject only to the action of Council.
(Ord. 12-34. Passed 7-17-12.)

153.07 COMMISSION STATUS AND OBJECTIVES.

The Commission shall encourage and endeavor to bring about mutual understanding and respect among all racial, religious and ethnic groups within the City; and shall strive to eliminate all discrimination in employment and places of public accommodations by virtue of race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation or disability, and shall strive to eliminate all discrimination in the sale, purchase, lease, rental or financing of housing and other real property by virtue of race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation or disability.

In addition, the purpose of the Commission shall be to:

(a) Work to make Morgantown an inclusive city.

(b) Collaborate with the National League of Cities, West Virginia University, Monongalia County Commission and other partners as appropriate to encourage leadership in helping attain inclusivity in the City and its larger community.

(c) Assess needs and identify barriers towards becoming a more inclusive community. Establish goals and objectives for sustaining welcoming environments, enhancing global awareness, and promoting optimum opportunities for supporting safe housing and thriving people.

(d) Support as well as plan, publicize, implement, and evaluate programs, services and activities which promote appreciation for all peoples and the personal worth of every individual.

(e) Enlist the cooperation of civic, community, corporate, educational, ethnic, health care, labor, racial, religious, social justice or other identifiable groups of the City in programs and services devoted to the advancement of tolerance, communication and understanding, and equal protection of the laws of all groups and people.

(Ord. 12-34. Passed 7-17-12.)

153.08 POWERS; FUNCTIONS; SERVICES.

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

The Commission is hereby authorized and empowered:

(a) To cooperate and work with federal, state and local government officers, units, activities and agencies in the promotion and attainment of more harmonious understanding and greater equality of rights between and among all racial religious and ethnic groups in this City.

(b) To enlist the cooperation of racial, religious and ethnic units, community and civic organizations, industrial and labor organizations and other identifiable groups of the City in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws of all groups and people.

(c) To hold and conduct public hearings or meetings relating to any and all types of discrimination. These hearings shall be of a non-adjudicatory nature and shall not constitute investigations or adjudication of individual complaints regarding unlawful discrimination under the West Virginia Human Rights Act 5-11-1 et. seq.

(d) To refer any individual or group complaint regarding alleged acts of unlawful discrimination to the West Virginia Human Rights Commission for investigation and adjudication.

(e) To recommend to Council policies, procedures, practices and legislation in matters and questions affecting human rights. Study problems and needs related to inclusivity in the City and make specific recommendations to the City Manager and to the City Council and other partners as pertinent.

(f) To prepare a written report on its work, functions and services for each year ending on June 30 and to deliver copies thereof to Council on or before December 1 next thereafter.

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

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

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

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

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

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

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

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

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

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

(Ord. 12-34. Passed 7-17-12.)

153.09 COMPLAINTS; PROCEDURES.

The Commission shall inform any individual claiming to be aggrieved by an alleged unlawful discriminatory practice under West Virginia Human Rights Act 5-11-9 that the Commission does not have the power to accept formal complaints of illegal practices. Any individual claiming to be so aggrieved shall be referred to the West Virginia Human Rights Commission for investigation and adjudication of the complaint.
(Ord. 12-34. Passed 7-17-12.)

ARTICLE 168
Museum Commission

168.01 Established.
168.02 Members.
168.03 Officers.
168.04 Meetings.
168.05 Voting.
168.06 Compensation and reimbursement for expenses.
168.07 Appropriation of funds.
168.08 Powers and duties.
168.09 Cooperation with State agencies.
168.10 Annual report.

CROSS REFERENCES
Authority to establish - see W. Va. Code 8-12-5(38)
Museum commissions - see W. Va. Code 7-11A-1 et seq.

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

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

Two members - 5 years
Two members - 4 years
Two members - 3 years
Two members - 2 years
Two members - 1 year.

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

168.03 OFFICERS.
The Commission shall select from its own membership a chairperson, vice-chairperson and secretary. (Ord. 05-06. Passed 3-15-05.)

168.04 MEETINGS.

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

168.05 VOTING.

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

168.06 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.

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

168.07 APPROPRIATION OF FUNDS.

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

168.08 POWERS AND DUTIES.

It shall be the duty of the Commission to advise and recommend to the City Manager and/or City Council museum programs or projects within the City's corporate limits.

The Commission shall not have the authority to contractually bind the City on any matter.

Should the Commission so desire, it has the authority to recommend to City Council that a specific admission fee be approved by Council for entrance into a designated museum of the City. (Ord. 05-06. Passed 3-15-05.)

168.09 COOPERATION WITH STATE AGENCIES.

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

168.10 ANNUAL REPORT.

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

ARTICLE 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.)

AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

The City of Morgantown hereby ordains:

That the FY 2015-2016 Annual Budget of the Coal Severance 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)

City of Morgantown
GOVERNMENT ENTITY

389 Spruce Street
STREET OR PO BOX

Morgantown — CITY
26505 — ZIP CODE

CONTROL NUMBER
FY: 2015-2016
Fund: Coal Sev.
Rev. No: 2
Pg. of No.: 1 of 1

Municipality
Government Type

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

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
310	Coal Severance Tax	100,000		30,000	70,000
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) -30,000

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*	12,329		2,500	9,829
444	Contributions / Transfers to Other Funds	120,000		27,500	92,500
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures -30,000

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

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

AN ORDINANCE AMENDING THE FY 2015-2016 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 2015-2016 Annual Budget of the General Fund of the City of Morgantown is amended as shown in the Request for Revision to Approved Budget (Revision 05) attached hereto and made a part of this ordinance.

First Reading:

_____

Adopted: Mayor

Filed:

_____

Recorded: City Clerk

City of Morgantown
Finance Department
389 Spruce Street
Morgantown, WV 26505
Phone (304) 284-7407/Fax 7418
jgoff@morgantownwv.gov

MEMO

DATE: May 16, 2016

TO: Jeff Mikorski, ICMA-CM, City Manager

FROM: James M. Goff, Finance Director

RE: General Fund Budget Revision 5

Included herewith you will find the proposed ordinance and "Request for Revision to Approved Budget" for the FY2016 General Fund Budget. An explanation of the proposed changes follows:

The adjustments to revenue reflect a net increase from the projected and approved budget through General Fund Budget Revision 4. The net changes are based on actual amounts received to date along with projections of the remaining 1 ½ months of the fiscal year. B&O taxes have increased due to one-time revenues from major construction projects and regular revenues due in large part to the increase in the service tax rate to 1% and due to good collections. Prior Year Taxes and Supplemental Taxes relate to Property Tax Levy collections from previous years. Fire Protection Fee collections have increased as a result of a good collection effort and as a result of reassessed values based on square footage audits. Gas and Oil Severance Tax, Wine and Liquor Tax, IRP Fees, Amusement Tax, Franchise Fees, and Building Permit Fees have all performed better than initially budgeted. Municipal Service Fee estimates have been lowered from $1.17mm to $1.09mm based on 1st quarter collections to date. Hotel Occupancy Tax is tracking slightly lower than projected and was decreased accordingly. And, Contributions from Other Funds was decreased primarily due to lower Coal Severance Taxes received.

The adjustments to expenditures include changes to the Contributions to the Greater Morgantown CVB and BOPARC as a result of expected changes in Hotel/Motel and Amusement Tax revenues specifically dedicated or required to be provided to these organizations. The Contribution to the Capital Escrow Fund has been increased primarily due to the expected increase in one-time B&O revenues. The increase in Police and Fire Department expenses are driven by a proposed 10% increase in the City's Fire and Police Pension contributions for 2016 and additional fire maintenance costs associated with the used fire truck added to the fleet offset by reductions in the police department wages and

capital outlays for equipment resulting from the change in Municipal Service Fee as noted above. Other increases for departments to complete the fiscal year include:

- City Manager Department increase for contract services related to the MET Theatre and application for the TIGER Grant.
- City Attorney Department increase for salaries, employment taxes, benefits and additional outside legal expenses.
- Data Processing (IT) Department increase in the capital outlay for Business Analytics software and contract services for Microsoft 360 licensing.
- Signs and Signal Department increase in electric utilities.

Also proposed is an increase in contingency expense to cover unforeseen future expenses.

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: 2015-2016
Fund: General
Rev. No. 5
Pg. of No. 1 of 3

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 M. Goff
Phone: 304-284-7407
Fax: 304-284-7418

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
305	Business and Occupation Tax	14,266,000	2,900,000		17,166,000
304	Excise Tax on Utilities	990,000		12,000	978,000
301-02-05	Prior Year Taxes	196,000	59,000		255,000
301-06	Supplemental Taxes	35,000	6,000		41,000
303	Gas and Oil Severance Tax	27,000	36,000		63,000
306	Wine & Liquor Tax	800,000	171,000		971,000
NET INCREASE/(DECREASE) Revenues (ALL PAGES)			3,218,397		

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
901	Visitors Bureau	437,500		12,500	425,000
900	Parks & Recreation	1,271,059	750		1,271,809
444	Contributions / Transfers to Other Funds	3,078,100	1,964,800		5,042,900
700	Police Department	7,581,233	52,123		7,633,356
750	Streets and Highways	2,704,219		12,800	2,691,419
415	City Clerk	164,090	7,000		171,090
417	City Attorney	267,018	52,575		319,593
422	Personnel Office	75,658	13,000		88,658
438	Elections		1,005		1,005
439	Data Processing	191,654	52,000		243,654
706	Fire Department	4,766,343	81,213		4,847,556
NET INCREASE/(DECREASE) Expenditures			3,218,397		

APPROVED BY THE STATE AUDITOR

BY:
Deputy State Auditor, Local Government Services Division — Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

REVENUES (CONT) City of Morgantown

LGSD: BR City of Morgantown CONTROL NUMBER 2015-2016 FY General FUND 2 REV #

BUDGET REVISION REQUEST-SUPPLEMENT

ACCOUNT NUMBER	ACCOUNT CATEGORY	PREVIOUSLY APPROVED AMOUNT	INCREASE	DECREASE	REVISED AMOUNT
308	Hotel Occupancy Tax	875,000		25,000	850,000
309	Amusement Tax	5,000	7,000		12,000
328	Franchise Fees	390,000	10,000		400,000
330	IRP Fees (Interstate Registration Plan)	65,000	65,000		130,000
341	Municipal Service Fees	1,170,000		80,000	1,090,000
369	Contributions from other Funds Must Provide Explanation below	317,138		43,603	273,535
352	Fire Protection Fees	3,091,397	60,000		3,151,397
326	Building Permit Fees	160,000	65,000		225,000
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
				NET INCREASE/(DECREASE) Revenues (THIS PAGE)	58,397

Explanation for Account # 378, Municipal Specific:

Explanation for Account #369, Contributions from Other Funds: Coal Sev reduced $27,500. Cap Esc reduced $16,103

EXPENDITURES (CONT'D)

City of Morgantown

LGSD: BR City of Morgantown

CONTROL NUMBER: 2015-2016 (FY) General (FUND) 5 (REV#)

BUDGET REVISION REQUEST-SUPPLEMENT

ACCOUNT NUMBER	ACCOUNT CATEGORY	PREVIOUSLY APPROVED AMOUNT	INCREASE	DECREASE	REVISED AMOUNT
752	Signs and Signals	697,495	45,000		742,495
699	Contingencies*	752,230	974,231		1,726,461
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
		NET INCREASE/(DECREASE) Expenditures (this page)			1,019,231

AN ORDINANCE AMENDING ARTICLE 145 AND SECTIONS 1387.01 AND 1387.02 OF THE CITY CODE RELATING TO THE MORGANTOWN PLANNING COMMISSION

WHEREAS, the West Virginia Code provides mandatory requirements for the composition of Municipal Planning Commissions at Section 8A-2-3, which provides in part that one member must be a member of the municipal governing body or a designee and one member must be a member of the administrative department of the municipality or a designee, that all members must be residents of the city, and that three-fifths of the members must have been residents of the city for the past three years prior to appointment; and

WHEREAS, City Charter Article 6 provides that the Council may create a Planning Commission as it now is, or may hereafter be, authorized to create pursuant to the provisions of the Code of West Virginia, Chapter 8, Article 24, as amended; and

WHEREAS, City Charter Article 6 provides that "Any Planning Commission heretofore established shall continue to operate as though established under the provisions of the Code of West Virginia, Chapter 8, Article 24, as amended;" and

WHEREAS, former West Virginia Code Chapter 8, Article 24, was amended and replaced by current West Virginia Code Chapter 8A; and

WHEREAS, the City intends to conform its Code in all respects with the West Virginia Code requirements for composition of its Planning Commission, as instructed by the City Charter, and to avoid redundancy by prescribing those requirements only within the Planning and Zoning Code;

NOW, THEREFORE, the City of Morgantown hereby ordains that Article 145 of the City Code and Sections 1387.01 and 1387.02 of the City Code are amended as follows:

145.01 ESTABLISHED.

There ~~is hereby created and established~~ shall be a ~~City~~ Planning Commission in accordance with the provisions of the City Planning and Zoning Code.

~~**145.02 COMPOSITION AND MEMBERSHIP; VACANCIES.**~~

~~The Planning Commission of the City shall consist of nine members, all of whom shall be freeholders and residents of the City, who shall be qualified by knowledge and experience in matters pertaining to the development of the City and who shall include representatives of business, industry and labor. Three-fifths of all members shall have been residents of the Municipality for~~

~~at least one year prior to nomination and confirmation or appointment. All members shall be nominated by the City Manager and confirmed by Council.~~

~~One member of the Commission shall also be a member of Council, and one member shall also be a member of the administrative department of the City. The term of these two members shall be coextensive with the term of office to which each has been elected or appointed, unless the City Manager and Council, at the first regular meeting each year, appoint others to serve as the City's representatives. The remaining seven members shall be appointed for terms of three years each, except those members first appointed, as provided in Section 145.03, one member being appointed from each ward of the City. Vacancies shall be filled by appointment in the same manner for the unexpired term only. Members of the Commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.~~

~~145.03 ORIGINAL APPOINTMENTS.~~

~~For the original appointment of the seven members of the City Planning Commission provided for in Section 145.02, three members shall be appointed for one year, two members for two years and two members for three years.~~

~~145.04 OFFICERS.~~

~~At its first regular meeting in each year, the City Planning Commission shall elect from its members a president and vice-president. It shall designate a member of the Commission to act as an advisory member of the County Planning Commission.~~

~~145.05 OFFICES, FACILITIES AND EXPENSES.~~

~~Council shall provide the City Planning Commission with suitable offices and facilities and shall provide by appropriation a sum sufficient to defray the reasonable expenses of the Commission to enable it to carry out its duties.~~

~~145.06 MEETINGS; QUORUM.~~

~~The City Planning Commission shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July and October.~~

~~The provisions of West Virginia Code 8-24-8 and 8-24-9 shall govern special meetings and quorums.~~

~~145.07 POWERS AND DUTIES.~~

~~The City Planning Commission shall have all powers and perform all duties provided for in West Virginia Code Art. 8-24 consistent with the provisions of Article VI of the City Charter.~~

~~**145.08 PURPOSE OF ARTICLE.**~~

~~It is the object of this article to improve the present health, safety, convenience and welfare of the residents of the City and to plan for the future development of the City to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational and recreational facilities, that the needs of industry and business be recognized in future growth, that residential areas provide healthy surroundings for family life, and that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.~~

1387.01 ESTABLISHMENT.

A Planning Commission known as the Morgantown Planning Commission is hereby established under the provisions of the Code of the State of West Virginia, Chapter 8A, Article 2, et seq., as amended. The membership of said Planning Commission, the qualifications thereof, and the powers, privileges, duties and responsibilities of said Planning Commission shall be as hereinafter set forth:

(A) Membership. The following provisions govern the composition of the Morgantown Planning Commission:

(1) The Morgantown Planning Commission shall consist of nine (9) members, all of whom shall be residents of the City who shall be qualified by knowledge and experience in matters pertaining to the development of the City, and shall fairly represent different areas of interest, knowledge and expertise, including, but not limited to, business, industry, labor, government and other relevant disciplines. Three-fifths of all the members shall have been residents of the City for at least three years prior to nomination and confirmation or appointment. ~~No two (2) shall be residents of the same ward.~~ There shall be at least one member from each ward. No more than two members shall be residents of the same ward.

(2) All members shall be nominated by the City Manager and confirmed by Council. Vacancies shall be filled by appointment in the same manner for the unexpired term.

~~(B) One member of the City Planning Commission shall also be a member of Council, and one member shall also be a member of the Administrative Department of the City. The term of these two members shall be co-extensive with the term of office to which each has been elected or appointed, unless the City Manager and Council at the first regular meeting of each year appoint others to serve as the City representatives.~~

(3) One member must be a member of City Council or a designee and one member must be a member of the administrative department of the City or a designee. The term of membership for these two members is the same as their term of office. The term of a

designee of the governing body shall end at the conclusion of a term of City Council. The term of a designee of the administrative department shall end at the conclusion of the City Manager's employment as City Manager. The remaining members of the Commission shall be appointed to terms of three (3) years and serve until their successors are appointed and qualify. ~~Vacancies shall be filled by appointment in the same manner for the unexpired term only.~~ Members shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

(4) The commission established prior to the effective date of this section and the members of the commission in office prior to the effective date of this section shall be continued in existence and in office and shall continue to operate thereafter as though established under the terms of this section.

(B) Removal. The City Council may remove a member of the Planning Commission for inactivity, neglect of duty or malfeasance. Removal proceedings for inactivity may only be commenced following a member's failure to attend three consecutive meetings. Removal proceedings may only be instituted by a majority vote of Council to provide a member with a written statement of the reasons for removal. Any member presented with a notice of removal shall have an opportunity to be heard on the matter before Council. The opportunity for a hearing must be exercised by delivering a written demand for such hearing to Council within five days of receiving the notice of removal. No removal shall be effective until the hearing before Council has been held or waived by failure to deliver a demand for hearing. Any member who waives a hearing shall be removed from office effective the day after his or her failure to deliver a demand for hearing as prescribed in this paragraph. Any member who demands a hearing may only be removed by a majority vote of Council at such hearing or subsequent to the hearing.

(C) Conduct of business. The Commission shall fix times for holding regular meetings and shall meet at least quarterly. Special meetings may be called by the President or upon the written request of any two members. ~~The secretary shall give a~~ At least two (2) days' notice of any special meeting shall be provided unless the same is waived by the full membership of the Commission. Notice of all meetings shall be provided in accordance with the West Virginia Open Governmental Proceedings Act, as amended. A majority of members shall constitute a quorum for the transaction of business and no action of the Commission shall be official unless authorized by a majority of the membership present at a regular or properly called special meeting.

(D) Officers. At the first regular meeting in each year the Commission shall elect from its membership a President and Vice President and may appoint a secretary from within or without its membership. The vice president shall have the power and authority to act as president of the planning commission during the absence or disability of the president. ~~The Commission may~~

~~appoint such employees as are necessary to discharge its duties, and compensation paid shall be in conformity with the budgetary powers of the City Council.~~

(E) The City Council shall provide the Planning Commission with: (1) Suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts; and (2) Appropriate money to defray the reasonable expenses of the planning commission.

(F) The Commission is authorized to accept gifts, funds and donations which will be deposited with the City in a special nonreverting planning commission fund to be available for expenditures by the planning commission for the purpose designated by the donor.

1387.02 POWERS AND DUTIES.

~~To effectuate the purposes of this ordinance the Commission shall have power and authority to~~ The Morgantown Planning Commission has the following powers and duties:

(A) Exercise general supervision for the administration of the affairs of the Commission;

(B) Prescribe uniform rules and regulations pertaining to administration, investigations and hearings, provided that the rules and regulations are adopted by City Council;

(C) Supervise the fiscal affairs and responsibilities of the Commission;

(D) With consent of Council, hire employees necessary to carry out the duties and responsibilities of the Planning Commission, provided that City Council sets the salaries;

(E) Keep an accurate and complete record of all Planning Commission proceedings;

(F) Record and file all bonds and contracts;

(G) Take responsibility for the custody and preservation of all papers and documents of the Commission.

(H) Make recommendations to City Council concerning planning.

(I) Make an annual report to City Council concerning the operation of the Planning Commission and the status of planning within the City;

(J) Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under the Code of the State of West Virginia Code, Chapter 8A, Article 2;

(K) Adopt a seal and certify all official acts;

(L) Invoke any legal, equitable or special remedy for the enforcement of the provisions of the Code of the State of West Virginia, Chapter 8A, Articles 1 through 12 or any ordinance, rule or regulation or any action taken thereunder;

(M) Prepare and submit an annual budget in the same manner as other departments of the City government and ~~shall~~ be limited in all expenditures to the provisions made therefore by City Council;

(N) If necessary, establish Advisory Committees;

(O) Delegate limited powers to a committee composed of one or more members of the Planning Commission; and,

(P) Contract for special or temporary services and professional counsel with the approval of City Council.

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

First Reading:

Adopted:

Filed:

Recorded:

_____
Mayor

_____
City Clerk

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2016-2017.

WHEREAS, the City of Morgantown is of the opinion it should increase the rates of compensation for City of Morgantown employees for the fiscal year 2016-2017 by 2%, as reflected on the attached exhibit:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MORGANTOWN THAT:

1. Employees of the City of Morgantown designated by title or position in the attached exhibit shall receive the base salary or compensation for fiscal year 2016-2017, as set forth in the attached exhibit.

2. That the attached exhibit shall be considered as the Pay Plan for the City of Morgantown and shall replace Appendix A of the City's Personnel Rules in its entirety.

3. That where there may be errors, omissions, or other irregularities of pay for a given position, the City Manager shall be authorized and directed to correct such errors.

This ordinance for said wages and salaries shall be for fiscal year 2016-2017 and thereafter until amended or repealed and its effective date of operation shall be on and after July 1, 2016.

Any ordinance or the provisions of any ordinance heretofore passed by City of Morgantown and now in effect which is in conflict with the provisions of this ordinance is hereby repealed insofar as it conflicts with the provisions hereof.

This Ordinance shall be effective July 1, 2016.

FIRST READING:

_____
MAYOR

ADOPTED:

FILED:

_____
CITY CLERK

RECORDED:

APPENDIX A
CITY PAY PLAN

TITLE	Base Annual Salary	Base Hourly Rate
FLSA Exempt Employees:		
City Manager		62.22
Assistant City Manager of Operations		47.29
Police Chief		44.10
Finance Director		43.15
City Attorney		42.01
Airport Director		40.19
Fire Chief		40.19
City Engineer		40.19
Public Works Director		40.19
Director of Development Services		40.19
Chief Code Enforcement Officer		40.19
Assistant City Attorney		33.71
City Clerk		30.47
Human Resource Manager		29.43
Community Development Administrator		29.05
Assistant Public Works Director		28.63
Budget & Accounting Manager		27.46
Principal Planner		27.37
Assistant City Engineer		27.34
Staff Engineer		24.63
Financial Analyst & Exec Assistant		24.04
Municipal Court Clerk		19.82
Communications Manager		19.01
Municipal Court Judge - Part Time	22,752.12	
FLSA Non-Exempt Employees:		
Superintendent II		21.96
Airport Deputy Director		21.96
Information Technology Specialist II		20.68
Commercial Building Inspector I		20.09
Commercial Building Inspector II		20.09
Commercial Building Inspector III		20.09
Electrical Inspector I		20.09
Electrical Inspector II		20.09
Technician III		20.09

Grant Writer	19.82
Equipment Operator	19.30
Superintendent I	19.30
Urban Landscape Superintendent	19.30
Master Mechanic	18.25
Executive Assistant for City Manager	17.53
FBO Manager	17.28
Accountant	17.28
Tax Auditor/Specialist	17.28
Accounting Clerk IV	17.28
Truck Driver	17.28
Technician II/Maintenance	17.28
Executive Secretary	17.28
Personnel Specialist	17.28
Information Technology Specialist I	16.94
Residential Building Inspector I	16.43
Residential Building Inspector II	16.43
Residential Building Inspector III	16.43
Housing Inspector	16.43
Property Maintenance Inspector	16.43
Mechanic	16.43
Secretary III	15.70
Building Permit Technician	15.70
Rental Housing Technician	15.70
Accounting Clerk III	15.70
Technician II	15.70
Records Supervisor	15.70
Deputy Clerk	15.70
Accounting Clerk II	14.94
Secretary II	14.94
Skilled Laborer	14.94
Accounting Clerk I	14.26
Secretary I	14.26
Laborer	14.26
Clerk	11.18

Fire Department (based on 2912 Hours/Year)

Captain	16.22
Lieutenant	15.09
FFFC	13.40
FF	12.68
Apprentice FFII	12.35
Apprentice FFI	12.17
Recruit	11.92
Probationary FF	11.79

Fire Department (based on 2080 Hours/Year)

Captain	25.98
Lieutenant	24.13
FFFC	21.45

Police Department

Captain	31.02
Lieutenant	27.01
First Sergeant	25.05
Sergeant	23.36
Police Officer First Class	21.41
Police Officer	20.34
Probationary Police Officer	18.46

In addition to the above rates, all employees as of December 1st, whether active or on leave, will receive a $60.00 gross enhancement paycheck (approximately $50.00 after required deductions).

AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3(B) (SHIFT DIFFERENTIAL), III-4 (HAZARDOUS DUTY PAY), AND III-5 (SPECIAL SUPERVISION DIFFERENTIAL) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS WITHIN EACH

WHEREAS, the City of Morgantown has previously adopted a 2016-2017 which includes monies to increase the longevity pay, shift differential, and hazardous duty pay, effective July 1, 2016.

THE CITY OF MORGANTOWN HEREBY ORDAINS that Sections III-1(B), III-3(B), and III-4 of the Personnel Rules of the City of Morgantown are amended as follows (new matter underlined, deleted matter struck through):

Section III-1: LONGEVITY PAY

(B) Longevity pay will be granted to regular full-time employees according to the following schedule. One half the longevity pay will be granted to regular part-time employees.

Continuous Years of Service	Yearly Amount
3	189.81
5	474.07
7	758.31
9	1,124.67
11	1,431.19
13	1,942.47
15	2,453.72
17	2,760.64
19	3,067.14
21	3,373.67
23	3,680.54
25	3,987.08
27	4,293.98
29+	4,600.52

Section III-3: Shift Differential

(B) Establishment of Rate.

For each hour worked by a City employee on the afternoon shift as defined hereinabove, the employee shall be paid, in addition to the other compensation for work performed, the amount of sixty-four (64) cents.

For each hour worked by a City employee on the evening shift as defined hereinabove, the employee shall be paid, in addition to all other compensation for work performed, the amount of one dollar and four cents ($1.04).

Section III-4: Hazardous Duty Pay

There is hereby established a hazardous duty pay differential for all fire and police civil service employees, as well as the Police Chief. In addition to their regular hourly rates of pay, which are set forth in Appendix B of these Personnel Rules, all fire civil service employees (excluding those who work standard 8 hour shifts, five days per week) shall receive an additional 75 cents per hour; those fire civil service employees who work standard eight hour shifts five days a week shall receive an additional $1.10 per hour; and all police civil service employees and the Police Chief shall receive an additional $1.10 per hour.

Section III-5: Special Supervision Differential

There is hereby established a supervision pay differential of $1.02 per hour for employees where the primary duty is the supervision of prisoners from the Federal Correction Institute or other like entity for a full 8 hour shift. Supervisors will authorize employees to receive the additional pay for the supervision of the prisoners, but lunch periods remain unpaid.

This Ordinance shall be effective July 1, 2016.

FIRST READING:

_____
MAYOR

ADOPTED:

FILED:

_____
CITY CLERK

RECORDED:

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLES 1329.02, 1369.07, AND 1369.11 OF THE PLANNING AND ZONING CODE AS THEY RELATE TO WALL SIGNS.

The Morgantown City Council hereby ordains that Articles 1329.02, 1369.07, and 1369.11 of the City's Planning and Zoning Code are amended as follows (new matter underlined):

1329.02 DEFINITIONS OF TERMS.

SIGN, WALL – Any sign painted on or attached to and extending not more than six (6) inches from an exterior wall <u>or retaining wall,</u> in a parallel manner.

1369.07 CONDITIONS FOR PERMITTED SIGNS.

(I) Wall Sign, Nonresidential.

(1) The total area of all wall signs on a building<u>, or on the retaining wall(s) associated with the building,</u> shall not exceed 0.6 square feet of wall sign area per linear foot of tenant building frontage in the B-5, B-2 and I-1 districts, and 0.4 feet in area in the B-1 and B-4 districts, for each linear foot of building frontage, and the fact that signs may be permitted on more than one wall of the building shall not increase this maximum. All wall signs shall be in accordance with the provisions in Section 1369.09.

1369.11 DESIGN AND CONSTRUCTION STANDARDS.

(A) Construction Standards. All signs shall be designed, constructed and maintained in accordance with the following standards:

(1) All signs shall comply with applicable provisions of the West Virginia State Building Code and local floodplain management ordinance.

(2) Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be erected or installed until an electrical permit has been obtained from the Code Enforcement Department. All such signs and equipment shall bear the seal of approval of an electrical testing laboratory that is nationally recognized as having the facilities for testing and requires proper installation in accordance with the National Electrical Code. All wiring to electric signs or to freestanding equipment that lights a sign shall be installed underground.

(3) Except for permitted banners, flags, temporary signs and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be attached to the ground, a building<u>, a retaining wall,</u> or another structure by direct attachment to a wall, frame or structure.

This ordinance shall be effective upon date of adoption.

FIRST READING:

ADOPTED:

FILED:

RECORDED:

_____
Mayor

_____
City Clerk

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

The City of Morgantown hereby ordains that the City Manager is authorized to execute the attached agreement, which is incorporated in this Ordinance by reference, to provide listing of rental space at the Morgantown Municipal Airport by KLM Properties, Inc.

FIRST READING:

_____
Mayor

ADOPTED:

FILED:

_____
City Clerk

RECORDED:

LISTING FOR RENT CONTRACT
EXCLUSIVE RIGHT TO RENT REAL PROPERTY

BROKER (Company): KLM Properties., Inc.
LICENSEE (S): Kathy L. Martin & Randy W. Neal
OWNER: City of Morgantown, c/o Jeff Mikorski
Does Owner have a Listing Contract with another Broker? ☐ **Yes** ☒ **No**
If yes, explain: N/A

1. **PROPERTY**
   Address: 100 Hart Field Road, Suite #247 (+/- 300 sf of 2nd level space)
   Municipality (city, borough and township): Morgantown, WV 26505
   County: Monongalia School District: Morgantown Corporation
   Zoning and Present Use: Industrial/Airport Vacant Space
   Identification Number (For example, tax identification number, parcel number, deed book, page, recording date):
   Morgantown Corporation, Tax Map 32A, p/o Parcels 1-9, 10-12, 13 & 14-24

2. **MONTHLY RENTAL** $900 SECURITY DEPOSIT $ First Month Rent

3. **STARTING & ENDING DATES OF THIS CONTRACT** (also called **"Term"**)
   A. No Association of REALTORS has set or recommended the term of this contract. Owner and Broker have discussed and agreed upon the length of term of this contract.
   B. **Starting Date:** This contract starts when signed by Owner and Broker, unless otherwise stated here: N/A
   C. **Ending Date:** This contract ends on May 10, 2017

4. **BROKER'S FEE**
   A. No Association of Realtors has set or recommended the Broker's Fee. Owner and Broker have negotiated the fee that Owner will pay Broker.
   B. The Broker's Fee for finding tenant and contract negotiation is 6% of aggregate lease amount

      Owner agrees to pay the same fee to Broker for renewals, extensions or additional leases where the original resulted from Broker's services or any other Broker's services during the term of this contract.
   C. The Broker's Sales Fee if Tenant buys Property is 8% of/from the sale price and paid by Owner.

5. **BROKER'S DUTY**
   ☒ Owner is hiring a Broker to find a Tenant for the Property. Owner allows Broker to use print and/or electronic advertising.
   ☒ Broker is acting as Owner's Agent. Broker's rental agents, salespeople, employees, officers or partners are acting as agents only and will not be legally responsible for damages or repairs to the Property or for a tenant's failure to meet the terms of a lease.

X **Owner Initials:** _____ **Page 1 of 4** **Broker/Licensee Initials:** RWN

6. COOPERATION WITH OTHER BROKERS

Licensee has explained Broker's company policies about cooperating with other brokers. Broker and Owner agree that Broker will pay from Broker's Fee a fee to another Broker who procures the buyer/tenant, and is a member of a Multiple Listing Service, and who:

A. **Represents a buyer/tenant (BUYER'S AGENT). A Buyer's Agent, even if compensated by Broker or Owner, will represent the interests of the buyer/tenant.**

☐ No ☒ Yes

B. **Does not represent either the Owner or a buyer/tenant (TRANSACTION LICENSEE).**

☐ No ☒ Yes If yes, amount: TBD

7. PAYMENT OF BROKER'S FEE

A. **Owner will pay Broker's Fee if Property, or any ownership interest in it, is rented, sold or exchanged during the term of this Contract by Broker, Broker's agents, Owner, or by any other person or broker at a price acceptable to Owner.**

B. Owner will pay Broker's Fee if negotiations that are pending at the Ending Date of this contract result in a sale, lease or other tenancy.

C. Owner will pay Broker's Fee after Ending Date of this contract IF:

(1) Property is rented or sold within 90 days of the Ending of this Contract, or the Ending Date of the lease (or any renewals or extensions). AND

(2) The buyer/tenant was shown, made an offer on or negotiated to rent or buy the Property during the term of this contract.

8. DUAL AGENCY

Owner agrees that Broker may also represent the buyer/tenant(s) of the Property. Broker is DUAL AGENT when representing both Owner and buyer/tenant in the lease or purchase of a property.

9. OTHER PROPERTIES

Owner agrees that Broker may list other properties for rent and that Broker may show other properties to prospective tenants.

10. CONFLICT OF INTEREST

A *conflict of interest* is when Broker has a financial or personal interest where Broker cannot put Owner's interest before any other. If Broker, or any of Broker's salespeople, has a *conflict of interest*, Broker will notify Owner in a timely manner.

11. COPYRIGHT

In consideration of Broker's efforts to market Owner's Property as stated in this Contract, Owner grants Broker a non-exclusive, worldwide license (the "License") to use any potentially copyrightable materials (the "Materials") which are related to the Property and provided by Owner to Broker of Broker's representative(s). The Materials may include, but are not limited to: photographs, images, video recordings, virtual tours, drawings, written descriptions, remarks, and pricing information related to Owner's Property. This License permits Broker to submit the Materials to one or more multiple listing services, to include the Materials in compilations of listings, and to otherwise distribute, publicly display, reproduce, publish and produce derivative works from the Materials for the purpose of marketing the Property during the Contract term. The License may not be revoked by Owner except for violation of the terms of this License and shall survive the ending of the Contract for a period of six (6) months. Owner also grants Broker the right to sublicense to others any of these rights granted to Broker by Owner. Owner represents and warrants to Broker that the License granted to Broker for the Material does not violate or infringe upon the rights, including any copyrights, of any person or entity. Owner understands that the terms of the License do not grant Owner any legal right to any works that Broker may produce using the Materials.

12. BROKER AUTHORIZATIONS

A. Owner (check one) ☐ does ☒ does not
authorize Broker to contract for any repairs, at Owner's expense, that believes are necessary to Property. Broker is not required to do this, and this does not create a property management agreement between Owner and Broker.

B. Sign and Keys: Owner allows, where permitted

☒ Yes	☐ No	For Rent Sign
☒ Yes	☐ No	Key in Office
☒ Yes	☐ No	Lock Box
☐ Yes	☒ No	_____
☐ Yes	☒ No	_____

13. TRANSFER OF THIS CONTRACT

A. Broker will notify Owner immediately in writing if Broker transfer this Contract to another broker when:
1. Broker stops doing business, OR
2. Broker forms a new real estate business, OR
3. Broker joins business with another.

Owner agrees that Broker may transfer this Contract to another broker upon the written consent of Owner, which shall not be unreasonably withheld. Broker will notify Owner immediately in writing when a transfer occurs or Broker will lose the right to transfer this Contract. Owner will follow all requirements of this Contract with the new broker.

B. Should Owner transfer the Property, or an ownership interest in it, to anyone, or should ownership change during the term of this contract, all succeeding owners must follow the requirements of this Contract.

14. NOTICE TO PERSONS OFFERING TO SELL OR RENT HOUSING IN WEST VIRGINIA

Federal and state laws make it illegal for Owner, Broker, or anyone to use RACE, COLOR, RELIGION or RELIGIOUS CREED, SEX, DISABILITY (physical or mental), FAMILIAL STATUS (children under 18 years old age), AGE (40 or older), NATIONAL ORIGIN, USE OR HANDLING/TRAINING OF SUPPORT OR GUIDE ANIMALS, or the FACT OR RELATIONSHIP OR ASSOCIATION TO AN INDIVIDUAL KNOWN TO HAVE A DISABILITY as reasons for refusing to sell, show, or rent properties, loan money, or set deposits, or as reasons for any decision relating to the sale of property.

15. IF PROPERTY WAS BUILT BEFORE 1978

The Lead-Based Paint Hazard Reduction Act says that any Landlord of property built before 1978 must give the Tenant an EPA pamphlet titled *Protect Your Family fromLead in Your Home*. The Landlord also must tell the Tenant and the Broker what the Landlord knows about lead-based paint and lead-based paint hazards that are in or on the property being rented. Landlord must tell the Tenant how the Landlord knows that lead-based paint and lead-based paint hazards are on the property, where the lead-based paint and lead-based paint hazards are, the conditions of the painted surfaces, and any other information Landlord knows about lead-based paint and lead-based paint hazards on the property. Any Landlord of a pre-1978 structure must also give the Tenant any records and reports that the Landlord has or can get about lead-based paint or lead-based paint hazards in or around the property being rented, the common areas, or other dwellings in multi-family housing. The Act does not require the Landlord to inspect for lead paint hazards or to correct lead paint hazards on the property. The Act does not apply to housing built in 1978 or later.

16. NO OTHER CONTRACTS

During the length or term of the Contract, Owner will not hire any other Broker to rent or sell the property. Owner will not enter into another listing agreement with another broker that begins before the Ending Date of the Contract. Owner will refer all offers and inquiries to Broker.

17. ENTIRE CONTRACT

This Contract is the entire agreement between Broker and Owner. Any verbal or written agreements that were made before are not a part of this Contract.

18. CHANGES TO THIS CONTRACT

All changes to this contract must be in writing and signed by Broker and Owner.

Return to by facsimile (Fax) constitutes acceptance of this Contract. Owner gives permission for Broker to send information about this transaction to the fax number(s) and/or e-mail address(s) listed below. Owner has read the entire Contract before signing. All Owners must sign this Contract.

NOTICE BEFORE SIGNING: IF OWNERS HAS LEGAL QUESTIONS, OWNER IS ADVIDED TO CONSULT AN ATTORNEY.

OWNER'S MAILING ADDRESS: _____

_____

PHONE: _____ **FAX:** _____ **E-MAIL:** _____

X **OWNER:** _____ **DATE** _____

OWNER: _____ **DATE** _____

OWNER: _____ **DATE** _____

BROKER (Company Name) KLM Properties, Inc.

ACCEPTED BY _____ **DATE** 5-10-16

NOTICE OF AGENCY RELATIONSHIP

When working with a real estate agent in buying or selling real estate West Virginia Law requires that you be informed of whom the agent is representing in the transaction.

The agent may represent the Lessor, the Lessee, or both. The party represented by the agent is known as the agent's principal and as such, the agent owes the principal the duty of utmost care, integrity, honesty and loyalty.

Regardless of whom they represent, the agent has the following duties to both the Lessee and the Lessor in any transaction:

- Diligent exercise of reasonable skill and care in the performance of the agent's duties.
- A duty of honest and fair dealing and good faith.
- Must offer all property without regard to race, color, religion, sex, ancestry, physical or mental handicap, national origin or familial status.
- Must promptly present all written offers to the owner.
- Provide a true legible copy of every contract to each person signing the contract.

The agent is not obligated to reveal to either party any confidential information obtained from the other party which does not involve the affirmative duties set forth above.

Should you desire to have a real estate agent represent you as your agent, you should enter into a written contract that clearly establishes the obligations of both parties. If you have any questions about the roles and responsibilities of a real estate agent, they can provide information upon your request.

In compliance with the West Virginia Real Estate License Act, all parties are hereby notified that:

(printed name of agent) Kathy L. Martin & Randy W. Neal , affiliated with

(firm name) KLM Properties, Inc., is acting as agent of:

Yes The Lessor, as listing agent or subagent. No The Lessee, as the lessee's agent.

No Both the Lessor and Lessee, with the full knowledge and consent of both parties.

CERTIFICATION

By signing below, the parties certify that they have read and understand the information contained in this disclosure and have been provided with signed copies prior to signing any contract.

X

Lessor	Date	Lessee	Date
Lessor	Date	Lessee	Date
Lessor	Date	Lessee	Date

I hereby certify that I have provided the above named individuals with a copy of this form prior to signing any contract.

Agent's Signature [signature]

Date 5-10-16

WV Real Estate Commission
300 Capitol Street, Suite 400
Charleston, WV 25301
304.558.3555
<www.wvrec.org>

This form has been promulgated by the WVREC for required use by all West Virginia real estate licensees.

EQUAL HOUSING OPPORTUNITY

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Property Address: 100 Hart Field Road, Suite 247, Morgantown, WV 26505

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i) ☐ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

X (ii) ☒ Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (check (i) or (ii) below):

(i) ☐ Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

X (ii) ☒ Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

(c) _____ Lessee has received copies of all information listed above.

(d) _____ Lessee has received the pamphlet *Protect Your Family from Lead in Your Home.*

Agent's Acknowledgment (initial)

(e) RWW Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

X Lessor	Date	Lessee	Date
Lessor	Date	Lessee	Date
Agent	5-10-16 Date	Agent	Date

LIMITED DUAL AGENCY DISCLOSURE

In reference to the ☐ PURCHASE AGREEMENT, ☒ LEASE, covering the real property commonly known as 100 Hart Field Road, Suite 247, Morgantown, WV and owned by City of Morgantown (c/o Jeff Mikorski) hereinafter referred to as Seller, and, hereinafter referred to as Buyer, the undersigned parties hereby agree as follows:

The Broker in this transaction, KLM Properties, Inc., together with associated salesperson, hereinafter collectively referred to as Broker, is hereby authorized by Seller and Buyer to assist both of them in this transaction in limited dual agency capacity, as set forth below.

Seller and Buyer understand that this limited dual agency relationship may create certain conflicts of interest, and that Broker will act as facilitator or intermediary and will endeavor to be impartial between Seller and Buyer. Except as expressly provided below, Broker in their capacity as a limited dual agent, shall disclose to both Seller and Buyer all known latent defects in the property, any matter that must be disclosed by law, and information which Broker believes may be material or might affect Seller's or Buyer's decisions with respect to this transaction.

The parties acknowledge that Broker has not disclosed and Broker agrees not to disclose:

A. To Buyer, information about what price or terms Seller will accept other than the listed price or terms, without the express written permission of the Seller.

B. To Seller, information about what price or terms Buyer will offer other than those offered in writing by Buyer, without the express written permission of the Buyer.

C. Any information of a confidential nature which could harm one party's bargaining position or benefit the other's.

Both parties understand and agree that Broker has the right to receive commission as compensation, agreed upon in the Exclusive Right to Sell Agreement between Seller and Broker, and that Broker shall not receive any compensation from Buyer unless this is disclosed and consented to by Seller. In view of Broker's limited dual agency relationship, the parties understand they have the responsibility of making their own decisions with respect to the terms to be included in their agreement. The parties understand the implication of Broker's limited dual agency role as facilitator or intermediary, rather than that of advocate and exclusive representative, and have determined the benefits of entering into this transaction with Broker acting as a limited dual agent outweigh said implications.

Therefore, Seller and Buyer both, each of them individually, consent to Broker's limited dual agency capacity and hereby waive any claims now and hereafter arising out of any conflicts of interest, or for breach of fiduciary duty arising from said agency role.

Seller and Buyer understand this document does not replace prior agreements entered into with Broker, such as a Buyer/Broker Representation Agreement or Exclusive Right to Sell Listing Agreement. However, in any areas where this document contradicts or conflicts with those documents, this LIMITED DUAL AGENCY DISCLOSURE shall supersede.

The undersigned parties acknowledge that they have thoroughly read and approved this document and acknowledge receipt of a copy hereof.

X Seller	Date	Buyer	Date
Seller	Date	Buyer	Date
Agent	Date 5-10-16	Agent	Date

1533 Mileground Road • Morgantown, WV 26505 • 304-296-1533 • 800-834-1156
www.klmproperties.com

PRIVACY POLICY
OF KLM PROPERTIES, INC.

What this Privacy Policy Covers

This Privacy Policy covers KLM Properties, Inc., its Owners, Broker, Independent Contractors and Staff, our treatment of nonpublic personally identifiable information that we collect when you, the "customer/client" use our services. This policy also covers our treatment of any nonpublic personally identifiable information that business associates share with us or that you provide to us.

This policy does not apply to the practices of non-affiliates of KLM Properties, Inc..

Information Collection and Use

We collect nonpublic personal information about you from the following sources:

Information we receive from you on applications or other forms;
Information about your transactions with us, our affiliates, or others; and
Information we receive from a consumer reporting agency.

Information Sharing and Disclosure

We do not disclose any nonpublic personal information about our customers/clients or former customers/clients to anyone, except as permitted by law.

Confidentiality and Security

We restrict access to nonpublic personal information about you to those employees, independent contractors and lending institutions who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal standards to guard your nonpublic personal information.

By signing below, I acknowledge that KLM Properties, Inc., provided me with a copy of its Privacy Policy.

Acknowledge my signature as:

X _____ _____

SELLER DATE BUYER DATE

_____ _____

SELLER DATE BUYER DATE

1533 Mileground Road • Morgantown, WV 26505 • 304-296-1533 • 800-834-1156
www.klmproperties.com

AN ORDINANCE AMENDING CITY CODE SECTION 155.03 PROVIDING FOR THE COMPOSITION AND MEMBERSHIP OF THE PARKING AUTHORITY

WHEREAS, West Virginia Code Chapter 8, Article 16 provides for the establishment of public works including motor vehicle parking facilities and provides for the operation of such facilities by a board established by the governing body of the City; and

WHEREAS, West Virginia Code section 8-16-4 provides that the board shall be composed of all or a portion of the governing body and otherwise permits the governing body to define the number of members and their manner of selection and appointment by ordinance; and

WHEREAS, the City of Morgantown has established the Morgantown Parking Authority in Article 155 of the City Code and intends to revise the membership of the Parking Authority;

NOW, THEREFORE, the City of Morgantown hereby ordains that City Code section 155.03 is amended as follows:

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~~ One members of such authority shall also be a members of the governing body of the City~~, one of which is to be appointed by the Mayor,~~ and ~~one of which is to~~ shall be elected by Council. The term of the~~se two~~ members of the governing body shall be coextensive with the term of office to which ~~he~~ the member 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.

This ordinance shall be effective upon the date of adoption.

FIRST READING:

ADOPTED:

FILED:

RECORDED:

_____
Mayor

_____
City Clerk

RESOLUTION NO. 16- _____

A RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS FOR PLACEMENT OF NETWORK FACILITIES IN RIGHTS-OF-WAY

WHEREAS, the City desires to install wireless communication devices on structures within existing rights-of-way in the state road system; and

WHEREAS, installation of the devices will support operation of a City wireless network supporting city services and providing public access; and

WHEREAS, the West Virginia Department of Transportation, Division of Highways is willing to permit installation and operation of the devices in support of the wireless network;

NOW, THEREFORE, BE IT RESOLVED by the City of Morgantown that the City Manager is authorized to execute the attached agreement, together with any additional agreements referenced therein, which is incorporated in this Resolution by reference, to provide for the installation and operation of the wireless communication devices.

Adopted this ___ day of June, 2016.

_____
Marti Shamberger, Mayor
City of Morgantown

WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
AGREEMENT
CITY OF MORGANTOWN WI-FI AND STATIONARY CAMERAS INSTALLATION
MONONGALIA COUNTY

THIS AGREEMENT, executed in triplicate, made and entered into this _____ day of _____, 20___, by and between the West Virginia Department of Transportation, Division of Highways, hereinafter called "Division," and City of Morgantown , hereinafter called "City,"

WITNESSETH that,

WHEREAS, to facilitate communications capability in the Morgantown area, City desires to install on certain of Division's traffic signal structures stationary cameras and wireless fidelity communications devices (hereinafter "Wi-FiWi-Fi devices"); and

WHEREAS, Division is agreeable to allowing these stationary cameras and Wi-Fi devices to be installed on certain of Division's traffic signal structures, provided City first provides to Division for approval appropriate plans and City accepts responsibility for maintenance, upkeep, repair, replacement, removal, and utility cost of such stationary cameras and Wi-Fi devices; and

WHEREAS, Division considers it to be in the public interest to participate in this project, which promotes the safe and efficient movement of people, goods and services in West Virginia;

NOW, THEREFORE, in consideration of the above premises and in further consideration of the agreement herein set forth by and between the parties hereto, it is mutually agreed as follows:

I. City is to submit for Division's review and approval appropriate installation sites, construction plans and related documents, which collectively are referred to as the "Plans," for the performance of work that will or may occur within or that will directly affect Division's traffic signal structures on primarily Spruce, High, Walnut, Fayette and Willey Streets The scope of City's work pertaining to the State Highway System, hereinafter called "Project," is to consist primarily of, but may not be limited to, installation of Wi-Fi devices and stationary cameras upon traffic signal poles or mast arms, and other modifications that may be deemed necessary by Division, as set forth on the Plans approved by Division. The Wi-Fi devices and stationary cameras shall be located in a manner that will not adversely affect Division's ability to adequately maintain Division's traffic signals and that will not interfere with the operation or interoperability of Division's traffic signals or systems. Any signing City may propose to install as part of Project is subject to Division's approval and shall conform to Division's guidelines and with all pertinent outdoor advertising laws, rules and regulations.

A. The Plans are subject to the review and approval of Division and are to be developed in accordance with Division's current criteria, guidelines and publications, and as appropriate, in accordance with the "Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, July 26, 2011" developed by the Architectural and Transportation Barriers Compliance Board (Access Board). Division's approvals, if given, shall be in writing.

B. All copyrights in work product provided to Division pertaining to Project, as it pertains to the State Highway System, including without limitation designs, plans, notes, and shop drawings, are waived as to the Division, its consultants, contractors, agents, and employees, it being understood, that Division may use or reuse these documents for projects pertaining to the State Highway System, with or without modification in other locations or applications, with no additional compensation to City. Division may not otherwise sell or assign the work or any copyrights in the work. City shall not be liable for Division's use of the documents in any manner for any other project.

C. The review and approval of the Plans by Division personnel does not relieve City from errors or omissions in the design. The review and approval by Division personnel is solely to identify patent or obvious defects or apparent deviations from current applicable design standards in the manner that the proposed work connects to the highway network maintained by Division. This review and approval does not relieve the City, its engineer, its contractor,

nor any other personnel working on behalf of the City from liability for the design and/or the construction of this proposed work.

II. After receipt of Division's written approval of the Plans pertaining to the State Highway System and Division's authorization to proceed with construction and related work, City then shall be authorized to construct Project as shown on the approved Plans, in accordance with Division's specifications, at no cost to Division. For duration of Project, City shall be responsible for providing full-time construction inspection, materials acceptance, and traffic control.

Prior to construction of Project, Division and City may review and document, as appropriate, the existing condition of the State Highway System to be affected by Project, and Division shall be notified of City's anticipated construction schedule . Division shall have the right at all times to review the work pertaining to Project. If the results of Division's review indicate that the work is not being performed in accordance with the approved Plans and/or specifications, Division then will report such fact to City for appropriate prompt remedial action. Division shall perform an inspection of the work within thirty (30) days after receipt by Division of notice from City that the work is complete. Upon completion of said inspection, Division shall, in writing, accept the completed work associated with Project or reject the work. If rejected, any deficiencies in the construction performed by City, which are disclosed by Division's inspection, shall be promptly corrected by and at the expense of City. Without limiting any other legal remedies of Division, if within a reasonable time after notice to City as provided herein, City fails or refuses to correct any deficiencies and complete the work as provided in the approved Plans, Division may, but is not required to, correct the deficiencies and complete the work in accordance with the approved Plans. Division may invoice City for all costs associated therewith, and City agrees in that event to reimburse Division for all such costs within thirty (30) days of receipt of such invoice.

III. City shall secure the approvals and/or permits, if any, required by other governmental agencies. City shall not assess any fee for use of the Wi-Fi devices and stationary cameras installed as part of Project.

IV. Prior to construction, City shall coordinate appropriately with all utility providers within Project limits. City shall be responsible for one hundred percent (100%) of all monthly utility costs associated with the Wi-Fi devices and stationary cameras and shall provide a separate disconnect from the meter.

V. City shall identify as part of the Plans and submit for Division's approval any anticipated temporary closure of any lane(s) or sidewalk of any State highway associated with the implementation of Project. In the event that City's implementation of Project results in the closure of any lane(s) or sidewalk of any State highway, which closure is not identified on the Plans as approved by Division, City then shall:

A. Immediately notify Division and local emergency responders and law enforcement officials of the unanticipated closure and make every appropriate effort to expeditiously reopen the lane(s) or sidewalk;
B. Pay one hundred percent (100%) of the cost associated with the manufacture and installation of all signing and other traffic control devices that Division or other government agencies having jurisdiction installs due to the closure;
C. Pay one hundred percent (100%) of the cost incurred for traffic control by Division or other government agencies having jurisdiction ;
D. Make available to the public the name and phone number of City's contact person regarding Project. City shall timely address questions and concerns of the public regarding such closure; and
E. Pay one hundred percent (100%) of the cost associated with notice to local media and any other public notice City must provide to notify the public of the closure, the purpose of the closure, the anticipated duration of the closure, and the alternate routing that may be used during closure.

VI. , City shall be responsible for all maintenance, upkeep, repair, replacement, and removal if appropriate of the stationary cameras and Wi-Fi devices to be installed as part of Project. Division shall assume no maintenance responsibility regarding the stationary cameras or Wi-Fi devices. City shall provide to Division at least seventy-two (72) hours notice prior to performing any major repairs associated with the stationary cameras or Wi-Fi devices, provided, however, that in the event that City must perform repairs to the stationary cameras or Wi-Fi devices to address an immediate public safety concern, City then shall notify Division of such repair as soon as practicable.

VII. If determined by Division to be necessary, Division may remove any stationary cameras and/or Wi-Fi devices as part of Division's construction or maintenance activities and Division shall have no financial obligation to reimburse any cost incurred by City or others regarding the stationary cameras or Wi-Fi devices. If Division removes and does not reinstall the stationary cameras or Wi-Fi devices for any reason, Division shall provide to City all the stationary cameras and Wi-Fi devices removed by Division. Division shall have no obligation to reinstall any stationary camera Wi-Fi device. Division will provide City with advance notice of Division's maintenance or construction activities that are anticipated to affect the stationary cameras and/or Wi-Fi devices, and City shall have the option to remove and/or reinstall the devices prior to such activities. Division shall have no responsibility or financial obligation to replace any stationary camera or Wi-Fi device that may be damaged or rendered unusable by Division's maintenance or construction activities or that is attributable to the actions of others or Acts of God.

VIII. City shall have the right to enter onto and use Division's right-of-way, as reasonably necessary for City to fulfill its obligations under this Agreement. In the performance of City's work hereunder, no construction equipment, personnel or materials shall be permitted on the travel lanes or shoulders of the State Highway System, unless first approved in writing by Division. City shall be responsible for implementing all traffic control necessary for City's work hereunder and any work by City that will affect Division's roadway first must be approved and permitted, in writing, by Division.

IX. City shall not install, or allow to be installed within Division's right-of-way any structure, signing or appurtenance unless City has obtained Division's written approval to do so and City has agreed to any stipulations regarding such that Division may warrant at that time.

X. City shall furnish evidence of having at least the minimum amounts of insurance required in Section 103.6 through and including Section 103.6.5 of the "West Virginia Division of Highways, Standard Specifications, Roads and Bridges, Adopted 2010," and supplements hereto. City also shall require all contractor(s) and subcontractor(s) to have the aforesaid minimum insurance coverage and to provide evidence, as necessary, that contractor has a current license and is qualified to perform work in West Virginia. City its contractors and subcontractors shall include the Division as an additional insured on all policies of insurance, except worker's compensation. Such insurance shall be primary.

XI. This Agreement shall be binding upon the successors and assigns of each party thereto. This Agreement shall not be assigned without the prior written consent of Division.

XII. If a provision of this Agreement is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect:

A. the validity or enforceability in that jurisdiction of any other provision of this Agreement; or

B. the validity or enforceability in other jurisdictions of that or any other provision of this Agreement.

XIII. City agrees, as between Division and City, that City shall be responsible for any and all suits, claims, liability, losses, liens, and demands, fines, costs, criminal and civil penalties, causes of action or any other obligations arising out of or in any manner connected with the work performed by City, its agents, employees or contractors, under this Agreement, during or any time after such work is being or has been performed, including (without limitation) liability involving bodily injury, death, property damage or any violation of any Federal, State or local law or regulation, except for any liability or damages due to the willful or intentional unlawful acts or negligence of Division, its employees, agents or contractors.

XIV. This Agreement shall be construed in accordance with the laws of the State of West Virginia.

XV. Division may terminate this Agreement upon thirty (30) days' written notice to City. Upon termination, City shall be liable only for payment in accordance with the terms of this Agreement for work performed prior to the effective date of termination and for any cost Division incurs to adequately restore the State Highway System to its previous condition.

IN WITNESS WHEREOF, the parties hereto have caused their respective names to be signed by their duly authorized officers.

ATTEST:

_____
(signature)
By: _____
(printed name)
Title: _____
(printed title)

WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION,
DIVISION OF HIGHWAYS

_____
(signature)
By: Paul A. Mattox, Jr., P. E.
Secretary of Transportation/
Commissioner of Highways

ATTEST:

_____
(signature)
By: _____
(printed name)
Title: _____
(printed title)

CITY OF MORGANTOWN

_____
(signature)
By: _____
(printed name)
Its: _____
(printed title)

(To be executed in duplicate)

Distribution: Traffic Engineering Master File
Legal Division
City of Morgantown

RESOLUTION

WHEREAS, The City of Morgantown (the "City") is authorized by the West Virginia Tax Increment Financing Act, Chapter 7, Article 11B of the Code of West Virginia 1931, as amended (the "Act"), to create development and redevelopment districts, approve project plans, issue tax increment financing obligations and take such other actions necessary or desirable to facilitate the orderly development and economic stability of the City, all as more fully set forth in the Act;

WHEREAS, Fairmont Morgantown Housing Authority ("FMHA") has requested that the City consider the creation and establishment of a development district to be known and designated as "The City of Morgantown Development District No. 5" (the "TIF District"), and approval of a development project plan (the "Project Plan"), specifically the development of certain public infrastructure improvements within the TIF District, including, without limitation, water lines, sanitary sewer lines, stormwater drainage, road improvements and other related infrastructure and utilities improvements, all within or benefitting the proposed TIF District (the "TIF Projects"), all in order to facilitate the issuance of tax increment financing obligations or the utilization of tax increment revenues to finance the costs of planning, acquiring, constructing and equipping the TIF Projects, being necessary public infrastructure improvements within or benefitting the TIF District;

WHEREAS, FMHA has provided certain information regarding the proposed TIF District, including the proposed boundaries, and the proposed TIF Projects to the City for its review and consideration; and

WHEREAS, FMHA has requested that the City, under and pursuant to the Act, hold a public hearing at which interested parties be afforded a reasonable opportunity to express their views on the proposed creation of the TIF District, its proposed boundaries and the proposed TIF Projects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGANTOWN AS FOLLOWS:

1. It is hereby found and determined, subject to a public hearing and other required actions, that the City will consider for approval the Tax Increment Financing Application for the creation of the TIF District and the approval of the Project Plan (the "Application") and, if approved, submit the Application to the West Virginia Development Office for consideration and obtain all other necessary approvals.

2. The City hereby sets a public hearing regarding the Application for June 21, 2016 at 7:00 p.m., prevailing time.

3. The City hereby approves for publication, under and in accordance with the applicable provision of the Act that certain Notice of Public Hearing, substantially in the form attached hereto as **Exhibit A** and incorporated herein by reference.

4. This Resolution is effective immediately upon adoption.

[Signature Page Follows]

Adopted this 7th day of June, 2016

THE CITY OF MORGANTOWN

By: _____
Name: Marti Shamberger
Title: Mayor

8481505 (20945.4)

CERTIFICATION

The undersigned, being the duly qualified, elected and acting Clerk of The City of Morgantown (the "City"), does hereby certify that the foregoing Resolution was duly adopted by the City Council at its regular meeting duly held, pursuant to proper notice thereof, on June 7, 2016, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this 7th day of June, 2016.

By: _____
Name: Linda Tucker
Title: City Clerk

Exhibit A

NOTICE OF PUBLIC HEARING

TO BE PUBLISHED IN *THE DOMINION POST*
ONCE A WEEK FOR TWO SUCCESSIVE WEEKS
ON FRIDAY, JUNE 10, 2016 AND
FRIDAY, JUNE 17, 2016

APPLICATION REGARDING CREATION OF
THE CITY OF MORGANTOWN DEVELOPMENT DISTRICT NO. 5 AND
APPROVAL OF A PROJECT PLAN FOR
UPPER FALLING RUN PROJECT NO. 1 AND
ISSUANCE OF TAX INCREMENT FINANCING OBLIGATIONS

A public hearing will be held at a regular meeting of the City Council of The City of Morgantown (the "City"), on June 21, 2016 at 7:00 p.m. in the City Council Chambers, located at 389 Spruce Street, Morgantown, West Virginia 26505, and at such hearing any person interested may appear and present comments, protests, suggestions and otherwise express their views respecting an application regarding the creation of a development district to be designated as "The City of Morgantown Development District No. 5" (the "TIF District") in Morgantown, Monongalia County, West Virginia, and the financing of certain projects described in a Project Plan for the TIF District to be designated as "Upper Falling Run Project No. 1" (the "Project Plan"). All comments, protests, suggestions and views shall be heard at such public hearings, and the City Council shall thereafter take such actions as it shall deem proper in the premises regarding the approval, pursuant to Chapter 7, Article 11B of the Code of West Virginia, 1931, as amended (the "Act"), respecting the application regarding the creation of the TIF District and the approval of the Project Plan. Following is a brief summary of such matters.

Creation of TIF District

The proposed TIF District is includes approximately 20 acres of contiguous real property located generally off of Liberty Street and running along Braddock Street to the west, as set forth on the map below, including the specifically delineated TIF District boundary.

Approval of Project Plan

Fairmont Morgantown Housing Authority ("FMHA") proposes a Project Plan for the TIF District to develop certain public infrastructure improvements within the TIF District, including, without limitation, water lines, gas lines, sanitary sewer lines, stormwater drainage, new road construction, and road improvements and other related infrastructure and utilities improvements, all within or benefitting the proposed TIF District (the "TIF Projects").

Tax Increment Financing Obligations

To finance the costs of the TIF Projects the City proposes to issue tax increment revenue bonds or other obligations (the "TIF Obligations") in an amount not to exceed $10,000,000, with maturities not to exceed 30 years from the date of the creation of the TIF District. Such obligations may be issued from time to time in one or more series. Proceeds of the TIF Obligations are generally planned and expected to be used to (i) finance the costs of the TIF Projects, including architectural, engineering, legal and other professional fees and expenses; (ii) fund reserves for the TIF Obligations; (iii) fund capitalized interest on the TIF Obligations; and (iv) pay costs of issuance of the TIF Obligations, including relating to the creation of the TIF District and preparation and approval of the Project Plan and related costs. A portion of the TIF Projects may also be paid directly from tax increment revenues.

Further information regarding the proposed TIF District, the Project Plan, the TIF Projects and the TIF Obligations are on file and available for inspection at the office of the City Clerk during regular business hours, located at the City Clerk's located at 389 Spruce Street, Morgantown, West Virginia 26505.

Dated: June 7, 2016.

By: /s/ Linda Tucker
City Clerk

NORTH
Beechwood Ave
Bradford St
Kepler Ave
Vanderbilt Ave
Gaddis St
Pilot Ave
Georgia St
Clarksburg
Hollywood Ln
Stewart St
Hoffman Ave
119
105

RESOLUTION

WHEREAS, *City Administration has presented to Morgantown City Council a 2016-2017 budget for the Morgantown Municipal Airport Fund 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 Morgantown Municipal Airport Fund Budget hereto attached is approved.

_____
Mayor

_____
City Clerk

MORGANTOWN MUNICIPAL AIRPORT
2017 PROPOSED OPERATING BUDGET

		ACTUAL FY2012	ACTUAL FY2013	ACTUAL FY2014	ACTUAL FY2015	Adopted BUDGET FY2016	ACTUAL As of 3/31/16 FY2016	PROPOSED BUDGET FY2017
REVENUE:								
560	**AIRPORT OPERATIONS**							
	Rents							
346.04	Office Rent	206,182	189,166	240,643	138,953	150,000	162,228	182,300
346.06	Restaurant Rent	16,800	16,583	7,830	7,200	14,400	13,200	14,400
385.02	Car Rental	35,859	38,540	41,376	38,613	40,292	37,235	40,000
346.02	Hangar Rent	94,086	115,584	120,482	148,222	142,000	108,815	142,000
346.03	Byers Hangar Rent	1,305	1,020	975	650	2,400	-	2,400
346.00	Other Rent	-	480	-	-	-	-	58,230
		354,232	**361,373**	**411,306**	**333,638**	**349,092**	**321,478**	**439,330**
	Parking							
342.14	Meters	-	-	-	-	-	-	-
342.15	Car Rental Parking	5,399	3,840	4,000	3,680	3,840	3,520	3,840
		5,399	**3,840**	**4,000**	**3,680**	**3,840**	**3,520**	**3,840**
	Other							
346.11	Arpt. Advertising	3,514	7,496	9,216	6,979	7,000	165	7,000
346.05	Airline Landing	20,771	27,085	38,961	27,550	31,800	32,180	31,800
342.16	Vending Machines	7,717	6,401	5,402	6,799	6,500	5,408	6,500
366.03	Marketing Grant	15,000	15,000	15,000	15,000	15,000	30,000	
366.39	Other Grant	-	-	-	-	-	7,172	-
380.00	Interest	30	38	40	14	30	16	30
385.00	Commissions							
399.04	Miscellaneous	9,426	4,180	6,432	9,602	15,000	1,318	4,000
399.07	Grant administration	-	-	-	-	-	-	-
		56,458	**60,200**	**75,051**	**65,944**	**75,330**	**76,259**	**49,330**
TOTAL AIRPORT OPERATIONS		**416,089**	**425,413**	**490,357**	**403,262**	**428,262**	**401,257**	**492,500**
562	**FBO OPERATIONS**							
345.10	Fuel Sales - Jet A	1,590,160	1,420,021	1,185,859	1,012,788	1,480,000	835,386	1,480,000
345.13	Fuel Sales - Military	235,213	198,411	205,154	205,471	210,000	93,907	210,000
345.14	Fuel Sales - Avgas	332,758	227,438	214,233	241,546	249,000	181,546	249,000
345.15	Fuel Sales Adjustment	-	(23,183)		-	-	-	
345.18	Sales - Oil & Prist	787	956	875	616	1,000	658	1,000
345.20	Catering	66	3	6	2	100	1,188	1,200
345.21	Pilot Supplies	1,075	1,497	1,554	1,652	1,400	2,462	2,200
346.05	Landing & Parking Fees	54,151	42,754	57,500	55,160	50,000	42,495	50,000
346.09	De-Icing	24,384	42,354	109,480	70,643	75,000	41,977	75,000
399.04	Misc (callouts, fbo fees, etc)	8,313	4,559	8,649	6,963	8,000	12,234	15,000
380.00	Interest	31	15	20	19	20	15	20
TOTAL FBO OPERATIONS		**2,246,938**	**1,914,825**	**1,783,330**	**1,594,860**	**2,074,520**	**1,211,868**	**2,083,420**
369.00	Contrib from Other Funds	-	250,000				7,363	70,000
TOTAL REVENUE		**2,663,027**	**2,590,238**	**2,273,687**	**1,998,122**	**2,502,782**	**1,620,488**	**2,645,920**

EXPENDITURES:

561 AIRPORT OPERATIONS

		ACTUAL FY2012	ACTUAL FY2013	ACTUAL FY2014	ACTUAL FY2015	Adopted BUDGET FY2016	ACTUAL As of 3/31/16 FY2016	PROPOSED BUDGET FY2017
	Personnel Services:							
03.00	Salaries and Wages	217,546	235,467	214,287	152,500	141,638	88,735	252,793
04.00	Social Security	13,574	14,930	14,139	10,453	8,732	5,638	16,603
05.00	Health and Life Insurance	88,515	77,207	63,678	53,445	73,818	35,981	76,715
07.00	Retirement	26,242	28,829	30,300	21,943	21,887	9,919	35,643
08.00	Medicare	3,174	3,492	3,307	2,445	2,042	1,319	3,883
10.00	Overtime	4,571	8,648	16,771	17,975	15,000	3,477	15,000
10.03	Vac & SL Adj.	3,067	9,780	(11,273)	3,005	-	-	-
		356,689	**378,353**	**331,209**	**261,766**	**263,117**	**145,069**	**400,637**
	Contracted Services:							
11.00	Telephone	8,697	8,067	7,486	7,951	8,000	8,319	9,000
13.01	Utilities/Electric	80,599	76,882	64,835	81,339	78,000	76,900	90,000
13.02	Utilities/Gas	30,702	28,130	30,380	25,928	28,000	17,041	28,000
13.03	Utilities/Water	5,035	4,297	10,778	2,855	4,000	2,763	6,000
13.09	Utilities/Storm Sewer	10,679	8,388	9,908	11,599	10,000	6,683	15,000
14.00	Travel & Training	9,093	3,876	1,729	2,519	2,800	4,588	10,000
15.00	Building Maintenance	15,759	15,277	17,753	8,972	18,000	17,537	28,000
15.03	Hangar Maintenance	-	-	-	-	5,000	399	5,000
15.20	Airfield Maintenance	59,257	14,687	48,831	13,555	20,000	13,774	20,000
16.00	Equipment Maintenance	12,914	11,543	18,519	16,976	20,000	17,310	34,500
17.00	Vehicle Maintenance	12,714	6,697	6,661	9,699	9,000	6,459	20,000
18.00	Postage	267	372	368	612	450	428	500
20.00	Advertising	32,710	26,288	30,836	23,566	30,000	29,187	15,000
22.00	Dues & Subscriptions	667	1,317	1,418	969	1,100	1,139	1,500
23.00	Professional Services		-	-	13,350	-	-	-
24.00	Audit Costs	2,300	2,300	2,400	2,688	4,600	3,000	4,600
26.00	Workers Compensation	5,712	6,713	4,495	4,865	5,563	5,740	6,780
26.01	Property & Liability Insurance	31,537	35,336	35,294	37,787	39,118	33,901	36,261
26.02	Unemployment Compensation	-	-	-	-	-	-	-
30.00	Contracted Services	28,441	41,428	20,539	20,672	25,000	23,335	28,000
31.00	Fire Service Fees	5,711	5,711	6,282	6,282	8,038	7,542	8,011
32.00	Bank Charges	-	10	8	-	-	-	-
48.00	Administrative Fee	10,000	10,000	10,000	10,000	10,000	-	10,000
		362,794	**307,319**	**328,520**	**302,184**	**326,669**	**276,045**	**376,152**
	Commodities:							
40.12	Hand Tools	-	-	339	230	300	330	300
41.01	Office Supplies	2,299	1,223	1,277	804	1,000	2,052	1,000
41.05	Janitorial Supplies	3,658	4,136	4,681	3,299	4,000	3,847	4,500
41.20	Concession Supplies	3,593	3,530	2,907	4,129	4,300	3,241	4,300
43.00	Vehicle Supplies	(167)	17,356	26,621	8,482	20,000	8,491	20,000
45.00	Uniforms	90	87	1,740	1,216	2,000	4,257	2,000
		9,473	**26,332**	**37,565**	**18,160**	**31,600**	**22,218**	**32,100**

		ACTUAL FY2012	ACTUAL FY2013	ACTUAL FY2014	ACTUAL FY2015	Adopted BUDGET FY2016	ACTUAL As of 3/31/16 FY2016	PROPOSED BUDGET FY2017
	Capital Outlay:							
56.00	Land improvement	-	-	-				
58.04	Other Projects		-		-	-	6,945	-
59.02	Cap. Outlay/Equipment	-	1,395	-	2,506	-	-	-
58.00	Capital Outlay/Improvements	-	-	-	-	-	-	-
72.00	Lease Interest	17,908	17,328	16,674	15,961	15,087	15,087	14,017
		17,908	**18,723**	**16,674**	**18,467**	**15,087**	**22,032**	**14,017**
	Contributions:							
00.00	Contingency	-	-	-	-	98,560		-
		-	-	-	-	**98,560**	-	-
TOTAL AIRPORT OPERATIONS		**746,864**	**730,727**	**713,968**	**600,577**	**735,033**	**465,364**	**822,906**
563	**FBO OPERATIONS**							
	Personnel Services:							
03.00	Salaries and Wages	153,979	163,347	160,346	184,794	206,710	267,759	247,866
04.00	Social Security	10,398	11,623	12,418	14,348	11,242	18,154	16,298
05.00	Health and Life Insurance	106,218	77,207	87,255	69,268	52,231	82,075	65,416
07.00	Retirement	18,659	22,247	26,414	35,470	31,994	37,559	34,987
08.00	Medicare	2,432	2,718	2,904	3,356	2,985	4,246	3,812
10.00	Overtime	13,306	25,034	41,373	48,935	25,000	27,618	15,000
		304,992	**302,176**	**330,710**	**356,171**	**330,162**	**437,411**	**383,378**
	Contracted Services:							
11.00	Telephone	7,094	7,634	14,914	7,837	7,500	8,233	9,000
14.00	Travel & Training	1,292	205	2,565	800	2,500	2,414	10,000
16.00	Equipment Maintenance	4,799	6,272	7,655	4,706	6,500	7,601	8,000
17.00	Vehicle Maintenance	-	59	-	-	-	-	-
18.00	Postage	32	71	24	76	50	139	50
19.02	Equipment Rent (fuel trucks)	-	-	21,315		25,000	22,902	25,000
22.00	Dues & Subscriptions	-	-	15	15	-	15	-
26.00	Workers Compensation	7,252	9,116	8,572	10,322	8,132	8,390	8,684
26.01	Property & Liability Insurance	21,147	17,725	19,097	19,727	21,205	13,205	19,538
26.02	Unemployment Compensation	-	-	-	-	-	-	-
30.00	Contracted Services	2,388	2,388	2,388	1,990	2,400	3,430	4,000
32.00	Credit Card Fees	40,984	33,022	24,159	17,384	25,000	9,322	25,000
		84,988	**76,492**	**100,704**	**62,857**	**98,287**	**75,651**	**109,272**
	Commodities:							
41.01	Office Supplies	1,598	1,052	1,760	1,567	1,500	1,426	1,500
41.05	Janitorial Supplies	224	-	-		-	114	
41.21	Operating Supplies	172	-	5	-	100	24	100
46.10	Jet Fuel	1,357,023	1,129,520	1,010,385	813,393	1,100,000	536,708	1,100,000
46.12	Avgas	232,686	203,271	182,020	201,170	185,000	175,195	185,000
46.15	Oil/Prist/Glycol (deicing fluid)	23,369	21,073	52,279	38,000	42,000	10,219	42,000
46.20	Catering Supplies	894	594	499	725	700	514	700
46.21	Pilot Supplies	774	1,293	2,368	261	1,000	965	1,000
65.10	Amortization Expense	5,825	5,825					
		1,622,565	**1,362,628**	**1,249,316**	**1,055,116**	**1,330,300**	**725,165**	**1,330,300**
TOTAL FBO OPERATIONS		**2,012,545**	**1,741,296**	**1,680,730**	**1,474,144**	**1,758,749**	**1,238,227**	**1,822,950**
TOTAL EXPENDITURES		**2,759,409**	**2,472,023**	**2,394,698**	**2,074,721**	**2,493,782**	**1,703,591**	**2,645,856**
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES (Budgetary Basis)		**(96,382)**	**118,215**	**(121,011)**	**(76,599)**	**9,000**	**(83,103)**	**64**