



Office of the City Clerk

The City of Morgantown

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AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
July 19, 2016
7:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES:** Special Mtg. Minutes for June 21, 2016, Regular Mtg. Minutes for June 21, 2016, Special Mtg. Minutes for June 28, 2016, COW Mtg. Minutes for June 28, 2016, and Regular Mtg. Minutes for July 5, 2016.
5. **CORRESPONDENCE:**
6. **PUBLIC HEARINGS:**
 - A. AN ORDINANCE AMENDING CHAPTER SEVEN OF THE TRAFFIC CODE GOVERNING PARKING WITHIN THE CITY, CREATING REGULATIONS AND CHARGES FOR DISPLAY OF PERMITS, MODIFYING PARKING ZONES AND RATES, AND AUTHORIZING IMMOBILIZATION OF CERTAIN VEHICLES IN METERED SPACES.
 - B. AN ORDINANCE AMENDING ARTILCES 1713 AND 1717 OF THE CITY CODE AND ADOPTING THE 2015 STATE BUILDING CODE.
 - C. AN ORDINANCE REPEALING ORDINANCES 2014-38 AND 2014-39 PROVIDING FOR A DOWNTOWN BUSINESS DISTRICT HEAVY TRUCK LIMITATION.
 - D. AN ORDINANCE AMENDING CITY CODE ARTICLE 545 RELATING TO GENERAL OFFENSES INVOLVING WEAPONS.
 - E. AN ORDINANCE AMENDING CITY CODE SECTION 545.10 REGULATING SALE, POSSESSION, AND USE OF FIREWORKS; REPEALING ARTICLE 752

SALE, POSSESSION, AND USE OF FIREWORKS; REPEALING ARTICLE 752 ESTABLISHING A NOVELTY AND SPARKLER FEE; AND AMENDING SECTION 1511.02 TO PRESERVE FIRE MARSHALS ENFORCEMENT OF FIREWORKS REGULATIONS.

F. AN ORDINANCE AMENDING ARTICLE 149 OF THE CITY CODE RELATING TO THE BOARD OF PARKS AND RECREATION COMMISSIONERS.

G. AN ORDINANCE AMENDING ARTICLE 941.

7. UNFINISHED BUSINESS:

A. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING CHAPTER SEVEN OF THE TRAFFIC CODE GOVERNING PARKING WITHIN THE CITY, CREATING REGULATIONS AND CHARGES FOR DISPLAY OF PERMITS, MODIFYING PARKING ZONES AND RATES, AND AUTHORIZING IMMOBILIZATION OF CERTAIN VEHICLES IN METERED SPACES. (First reading July 5, 2016)

B. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING ARTILCES 1713 AND 1717 OF THE CITY CODE AND ADOPTING THE 2015 STATE BUILDING CODE. (First reading July 5, 2016)

C. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE REPEALING ORDINANCES 2014-38 AND 2014-39 PROVIDING FOR A DOWNTOWN BUSINESS DISTRICT HEAVY TRUCK LIMITATION. (First reading July 5, 2016)

D. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING CITY CODE ARTICLE 545 RELATING TO GENERAL OFFENSES INVOLVING WEAPONS. (First reading July 5, 2016)

E. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING CITY CODE SECTION 545.10 REGULATING SALE, POSSESSION, AND USE OF FIREWORKS; REPEALING ARTICLE 752 ESTABLISHING A NOVELTY AND SPARKLER FEE; AND AMENDING SECTION 1511.02 TO PRESERVE FIRE MARSHALS ENFORCEMENT OF FIREWORKS REGULATIONS. (First reading July 5, 2016)

F. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN

ORDINANCE AMENDING ARTICLE 149 OF THE CITY CODE RELATING TO THE BOARD OF PARKS AND RECREATION COMMISSIONERS. (First reading July 5, 2016)

- G. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING ARTICLE 941. (First reading July 5, 2016)**

H. 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 AMENDING THE FY 2016 – 2017 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

B. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AMENDING THE FY 2016 – 2017 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

C. Consideration of APPROVAL of A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACT ON ITS BEHALF TO ENTER A CONTRACTUAL AGREEMENT WITH THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, TO RECEIVE AND ADMINISTER GRANT FUNDS FROM THE 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR EQUIPMENT ENHANCEMENT FOR THE CITY OF MORGANTOWN.

- 11. CITY MANAGER'S REPORT:**

New Business:

- 1. Capital Escrow budget modifications**

2. Home Rule Amendment
3. Fire Code Board of Appeals

12. REPORT FROM CITY CLERK:
13. REPORT FROM CITY ATTORNEY:
14. REPORT FROM COUNCIL MEMBERS:
15. ADJOURNMENT:

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



Office of the City Manager

The City of Morgantown

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

Thursday, July 14, 2016

City Manager's Report for City Council Meeting on July 19, 2016

New Business:

1. Capital Escrow budget modifications

With the introduction of additional funding, I am requesting the following modifications to be made to the Capital Escrow budget:

- A. Currently \$232,113.47 remains in the Access Road budget line, I am recommending the transfer those funds to the Airport Support (Fuel Farm upgrades, and runway extension property acquisition) budget to keep Airport and the runway extension project moving forward.
- B. Main Street Morgantown funding was reduced due to expected carry over from last fiscal year. Invoices for funding have caught up and no carry over is now expected. I am recommending an increase of \$15,000 to make a total of \$50,000 for the FY 2017 contribution from contingency.
- C. Increase the Public Safety Plaza building project line by \$19,000 to cover change orders to the project and landscaping material costs from Capital Escrow contingency.

2. Home Rule Amendment

Attached is the proposed Home Rule amendment that will increase the time alcohol can be purchased on Sundays. The attached notice will be published and available for thirty days and a public hearing is requested for Tuesday, September 6, 2016 at 7:00 pm. First reading of the ordinance will take place prior to the September 6, 2016 meeting.

3. Fire Code Board of Appeals

The Fire Code Board of Appeals Chairman, Pat Esposito, has requested that two additional alternates be added to the Board so that a quorum can be maintained and new appointments can be a part of the upcoming Board work session. I recommend Patrick Hathaway and Kyle Haugh both be appointed to the Fire Code Board of Appeals. Both has shown interest in serving on a City Board or Commission and will be interviewed on Tuesday, July 19, 2016.

Jeff Mikorski ICMA-CM,
Morgantown City Manager

Proposed Amendment to the City of Morgantown Home Rule Application

I. Introduction

The City of Morgantown (the “City”) has been approved to participate in West Virginia’s Municipal Home Rule Pilot Program, Phase II (“Home Rule Program”) and its initial written plan has been approved by the Municipal Home Rule Board (the “Board”). An amendment to the City’s written plan was approved by the Board on September 14, 2015.

Pursuant to *W. Va. Code* § 8-1-5a(l), “[a] municipality selected to participate in the Municipal Home Rule Pilot Program may amend its written plan at any time.” The Board has provided guidance for municipalities proposing plan amendments. The guidance requires a public hearing and statement of the reasons for amendment similar to those required in an initial plan under *W. Va. Code* § 8-1-5a(f) and (g).

The City seeks to amend its written plan to propose an ordinance permitting alcohol sales for on-premises consumption prior to 1:00 p.m. on Sundays. The applicable laws and reasons for amendment are set out below.

II. Specific Laws Applicable

West Virginia Code sections 60-7-12(a)(5), 60-8-34, 11-16-18(a)(1), 7-1-3pp.

III. Limitations Presented by Applicable Law

Current law prohibits alcohol sales at private clubs between the hours of 3:00 a.m. and 1:00 p.m. on Sundays (*W. Va. Code* § 60-7-12(a)(5)) and at private wine bed and breakfast or restaurant establishments between 2:00 a.m. and 1:00 p.m. on Sundays (*W. Va. Code* § 60-8-34). All licensees are prohibited from selling alcohol between 2:00 a.m. and 1:00 p.m. except as otherwise provided in Chapter 60, Article 7. *W. Va. Code* § 11-16-18(a)(1). Senate Bill 293, passed in the 2016 regular session and effective June 10, 2016, modifies these limitations by permitting on premise alcohol sales beginning at 10:00 a.m. on Sundays only after an election. (2016 S.B. 293; *W. Va. Code* § 7-1-3pp (eff. June 10, 2016)). Any election approving Sunday alcohol sales – or declining to do so – could not occur in Monongalia County until November.

Morgantown is home to many local restaurants which could lose business as other jurisdictions adopt standards permitting alcohol sales with Sunday meals. Morgantown also regularly hosts visitors from around the country, including those attending West Virginia University events. The addition of Sunday alcohol sales would present these visitors with additional local amenities and boost the local economy. Both the Morgantown Area Chamber of Commerce and the Greater Morgantown Convention and Visitors Bureau support Morgantown’s effort to authorize on premise alcohol sales to benefit city and county residents as well as visitors in advance of any

ballot issue. The letter of support prepared by these organizations is attached to this Application as "Exhibit 1."

Several home rule municipalities have already obtained approval to use the program to implement municipal ordinances permitting Sunday alcohol sales for on premise consumption beginning at 10:00 a.m. Morgantown would like to join these communities in exercising local authority to expand opportunities for residents, businesses, and visitors.

IV. Proposed solution

Upon approval of the Board, the City will adopt an ordinance permitting alcohol sales by West Virginia Alcohol Beverage Control Administration Class A license holders for on premise consumption beginning at 10:00 a.m. on Sundays. The Corporation of Shepherdstown has successfully implemented this measure through the Home Rule program to support local businesses and promote tourism and the local economy. Additional municipalities were approved to exercise this authority at the Board's July 11th meeting.

EXHIBIT 1

**Morgantown Area Chamber of Commerce
And
Greater Morgantown Convention and Visitors Bureau
Letter of Support**



Dear Members of the Morgantown City Council:

This letter is being sent to you on the behalf of the Morgantown Area Chamber of Commerce and the Greater Morgantown Convention and Visitor's Bureau. Like you, we are very pleased with the recent passage of Senate Bill 298 by the West Virginia Legislature.

It is now our hope to garner support from across Monongalia County in order that businesses throughout the county may be able to offer this opportunity to their patrons and so that citizens across the county may enjoy this experience. We recognize that the City plans to move forward through the usage of the Home Rule Process in order to secure this privilege for Morgantown businesses and citizens. It is our belief that it will take until November for this process to play out before Brunch can be enjoyed at any establishment in the county, including Morgantown.

We are also under the belief that the statute will allow for the institution of brunch opportunities once the election is certified in November for any business across the county (assuming passage of the ballot issue).

Our request is that while you move forward in your process, that you join us in supporting vigorously the efforts to win the vote across the county, inclusive of the citizens inside the Morgantown City Limits. In simple terms, if the ballot question passes.... The entire county will have the benefit of this "brunch" experience, and.... If the vote should not pass, you would already be poised to provide the opportunity for Morgantown citizens on the exact same schedule as you are presently.

We hope that our recent history of showing what Monongalia County can achieve together...you would join us in supporting this effort for businesses and citizens across the county.

Sincerely,

A handwritten signature in blue ink that reads "Daniel Kimble".

Daniel Kimble, President
Morgantown Area Chamber of Commerce

A handwritten signature in black ink that reads "Peggy J. Myers-Smith".

Peggy J. Myers-Smith, President/CEO
Greater Morgantown CVB

PUBLIC HEARING NOTICE CITY OF MORGANTOWN, WEST VIRGINIA

Notice is hereby given by the City of Morgantown, WV, that it will hold a public hearing on Tuesday, September 6th at 7:00 p.m. at Morgantown City Hall Council Chambers (2nd floor), 389 Spruce Street, Morgantown, WV 26505 on the following:

**A PROPOSED AMENDMENT TO THE CITY OF MORGANTOWN HOME RULE WRITTEN PLAN
TO EXPAND SUNDAY ALCOHOL SALES.**

Copies of the proposed amended written plan are available for public inspection in the Office of the City Clerk as well as the Office of the City Manager, Morgantown City Hall, 389 Spruce Street, Morgantown, WV 26505 during regular business hours, or by calling the City Manager's Office at (304) 284-7405.

Please publish as a Class II Legal Ad on the following dates: **[INSERT DATES]**

REGULAR MEETING June 21, 2016: The Regular Meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, June 21, 2016 at 7:00 p.m.

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

The meeting was called to order by Mayor Shamberger.

APPROVAL OF MINUTES: COW Meeting for May 31, 2016 was approved by acclamation. Regular Meeting of June 7, 2016, was approved with two minor amendments.

CORRESPONDENCE: Mayor Shamberger presented a Proclamation to Lisa Burtner, Owner of CTA announcing June 2016 as CTA All-Star Cheerleading Month. Lisa Burton then presented a certificate to Jessica Shroust for Outstanding Coach and also 2016 Miss West Virginia Teen United States. Jessica Shroust then presented a certificate to Michelle Pettis for being so courageous while battling breast cancer. Mayor Shamberger also shared with us a gift that was given to the City of Morgantown by one of our Sister Cities last week during their visit from Xuzhou China. Mayor Shamberger read what the script says on the scroll hanging in our lobby that was done and given to the City of Morgantown by WV Chinese Students & Scholar Association. "The state of harmony is the greatest virtue of heaven and earth, only the harmony can nourish all things on earth, it can make people calm among consolation. As ancients said: harmony is the foundation of a family." From West Virginia University Chinese Students and Scholars Association to The City of Morgantown, by Mr. Hongxian Feng, June of 2013. The style of this script is called Zhangcao, a specific kind of Chinese calligraphy. Mayor Shamberger then announced that the City of Morgantown was recognized as being designated by the National Safety Council for Safe Community America and that we were one of twenty-eight across the country. Mayor Shamberger wanted to thank our City Manager, City Communications Manager, City Clerk, Engineers, Joe from the Met Theatre and also the Morgan's for being a part of the dedication of the Morgan Statue.

The Mayor declared this Public Hearing open.

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

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

PUBLIC HEARING - 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.

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

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

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

PUBLIC HEARING - AN ORDINANCE AMENDING CITY CODE SECTION 155.03 PROVIDING FOR THE COMPOSITION AND MEMBERSHIP OF THE PARKING

AUTHORITY.

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

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.

Robert Shuman, 256 Hight Street, had some questions about the property and the Mayor advised him to speak during the Unfinished Business.

PUBLIC HEARING – AN ORDINANCE APPLICATION REGARDING CREATION OF THE CITY OF MORGANTOWN DEVELOPMENT DISTRICT #5 AND APPROVAL OF A PROJECT PLAN FOR UPPER FALLING RUN PROJECT #1 AND ISSUANCE OF TAX INCREMENT FINANCING OBLIGATIONS.

Barbara Howell, 432 Riley Street, spoke of her concerns for the TIF District.

John Martys, Executive Director of Fairmont – Morgantown Housing Authority, stated that he was in favor of the TIF District and that Liberty Street would be handled by the developer.

Brian Helmick, Spillman, Thomas, & Battle Law Office, Council to the Fairmont - Morgantown Housing Authority, discussed the TIF application process and addressed that the property is owned by the Fairmont – Morgantown Housing Authority.

James Kotcon, 414 Tyrone Avery Road, presented a hand out in regards to the Upper Falling Run Tax Increment Financing District. He stated that WVU officials just confirmed with him that they want to be good partners and recognize the advantages of the housing project. (Exhibit A)

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

UNFINISHED BUSINESS:

AN ORDINANCE ESTABLISHING RATES OF COMPENSATION FOR THE FY 2016-2017: The below entitled Ordinance was presented for second reading.

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

After discussion, motion by Ganz, second by Selin, to adopt the above entitled Ordinance. Motion carried 6-1. (Nugent voting no)

AN ORDINANCE AMENDING SECTIONS OF THE PERSONNEL RULES INCREASING THE MONETARY AMOUNTS WITHIN EACH: The below entitled Ordinance was presented for second reading.

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.

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

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLM PROPERTIES, INC. TO LIST RENTAL SPACE AT THE MMA: The below entitled Ordinance was presented for second reading.

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

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

AN ORDINANCE AMENDING CITY CODE FOR THE COMPOSITION AND MEMBERSHIP OF THE PARKING AUTHORITY: The below entitled Ordinance was presented for second reading.

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

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

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

AN ORDINANCE VACATING, ABANDONING, AND ANNULING 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.

Motion by Selin, second by Kaweck, to bring off the table. Motion carried 4-3. (Bane, Redmond, and Ganz voting no) After discussion, motion by Selin second by Kaweck, to move and approve for questions to be answered by Mr. Shuman. Suspended the rules by consensus, after discussion motion carried 4-3. (Nugent, Redmond, and Ganz voting no)

BOARDS AND COMMISSIONS: City Clerk Linda Tucker, announced that there are 3 openings for the Human Rights, 1 for Sister Cities, and 1 for Traffic Commission. Applications have been submitted and interviews will be taking place throughout June and July.

PUBLIC PORTION:

Mayor Shamberger declared the Public Portion open.

Lucas Tatham, First Presbyterian Church 456 Spruce Street, read a letter that was written to Mayor, Marti Shamberger and City Council asking them to review thoroughly and critically the proposed construction by CA Student Living on the former VFW property at the corner of Spruce and Willey Streets. He states that they are concerned with the land use intensity of the project and the density of overload on the pedestrian safety and built environments. **(Exhibit B)**

Ron Justice, 741 Johnson Avenue, talked about the Met Theatre and the agreement with the City and how it would remain a community theatre.

Patrick Hathaway, 359 Sanford Street, expressed his early vote on the Brunch Bill.

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

SPECIAL COMMITTEE REPORTS: None

NEW BUSINESS:

A RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST VIRGINIA UNIVERSITY FOR PARTNERSHIP IN OPERATION OF THE METROPOLITAN THEATRE:
The above entitled Resolution was presented for Council's approval.

After discussion, motion by Redmond, second by Selin, to adopt the entitled Resolution. Motion carried 6-1. (Ganz voting no)

CITY MANAGERS REPORT:

New Business:

1. CA Living

City Manager reports that CA living has gone through Planning and Board of Zoning Appeals, and does not know how Council could make any modifications. City Manager said he could work with the City Attorney to make any determinations of the construction plan. The building permits have not been provided at this time and are still being acquired. To have it changed through Planning and Board of Zoning would be very difficult. Looking at the other issues we can provide more information to the members as the information comes into the city to see if there is a way to negotiate with CA Living on some of the plans such as traffic and construction concerns. Lucas Tatham, First Presbyterian Church 456 Spruce Street asked City Manager, City Attorney, and Council questions regarding the construction that will be going on beside them.

2. State Contract purchase for Public Works Department

In order to improve the equipment and services to the residents in the summer and winter, funds from the Safe Streets and Safe Community will be used to purchase two Public Works vehicles. Pursuant to City Code, State contract purchases require City Council approval. As seen on the attached memo from Damien Davis, City Engineer and Public Works Director, the City is interested in purchasing two dump trucks with snow plows for a total cost of \$111,193.12 from Matheny Motors in Parkersburg, WV. City Manager, Jeff Mikorski recommend the purchase by State contract utilizing the Safe Streets and Safe Community Municipal Fee proceeds.

After discussion, City Manager recommended the purchase of two dump trucks with snow plows for a total cost of \$111,193.12 from Matheny Motors in Parkersburg, WV. Motion by Ganz, second by Selin to approve the purchase of two dump trucks with snow plows. Motion carried 7-0.

3. 2016 Urban Deer Archery Hunt Requirements and Rules

Attached are the proposed 2016 Urban Deer Archery Hunt hunter requirements and rules. This year the Archery Hunt will take place from September 3 to December 31, 2016. Listed are the locations that hunters will be positioned, which includes the change that hunters will not be located in the

City parks. New hunter enrollment will not take place this year due to the amount of hunters already signed up and a reduction in the number of locations. City Manager, Jeff Mikorski recommended City Council approve the proposed hunter requirements for the 2016 Urban Deer Archery Hunt.

City Manager explains, after discussion, Mayor Shamberger asks about Parks that are not on the list. Motion by Redmond, second by Selin to approve the proposed hunter requirements for the 2016 Urban Deer Archery Hunt. Motion carried 7-0. (Exhibit C)

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane announced on the 27th of June in the 1st Ward Neighborhood Associate will have a meeting at 6pm in the Jack Roberts Park in the Pavilion. Councilor Bane asked the City Manager about the Urban Agriculture Ordinance. City Manager explained, that they have been talking with other attorneys and looking at other Ordinances with in the State of WV. City Manager was hoping to have the Ordinance ready for the COW meeting in June. If not, then it will be on for the COW in July. Councilor Bane questioned the City Manager about the bike lane on the Blvd. City Manager explained, that the share funding with DOH concerns with the hillside. DOH does not want us to move forward until that is looked into further. Councilor Bane questioned about the lighting and when the changing of the lamps and if the boulevard was going to have them done as well. Councilor Bane also mentioned about the County Levy and BOPARC and what is happening with the new Ice Rink in regards to the Green Space. Councilor Bane mentioned that at the 1st Ward Neighborhood Association meeting there were some questions asked and was wondering about the where it goes from here.

Deputy Mayor Kawecki:

Deputy Mayor Kawecki mentioned that the Arts Mon brought some fiberglass bears and have been distributed to various businesses downtown for

display. Deputy Mayor Kawecki announced that if you would be interested in seeing these bears you could go to the Bears Game, Chili's, The Green Turtle, CVB, Ruby Hospital, Crab Shack, Morgantown Mall and also there are some much smaller ones down at Arts Mon.

Councilor Nugent:

Councilor Nugent stated that he has received phone calls in regards to rutting in the hog back turn that is causing runoff on the downhill side. Councilor Nugent mentions his concerns along with residence on the TIF project about the streets and organic farm. Councilor Nugent wants to thank Brenda Shinkovich and the Daughters Against Revolution (DAR) who have raised money to put in an outstanding statue of Zacquill Morgan. Councilor Nugent would also like to commend Jamie Lester for the design and the work that he put into making the statue. Councilor Nugent stated about the City Charter and what it means to him and he will continue to follow it.

Councilor Selin:

Councilor Selin stated that she and Deputy Mayor Kawecki attended a River Town meeting in California, Pennsylvania. Councilor Selin stated that it was interesting to see up and down our river at how many different things going on. Councilor Selin mentions the Summer Stroll that take place this Saturday from 9 a.m. - Noon in front of the dam. Councilor Selin mentioned that she was at Palentine Park in Fairmont, WV playing with her grandson in the splash park and stated that BOPARC was looking into something like that for our city. Councilor Selin mentions that she is concerned with the TIF Project. Councilor Selin also mentions that the Brunch Bill is important and will offer more to the community. Councilor Selin handed out a card announcing times for the Soul Fuel that will be

happening all weekend long and is being put on by the CVB.

Councilor Redmond:

Councilor Redmond announced an effort going on at Jack Robert's Park that was purchased by the City. Judy Semler heads up the group and has about 40 members involved. The primary focus on the park is on the wall. Councilor Redmond mentions that it was a pleasure to be there and see the energy amongst the group. Councilor Redmond wanted to thank Rick Bebout in all of the hard work that he has put into the Urban Deer Archery and has been such a big success. Councilor Redmond stated that he has 2 initiatives to bring up this evening in regards to the CA Living project. Councilor Redmond states that the new phase of our town should or should not have a final approval for Council to sign off on, which would make a significant impact to the City. Councilor Redmond mentioned that a couple of citizens have brought up maybe adding a Citizens Advisory Board. This would be an interface between the public, and 2 Council Members regarding the relationships we have with our contracted partners. This would give the citizens a little more of a voice in the concerns regarding those. Councilor Redmond states that this is something to bring in front at the COW meeting. He will let the City Manager look into this to see if this is something that can be moved forward.

Councilor Ganz:

Councilor Ganz states that this has been an exciting meeting and announces that the Suncrest Neighborhood Association meeting will be held at Calvary Baptist Church on June 30th at 7:00 p.m. and there will be a pot luck. Also Suncrest Neighborhood Picnic will be July 7th from 5 p.m. – 7p.m. at Krepps Park and there will be a Fire Department Engine and a Police Department vehicle for all to see. Councilor Ganz wanted to congratulate CTA and that she had

children that was in cheerleading and competed in national competitions. Councilor Ganz stated that there will be an impact on the First Presbyterian Church and appreciates the residents for looking at the impact on their daycare center. Councilor Ganz stated that every time a building of significant impact is proposed there are many public hearings. Councilor Ganz would have to have seen more people at those public hearings when there was discussion on setbacks and so forth. Councilor Ganz is not sure what will happen, but hopes that the City Manager and City Attorney can help and offer the possible support. Councilor Ganz noted that the Citizen Advisory Board is a great idea and hopes that the citizens continue going to the Boards & Commissions meetings. Councilor Ganz stated that the last few weeks had been busy for the City of Morgantown. She mentioned that several council members took time to attend a heroin seminar presented by the FBI. Councilor Ganz mentioned that one of the presenters was our Police Chief and stated there was a lot of talk about our state and community. Councilor Ganz mentioned the Safety Council and the excitement we are having with them. She also mentioned the Sister Cities visit and one of the gifts that was brought was a scarf that was designed by the children in their providence. Councilor Ganz stated that the good thing about the Safety Council and Sister Cities is that they both bring forward great opportunities. Councilor Ganz wants to thank all of those who attended Ageless Friends. Councilor Ganz noted that a council member told her that they were all now Morganites, after the dedication of the Zacquill Morgan dedication and meeting the Morgan's that showed up and was a part of it. Councilor Ganz brought forth the Charter concerns and the individuals that are involved that are continuing the litigation. She says that it is important to do your best to prevent future litigation and would like to keep everything as

sharp as possible. Councilor Ganz also notes that understanding in this state that State Law supersedes our Charter. Councilor Ganz announces that this weekend will be a big one for the Botanic Garden. Also she is encouraging all citizens to look at the newsletter that is done and sent out by our Communications Director Chelsi Baker once a month.

Mayor Shamberger:

Mayor Shamberger commended Police Chief Ed Preston on the heroin training and she thought he did an excellent job; Commended the city crews after the severe storm on Thursday and appreciated the street sweeper in the 5th Ward; July 6th Fairmont-Housing Authority is having a dedication at 521 Grove Street at 11:00 a.m.; Thursday Evening Orlando Vigil at WVU bell rang 49 times once for each person who lost their life; Farmer's Market is every Saturday; Mon Arts Center is having an Artist Networking Night every 3rd Tuesday from 5:30 p.m. – 7:00 p.m.; Morgantown Public Library will be hosting a Theatre Thursday on June 23, 2016 at 1:00 p.m. Come see Norm of the North for free; Botanic Garden is hosting an evening with Chef Marion Ohlinger of Hill and Hollow Restaurant, preregistration is required by midnight June 16th, 2016 at www.wvbg.org; WV Bass Federation Morgantown Invitational June 25-26, 2016 at Riverfront Park; Krepps Kritters presented by the Morgantown Public Library and BOPARC is a fun program for children between the ages of three and six held under the Pavilion in Krepps Park, there is a \$5 charge per child; Mayor Shamberger is very proud of the Safe Community award that the City of Morgantown received and it will be displayed at City Hall.

ADJOURNMENT: There being no further business, motion by Selin, second by Kawecky to adjourn by unanimous consent at 10:05 p.m.

City Clerk

Mayor

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Comments on for proposed the Upper Falling Run FMHA Tax Increment Financing district.

WVU officials have confirmed that we want to be good partners in this project and we recognize the advantages of this housing project. But good partners requires a two-way agreement. I am specifically concerned about two issues: 1) Maintenance of the organic integrity of the WVU Organic Research Farm, and 2) Creation of a through street from Liberty Street to Route 705 and the attendant traffic problems.

The scenario envisioned assumes that the developer would construct the road along a right-of-way from the main farm gate generally following a path through what we call Field 24 to the west side of the Farm as indicated in the legal announcement for the TIF District. The route is approximately 1500 feet in length. To maintain organic integrity, as specified in federal regulations (7-CFR-Part 205), the following provisions are needed:

Construction

- A. Prior to construction, the existing water line should be moved by the developer. During this period, the developer must provide an acceptable alternative water supply for sheep (2-4 gallons per animal per day during hot weather, 300 head at peak)) and other livestock (7-CFR-205.239 (a) (1)), as well as for Farm workers. Irrigation water for crops is also needed during dry weather (up to 20,000 gallons per week). Water supplies either must be municipal water or must be tested to document that water is free of prohibited materials (OEFFA Certification Application, Section 5. D2). Water tests must be filed at the WVU Organic Research Farm (7-CFR-205.103).
- B. A 8-foot-tall chain-link security fence must be constructed on the edge of the right-of-way (on both sides of the proposed road) from the existing gate to the west edge of the farm property line in order to comply with the requirement for distinct and defined boundaries (7-CFR-205.202 (c)).
- C. Gates to access Farm property must be constructed on both sides at the intersection of the current gravel road (previously known as the Orchard Road Bypass). Gates must be adequate to provide access to the Farm buildings and the WVU Physical Plant staging area for semi-tractor trailers and tour buses. Two additional gates are recommended on the west end of the proposed road to allow tractors, equipment, and livestock to pass from one side of the Farm to the other.
- D. Construction activities, equipment, and soil disturbance must be limited to the right-of-way. Staging during construction would be limited to a designated portion of section 17 (office and parking lot) to avoid soil compaction and disturbance in certified production and pasture areas as required by 7-CFR-205.203 (a).
- E. During construction, any spills of prohibited materials, including but not limited to leaks of equipment oil, antifreeze, hydraulic fluids, as well as any releases of construction chemicals or other synthetic fluids shall be promptly cleaned up, and any soil contaminated will be removed to appropriate waste disposal facilities. Each such

requirements. Such a tunnel should be conveniently located where the topography lends itself to easy movement of livestock.

- B. An adequate parking area for Field Day visitors (as many as 250 people at past events), school and tour buses, and semi-truck loading and unloading is needed, as the proposed road and fences would bisect the existing lots. During summer and fall days with produce sales, hundreds of vehicles per day stop by, many with elderly or disabled visitors. During school tours and field days, as well as during produce sales, young children may also be present.
- C. Additional security will be needed for the machine shed and research plot areas because of the increased visibility to the vehicles passing on the proposed road. This should include doors, locks, night lighting, screening, and increased security patrols after hours.

II. Through Street

I am opposed to creation of any egress through the FHMA property that creates a through street to Route 705, as appears in the TIF plan. Once established, this would become the shortest route from the Downtown campus and University Avenue to the Mileground. Instead of minimal residential traffic, this creates a major traffic artery through the Organic Farm. The intersection with Route 705 is already heavily traveled and the potential for traffic accidents is already quite high. If this TIF is approved, it should be amended to provide for either a road through the WVU Organic Research Farm, or access through Liberty Street, but not both.

James Kotcon

Associate Professor



June 20, 2016

Dear Mayor Shamberger,

We, the session members of First Presbyterian Church (FPC), request City Council of Morgantown to review thoroughly and critically the proposed construction by CA Student Living on the former VFW property at the corner of Spruce and Willey Streets before taking action on the proposal. We have concerns which we believe raise significant reservations about the advisability of this project as it now stands.

We are concerned with the land use intensity of the proposed project and the density overload on the pedestrian safety and built environments. Even though the Planning Commission has relaxed compliance with height restrictions for the project, this will not prevent the building from becoming a "spike building" which dwarfs surrounding properties and diminishes the value and livability of the area.

The Commission has also apparently approved non-compliance with the green space and set back requirements for the structure which will allow the building to crowd the corner of Willey and Spruce streets and be a "corner to corner" edifice. Such building design will influence not just sightlines relating to the Willey/Spruce streets intersection, it will also significantly impact adjoining land use – something very important to our Church's service to the community which does not seem to have been addressed by the developer or the City's planning process.

In 1970 the First Presbyterian Church developed the Presbyterian Child Development Center (PCDC). After 46 years of service it continues as a non-profit child care center which operates on a sliding scale to permit participation by families of various means. Currently there are 95 children from infants to elementary age participating in this vital community service. An essential element in this program is the availability of a safe playground area.

The proposed building and its construction site as designed will be within 30 inches of the PCDC playground – a facility necessary to maintain PCDC licensure and its certification requirements.

It is incomprehensible how the project has gotten this far without addressing this issue with the Church and its PCDC. Overhead dangers will continue without required setback in place. Even the construction process will render the playground unsafe and therefore unusable and place at risk parents' confidence in the safety and security of the environment PCDC provides.



We therefore request that Council's CA Student Living project evaluation address these concerns:

- Building setbacks and building design to protect adjoining child safety services and property interests - and not just the interests of the project developer
- Construction plans, locations of cranes and staging areas, and their impact on the safety of children and personnel of the PCDC
- The planned closure of a lane on Spruce Street during construction and its impact on vehicle access to/from Forest Ave where children are dropped off each day and where access to other services of the church is essential
- Assurance that food, garbage and recycling waste of the residential, commercial and retail occupants will be managed completely within the building so as not to attract rodents or pests
- Assurance that water runoff from the building and any adjacent paved area will not impact adjoining property or its use (The church currently experiences runoff problems due to the proposed project property.)

The First Presbyterian Church has a productive record of service seeking to address essentials in life for the people in Morgantown. We 1) initiated and sustained our free Sunday morning community hot breakfast when no other such Sunday meal was available in town; 2) initiated the Empty Bowls Project Monongalia and continue to participate actively; 3) provide leadership for Coordinating Council on Homelessness; 4) have members serving on the Morgantown Friends of Syrian Refugees and a member who has chaired the interfaith committee that sponsored the Community Information Meeting and Refugee Sunday/Weekend; 5) participate in the Greater Morgantown Interfaith Association, organized by our Interim Pastor; 6) have worked for several years to develop Harless Center located within Central Place - which provides interfaith, faith-based housing to students seeking a downtown alternative to large-scale unaffiliated student housing. These services are in addition to the sponsorship/support of the PCDC which continues to address one of important unmet family needs in the Morgantown area.

We place our concerns related to the CA Student Living Project before you and ask you to review the zoning ordinances currently in place and their essential relevance to the protection of children, families, neighbors, pedestrians and the future of our community before a decision is made.

Respectfully,

Session Members of First Presbyterian Church, Morgantown

Donna Barber
Just Welch
Elizabeth H. Mullett
David Synner
Catherine Samuel

Lugh La Sala
Dyann Koch
Linda A. Grandson
Lee Mullett

a congregation of the Presbyterian Church (U.S.A.)





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

Wednesday, June 15, 2016

City Manager's Report for City Council Meeting on June 21, 2016

New Business:

1. **State Contract purchase for Public Works Department**

In order to improve the equipment and services to the residents in the summer and winter, funds from the Safe Streets and Safe Community will be used to purchase two Public Works vehicles. Pursuant to City Code, State contract purchases require City Council approval. As seen on the attached memo from Damien Davis, City Engineer and Public Works Director, the City is interested in purchasing two dump trucks with snow plows for a total cost of \$111,193.12 from Matheny Motors in Parkersburg, WV.

I recommend the purchase by State contract utilizing the Safe Streets and Safe Community Municipal Fee proceeds.

2. **2016 Urban Deer Archery Hunt Requirements and Rules**

Attached are the proposed 2016 Urban Deer Archery Hunt hunter requirements and rules. This year the Archery Hunt will take place from September 3 to December 31, 2016. Listed are the locations that hunters will be positioned, which includes the change that hunters will not be located in the City parks. New hunter enrollment will not take place this year due to the amount of hunters already signed up and a reduction in the number of locations. I recommend City Council approve the proposed hunter requirements for the 2016 Urban Deer Archery Hunt.

Jeff Mikorski ICMA-CM,
 Morgantown City Manager

MORGANTOWN CITY MANAGER'S HUNTER REQUIREMENTS AND RULES PERTAINING TO THE CITY OF MORGANTOWN'S URBAN DEER ARCHERY HUNT

September 3 - December 31, 2016

Hunter Requirements

1. Hunters must have a valid West Virginia hunting license.
2. Hunters must complete all parts of the hunt application.
3. Hunters must successfully complete the Bowhunter Education Course.
4. Hunters must successfully complete an archery proficiency test.

Rules

1. Hunters shall park only in designated parking areas.
2. Hunters shall treat everyone they meet with courtesy and respect.
3. Hunters shall not litter.
4. Hunters shall obey all West Virginia game laws.
5. Hunters will be selected and assigned locations by the City Manager or his designee. A completed application is not a guarantee that a hunter will be selected. The City Manager or his designee will attempt to assign all qualified hunters, but there may be more qualified applicants than hunting locations.
6. Locations for the hunt include, but are not exclusive to:
 - a. Chalfant Avenue properties (2)
 - b. Conrad Place/White Avenue adjacent properties (3)
 - c. Sheldon Avenue woodlot
 - d. Green Bag Road hillside
 - e. Harner Street
 - f. Koontz Avenue
 - g. Liberty Street
 - h. Logan Avenue
 - i. Norwood neighborhood (surrounding woodlots)
 - j. Peninsula Avenue
 - k. Sheldon Avenue
 - l. Southpoint Circle (4 parcels)
 - m. West Virginia University properties
 - i. Core Arboretum
 - ii. Dairy Farm
 - iii. Farm woodlot

- iv. Falling Run hollow
- v. Monongahela Boulevard hillside
- vi. Motor Pool woodlot
- vii. Organic Farm
- viii. Van Voorhis woodlot

7. All hunters, prior to receiving a permit authorizing him or her to participate in the hunt, must agree to hold harmless the City of Morgantown, City of Morgantown employees and officials, and the owner of the realty upon which they will be hunting from any and all claims for personal injury, death, or property damage arising as a result of the hunter participating in the hunt.
8. No person, without first receiving written permission from the City Manager or his designee, may accompany a hunter while he or she is participating in this hunt.
9. Permits must be on a hunter at all times while hunting.
10. Portable, ladder or climbing stands are required for all hunters except for those who are physically disabled and have been issued a valid Class Y hunting license by the State of West Virginia or for sites where a ground blind has been approved.
11. Stalking deer on the ground is prohibited. This includes walking to and from designated hunting sites.
12. Those hunting from an elevated tree stands must use a full-body safety harness while in the tree.
13. The hunter's name and sequential numbers must be on all arrows used while hunting, i.e. J. Miller #1, J. Miller #2, J. Miller #3.
14. Shots of 25 yards or more shall not be taken.
15. A maximum of 7 deer can be taken by each hunter on their urban season tags (5 antlerless deer, 2 bucks). Additional deer can be taken on a hunter's regular West Virginia license providing they have the correct stamps for the corresponding seasons.
16. In pursuance of the City of Morgantown's deer management goals and the West Virginia DNR regulations, an antlerless deer is required to be taken first. After that, 2 bucks can be taken as long as the second buck is preceded by an antlerless harvest.
17. Two deer may be taken per day and can be checked-in at the same time. While two does or a buck and a doe can be taken in the same day, two bucks cannot be taken in the same day.
18. If a wounded deer leaves the boundary of the designated hunting area, the hunter shall not pursue the deer onto another's realty without first obtaining the permission of the owner of the realty upon which the hunter wishes to enter. The hunter shall not fire his/her bow once he/she leaves the designated hunt area assigned to him or her. If the wounded deer is located, while alive, on another's property, the hunter must contact the Morgantown Police Department at (304) 284-7522. The hunter shall identify himself/herself as a participant in the Morgantown Urban Deer Archery Hunt, and request assistance from the Police Department in retrieving the deer.
19. If a property owner does not give the hunter permission to enter his or her property to search for a wounded deer, the hunter shall inform the property owner that he or she can call (304) 284-7522 to have the deer removed from his or her property.

20. Under no situation will entrails be left on any property. A carcass is to be removed in its entirety or have entrails placed in plastic bags, removed from the property and properly discarded. (Please provide your own bags for this purpose.)
21. All deer must be checked-in using West Virginia DNR's new check-in system by either:
 - a. Calling **1-844-WVCheck** or
 - b. Logging in to **<https://wvhunt.com/>**
22. Once the deer is checked-in, hunters must report their harvest(s) to Rick Bebout by phone or text at 304-290-7205. This is mandatory for internal record-keeping.
23. Hunters shall be required to comply with any additional restrictions set by the hunting realty owner which do not conflict with the City Manager's Rules, the Morgantown City Code, the general statutory laws of the State of West Virginia, and the Rules and Regulations of the West Virginia DNR.
24. At the request of an owner of realty upon which the hunt will be conducted, the City Manager may set specific timed periods of the day in which hunting will be allowed on a specific property.
25. Failure to comply with any of the above requirements may result in a hunter's removal from participating in the City of Morgantown's archery hunt.
26. Before being issued a permit to participate in the hunt, all selected hunters must agree in writing to the foregoing rules.



Jeff Mikorski, ICMA_CM
City Manager

6/15/16
Date

SPECIAL MEETING June 21, 2016:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, June 21, 2016 at 6:00 pm.

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

The meeting was called to order by Mayor Shamberger.

Mayor Shamberger requested that the Executive Session be moved on the agenda before the New Business. Council approved by consensus.

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (9) in order to discuss Real Estate matters, motion by Bane, second by Ganz to go into executive session in order to discuss Real Estate matters. Present: Council, City Attorney, Assistant City Manager and outside Legal Counsel. Time 6:04 p.m.

SPECIAL MEETING: Motion by Bane, second by Ganz to return to the Special Meeting. Time 6:33 p.m.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING THE SALE OF COAL NEAR THE MORGANTOWN MUNICIPAL AIRPORT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING THE SALE OF COAL NEAR THE MORGANTOWN MUNICIPAL AIRPORT TO THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY.

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

ADJOURNMENT:

There being no further business, motion by Nugent, second by Ganz to adjourn the Special Meeting at 6:35 pm.

City Clerk

Mayor

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SPECIAL MEETING June 28, 2016:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, June 28, 2016 at 6:00 p.m.

PRESENT: City Manager Jeff Mikorski, Mayor Marti Shamberger, Deputy Mayor Bill Kawecki and Council Members, Ron Bane, Wes Nugent, Jenny Selin, Jay Redmond, Nancy Ganz.

The meeting was called to order by Deputy Mayor Bill Kawecki.

INTERVIEWS FOR VACANCIES ON THE MORGANTOWN HUMAN RIGHTS COMMISSION BOARD:

Questions were posed to the following candidates from Council:

Judith Smith Wilkinson
Barry Wendell
Matthew Miller

Christopher Reed did not show up for his interview.

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) motion by Ganz, second by Selin, to go into executive session in order to discuss personnel matters in considering new appointments for the Human Rights Commission. Present: Council. Time: 6:39 p.m.

ADJOURNMENT:

There being no further business, Council adjourned the Special Meeting at 6:54 p.m.

City Clerk

Mayor

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COMMITTEE OF THE WHOLE MEETING June 28, 2016:

The Committee of the Whole meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday June 28, 2016 at 7:00 p.m.

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

Deputy Mayor Kawecki called the meeting to order.

PRESENTATIONS: None

PUBLIC PORTION:

Mark Furfari, 704 Richwood Avenue, spoke about the Parking Authority and the parking at the Warf District. He also mentioned the handicap sidewalks that are being put in. He encouraged the placement of the handicap sidewalks and asked if the City could place some on Richwood Avenue in the B-1 business district.

Deputy Mayor Kawecki asked if there was anyone to speak during the Public Portion.

There being no more presenters, Deputy Mayor Kawecki closed the public portion.

ITEMS FOR DISCUSSION:

1. Parking Authority to Traffic Code:

Deputy Mayor Kawecki requested City Manager, Jeff Mikorski to explain: City Manager Jeff Mikorski explained the Traffic Code.

Charles McEwuen, Chair of the Parking Authority, and Tom Arnold, Parking Authority Director, explained the proposed amendments to Chapter Seven of the Traffic Code Governing Parking. After discussion, council referred the Ordinance to the Regular Agenda by consensus.

Council by consensus, let a citizen speak under public portion.

2. Amending article 17.13 and adopting State Building Code:

Deputy Mayor Kawecki requested that City Manager, Jeff Mikorski, explain: City Manager Jeff Mikorski explained the adoption of the State Building Code. Council referred the Ordinance to the Regular Agenda by consensus.

3. Truck Ban Ordinance Repeal:

Deputy Mayor Kawecki requested that City Manager, Jeff Mikorski, explain: City Manager Jeff Mikorski explained Truck Ban Ordinance Repeal. After discussion, council suspended the rules to allow the Police Chief Ed Preston to answer a question that councilor Ganz was questioning. Council referred the

Ordinance to the Regular Agenda by consensus.

4. Zoning text amendment regarding consumer firework sales:

Deputy Mayor Kawecki requested that City Manager, Jeff Mikorski, explain: City Manager Jeff Mikorski explained consumer firework sales. After discussion, referred the Ordinance to the Regular Agenda by consensus.

5. Ordinance amending article 545 relating to firearms:

Deputy Mayor Kawecki requested that City Manager, Jeff Mikorski, explain: City Manager Jeff Mikorski explained the firearms Ordinance. Police Chief, Ed Preston was asked to explain the firearms Ordinance further. After discussion, referred the Ordinance to the Regular Agenda with article 545.18 omitted by consensus.

6. Ordinance amending article 545.10 regulating fireworks:

Deputy Mayor Kawecki requested that City Manager, Jeff Mikorski, explain: City Manager Jeff Mikorski explained the article 545.10 regarding fireworks to City Council. Deputy Mayor Kawecki asked if there were any questions from council, there being none, referred to Regular Agenda by consensus.

7. Ordinance updating rules for BOPARC Board:

Deputy Mayor Kawecki requested that City Manager, Jeff Mikorski, explain: City Manager Jeff Mikorski explained the updating of rules for BOPARC Board. Deputy Mayor Kawecki asked if there were any questions from council, after discussion, Council requested BOPARC Board review 941.04 under Prohibited Activities boats and water equipment at their next Board Meeting, and decide whether or not this item should stay in the Ordinance. There being no further discussion, referred to Regular Agenda by consensus.

8. Home Rule Amendment for alcohol sales on Sunday (Brunch Bill):

Deputy Mayor Kawecki requested that City Manager, Jeff Mikorski, explain: City Manager Jeff Mikorski explained the Home Rule. After discussion, Deputy Mayor Kawecki asked if there were any questions from council. There being no further discussion, referred to Regular Agenda by consensus.

Council adjourned the Committee of the Whole meeting at 9:01 pm.

City Clerk

Mayor

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REGULAR MEETING JULY 5, 2016: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, July 7, 2015 at 7:00 p.m.

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

The meeting was called to order by City Clerk Linda Tucker, in order to conduct the administration of oaths and elect the Mayor and Deputy Mayor.

ELECTION OF MAYOR AND DEPUTY MAYOR:

The City Clerk opened the floor for nominations among Council for the office of Mayor.

Nomination by Bane, second by Redmond to elect Nugent as Mayor. Nomination by Selin, second by Ganz to elect Shamberger as Mayor. Roll call vote taken on Nugent for Mayor. Motion failed 3-4. (Kawecki, Selin, Shamberger, Ganz voted No) Roll call vote taken on Shamberger. Motion carried 4-3. (Bane, Nugent, Redmond voted No) There being no further nominations, Mayor Shamberger will be the Mayor for the 2016-17 term.

The City Clerk opened the floor for nominations among Council for the office of Deputy Mayor.

Nomination by Bane, second by Redmond to elect Nugent as Deputy Mayor. Nomination by Ganz, second by Selin, to elect Kawecki as Deputy Mayor. Roll call vote taken on Nugent for Deputy Mayor. Motion failed 3-4. (Kawecki, Selin, Shamberger, Ganz voted No) Roll call vote taken on Kawecki. Motion carried 4-3. (Bane, Nugent, Redmond voted No) There being no further nominations, Councilor Kawecki will be the Deputy Mayor for the 2016-17 term.

OATH OF OFFICE FOR MAYOR AND DEPUTY MAYOR:

The City Clerk administered the Oath of Office to Mayor Shamberger and Deputy Mayor Kawecki for the term of July 5, 2016 to June 30, 2017.

Thereafter, Mayor Shamberger assumed the Chair of the meeting and began to conduct the regular business of Council, and she thanked her family and Council for their support and electing her for another term.

APPROVAL OF MINUTES: The Special and Regular Meeting Minutes for June 21, 2016 will be available at the July 19th meeting.

CORRESPONDENCE: No correspondence.

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

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

PUBLIC HEARING – AN ORDINANCE AUTHORIZING THE SALE OF COAL NEAR THE MORGANTOWN MUNICIPAL AIRPORT TO THE MONONGALIA COUNTY

DEVELOPMENT AUTHORITY.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING ARTICLE 1329.02, 1369.07, AND 1369.11 OF THE PLANNING AND ZONING CODE AS THEY RELATE TO WALL SIGNS: The below entitled Ordinance was presented for second reading.

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

City Manager explained, after discussion, motion by Ganz, second by Selin to adopt the above entitled Ordinance. Motion carried 5-2 with Bane and Nugent voting no.

AN ORDINANCE AMENDING AN ORDINANCE AUTHORIZING THE SALE OF COAL NEAR THE MORGANTOWN MUNICIPAL AIRPORT TO THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING THE SALE OF COAL NEAR THE MORGANTOWN MUNICIPAL AIRPORT TO THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY.

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

BOARDS AND COMMISSIONS: City Clerk Linda Tucker updated Council on vacancies and noted that there will be a Special Meeting on July 19th, 2016 at 6 p.m. to interview candidates.

PUBLIC PORTION:

Mayor Shamberger declared the Public Portion open.

Bill Rice, 1225 Bakers Ridge Road, Chair of Citizens Advisory Committee Morgantown Monongalia Planning Organization, asked Council to have Bill Austin and the MPO review this project before moving forward.

Donald Ornick, 224 Greenbrier Drive, commented that he cannot find the agenda on the web before meetings and requested Councilors to speak into their microphones. He mentioned the concealed weapons ordinance asking Council to move slowly and cautiously not to take the citizens civic rights away from them.

Tom Bloom, 1021 Ashton Drive, Mon County Commissioner, noted that he did receive the letter on June 21, 2016 from the City Manager Jeff Mikorski about the TIF. He asked if this TIF really meets the requirements and how does it encourage economic development, who is benefiting? He stated there are eight TIF's in this County and four of the TIF's are in City of Morgantown and the legislature has mandated said no more TIF's in Morgantown that don't show economic development. He referenced the deed that MHA acquired to construct low-cost housing and mentioned stated that it is not low cost housing and urged Council to not vote on this until everyone is on the same path.

SPECIAL COMMITTEE REPORTS: NONE

NEW BUSINESS:

AN ORDINANCE AMENDING CHAPTER SEVEN OF THE TRAFFIC CODE GOVERNING PARKING WITHIN THE CITY, CREATING REGULATIONS AND CHARGES FOR DISPLAY OF PERMITS, MODIFYING PARKING ZONES AND RATES, AND AUTHORIZING IMMOBILIZATION OF CERTAIN VEHICLES IN METERED SPACES: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AMENDING CHAPTER SEVEN OF THE TRAFFIC CODE GOVERNING PARKING WITHIN THE CITY, CREATING REGULATIONS AND CHARGES FOR DISPLAY OF PERMITS, MODIFYING PARKING ZONES AND RATES, AND AUTHORIZING IMMOBILIZATION OF CERTAIN VEHICLES IN METERED SPACES.

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

AN ORDINANCE AMENDING ARTICLES 1713 AND 1717 OF THE CITY CODE AND ADOPTING THE 2015 STATE BUILDING CODE: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AMENDING ARTICLES 1713 AND 1717 OF THE CITY CODE AND ADOPTING THE 2015 STATE BUILDING CODE.

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

AN ORDINANCE REPEALING ORDINANCES 2014-38 AND 2014-39 PROVIDING FOR A DOWNTOWN BUSINESS DISTRICT HEAVY TRUCK LIMITATION: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE REPEALING ORDINANCES 2014-38 AND 2014-39 PROVIDING FOR A DOWNTOWN BUSINESS DISTRICT HEAVY TRUCK LIMITATION.

City Manager explained, after discussion, motion by Ganz, second by Selin for approval of a minor amendment. Motion carried 7-0. Motion by Bane, second by Ganz, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING SECTIONS 1329.02, 1331.05, 1331.06 AND 1331.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS THEY RELATE TO CONSUMER FIREWORKS RETAIL SALES AND CONSUMER FIREWORKS WHOLESALE ESTABLISHMENTS: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AMENDING SECTIONS 1329.02, 1331.05, 1331.06 AND 1331.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS THEY RELATE TO CONSUMER FIREWORKS RETAIL SALES AND CONSUMER FIREWORKS WHOLESALE ESTABLISHMENTS.

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

AN ORDINANCE AMENDING CITY CODE ARTICLE 545 RELATING TO GENERAL OFFENSES INVOLVING WEAPONS: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AMENDING CITY CODE ARTICLE 545 RELATING TO GENERAL OFFENSES INVOLVING WEAPONS.

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

AN ORDINANCE AMENDING CITY CODE SECTION 545.10 REGULATING SALE, POSSESSION, AND USE OF FIREWORKS; REPEALING ARTICLE 752 ESTABLISHING A NOVELTY AND SPARKLER FEE; AND AMENDING SECTION 1511.02 TO PRESERVE FIRE MARSHALS ENFORCEMENT OF FIREWORKS REGULATIONS: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING CITY CODE SECTION 545.10 REGULATING SALE, POSSESSION, AND USE OF FIREWORKS; REPEALING ARTICLE 752 ESTABLISHING A NOVELTY AND SPARKLER FEE; AND AMENDING SECTION 1511.02 TO PRESERVE FIRE MARSHALS ENFORCEMENT OF FIREWORKS REGULATIONS.

City Manager and City Attorney explained, after discussion, motion by Selin, second by Ganz, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 149 OF THE CITY CODE RELATING TO THE BOARD OF PARKS AND RECREATION COMMISSIONERS: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 149 OF THE CITY CODE RELATING TO THE BOARD OF PARKS AND RECREATION COMMISSIONERS.

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

AN ORDINANCE AMENDING ARTICLE 941: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 941.

After discussion, motion by Ganz, second by Selin, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

A RESOLUTION REGARDING APPROVAL OF (I) THE TAX INCREMENT FINANCING APPLICATION SUBMITTED BY THE FAIRMONT MORGANTOWN HOUSING AUTHORITY (THE "TIF APPLICATION") WITH RESPECT TO THE PROPOSED CREATION OF A NEW TAX INCREMENT FINANCING DISTRICT IN THE CITY OF MORGANTOWN TO

BE CALLED “THE CITY OF MORGANTOWN DEVELOPMENT DISTRICT NO. 5” (THE “TIF DISTRICT”) AND PUBLIC INFRASTRUCTURE PROJECTS AND IMPROVEMENTS WITHIN THE TIF DISTRICT (THE “TIF PROJECT”); (II) SUBMISSION OF THE TIF APPLICATION TO THE WEST VIRGINIA DEVELOPMENT OFFICE; AND (III) APPROVAL OF OTHER ITEMS IN CONNECTION THEREWITH: The above entitled Resolution was presented for first reading.

City Manager explained, Motion by Kawecki, second by Selin, to approve the above entitled Resolution. Motion carried 6-1 with Nugent voting no.

A RESOLUTION AUTHORIZING A GRANT FROM THE WEST VIRGINIA DIVISION OF CULTURE AND HISTORY TO PROVIDE SOME COSTS OF HISTORICAL SURVEY OF THE SUNCREST NEIGHBORHOOD AND PROPERTIES: The above entitled Resolution was presented for first reading.

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

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

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

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

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

CITY MANAGER’S REPORT:

Information:

1. Code Enforcement Office becomes an ICC Education Preferred Provider

City Manager Jeff Mikorski congratulated Mike Stone and the Code Enforcement Department for being established as an ICC Education Preferred Provider. This designation will allow our Code Enforcement officers to be trainers of ICC codes, which will create a more affordable way to improve the education of all Code Enforcement employees and bring a higher level of service to the City.

New Business:

1. State Contract purchase for Urban Landscape

The City Manager’s Office is interested in purchasing a new GMC ¾-ton pickup truck to support Urban Landscape Division through State contract pricing. The funding has been approved in the FY 2017 budget. The total cost of vehicle is \$28,303.65 from Matheny Motors in Parkersburg, WV.

City Manager Jeff Mikorski recommended the purchase by State contract utilizing the budgeted Capital Escrow funds.

After discussion, motion by Ganz, second by Selin to approve the purchase of a new GMC ¾-ton pick-up truck for Urban Landscape Division for \$28,303.65. Motion carried 7-0.

2. Tax Increment Financing Memorandum of understanding(Exhibit A)

Attached is a proposed memorandum of understanding regarding the competitive bidding process for the City of Morgantown Development District No. 5 Tax Increment Financing District. Council approved the MOU in the TIF Resolution this evening. As required by State Code, this MOU identifies that the Fairmont/Morgantown Housing Authority will be responsible for bidding on construction projects that include funds generated by the TIF District. He stated that the MOU allow the Fairmont/Morgantown Housing Authority to manage the bidding requirements. The City will have representatives included in the selection process.

REPORT FROM CITY CLERK: City Clerk Linda Tucker reminded Council about the upcoming WVML Conference at Stonewall Resort from August 2-5, 2016.

REPORT FROM CITY ATTORNEY: No report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane thanked the City Manager, Mayor and Councilor Ganz for attending the First Ward Neighborhood Meeting. He requested someone attend a Ward Meeting to discuss the new Ice Skating Rink Levy and discuss issue at a COW. He noted his concerns of the state of our country and the wrong messages are being sent to the citizens.

Councilor Kaweck:

Councilor Kaweck announced Kids Day on July 16th, 2016 by Main Street Morgantown; dedication of Don Knott's Statue on July 23rd, 2016 and Old Car Show on August 27th, 2016.

Councilor Nugent:

Councilor Nugent noted that after the Legislative Session he had mentioned a particular piece of legislation about traffic lights. He suggested having the ability to change traffic lights to solid during low traffic times and wants discussion on this issue at a COW. He noted receiving information from WVML and being appointed to the Credential Committee; but since he has other commitments, he will contact the League to let them know he will not be able to attend. He mentioned Council needs to discuss funding for the National Leagues of Cities Conference.

Councilor Selin:

Councilor Selin suggested that the City Clerk check on the reservations for National League of

Cities Conference for any discounts the city can get. She commended Joe Kaehler and the Celebration of America for the July 4th activities in downtown and at the Wharf. She mentioned the Summer Stroll and what a nice Family adventure it was; walking; learning about year of the green and many other booths for families. She questioned the City Manager about the First Presbyterian concerns on the construction beside their daycare. City Manager responded that he thinks the City Attorney spoke with them. City Attorney Ryan Simonton stated that he has spoken with them and will follow-up with Council as he continues dialogue with them. She noted that Council needs to be careful to table ordinances that are placed on the agenda.

Councilor Redmond:

No report.

Councilor Ganz:

Councilor Ganz stated that it was a great weekend in Morgantown; Celebration of America, Met Theatre program; West Virginia Public Theatre. She encouraged citizens to go and see "Funny Thing Happened on the way to the Forum" and "Romeo and Juliet". She mentioned the "800lb Gorilla" in the room and that the discord with this Council is obvious. She questioned the cost of the legal funds; and said Council should mend fences, which would help in all areas especially the economic engine in our City. She is positive that the Mayor and Deputy Mayor will move this Council in the right direction. She announced that the Suncrest Neighborhood picnic is on July 7, 2016 at Krepps Parks. She remarked that she is proud to be working for one of the Safest Cities in the Nation.

Mayor Shamberger:

Mayor Shamberger thanked the First Ward folks for their picnic and will return to a future meeting. She announced a planning committee meeting on 7-23 for the Don Knotts unveiling; and thanked those that are helping with coordinating these efforts. She welcomed the new Sheetz on Hornback; and invited Council to attend dedication of two homes on Groves Street at 11 am built by Morgantown Housing Authority. She asked everyone to pray for those affected by the flooding in our State; and said she was going to contact the Mayors of those Cities. She thanked the City Manager for the repair of the defaced City Sign and requested more signage be placed

for citizens making them aware they cannot talk on the phone and drive. She announced Romeo and Juliet at the West Virginia Public Theatre that William Shakespeare's Twelfth Night will be at M.T. Pockets.

City Manager, Jeff Mikorski requested confirmation on COW items; Ice Rink and Traffic Lights. By consensus, both items were moved to a COW Meeting.

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

City Clerk

Mayor

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

Construction Bidding MOU

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into as of June 21, 2016, by and between The City of Morgantown (the “City”), and Fairmont-Morgantown Housing Association (“FMHA”).

WHEREAS, FMHA has requested that the City create and establish a development district to be known and designated as “The City of Morgantown Development District No. 5” (the “TIF District”), and approve 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, under and pursuant to Chapter 7, Article 11B of the Code of West Virginia, 1931, as amended (the “TIF Act”);

WHEREAS, FMHA and the City have agreed to jointly develop and finance the TIF Project through the issuance of tax increment financing obligations and/or the utilization of tax increment revenues on a pay as you go basis;

WHEREAS, the City has, on the date hereof, held a public hearing regarding the creation and establishment of the proposed TIF District, the approval of the Project Plan, a Tax Increment Financing Application dated June 7, 2016 (the “Application”) and issuance of tax increment financing bonds or other obligations, all as more fully described in the Application; and

WHEREAS, a memorandum of understanding between FMHA and the City regarding the competitive bidding process for construction of tax increment financed projects is required to be submitted to the West Virginia Development Office as a condition to such Office’s approval of the Application.

ACCORDINGLY, FMHA and the City have determined to proceed in the following manner:

1. The bid specifications for design and/or construction of the TIF Project or any portion thereof will be prepared by or on behalf of FMHA and provided to the City for review at least two weeks prior to publication of the advertisement for bids.
2. The bid specifications will comply with Chapter 5G, Article 1, Chapter 5, Article 22 and Chapter 5, Article 22A of the Code of the State of West Virginia, 1931, as amended (collectively, the “Bidding Statutes”), as applicable.

3. Upon approval of the City, FMHA will be responsible for the publication of all bid advertisements.

4. Bid opening will be held at a mutually agreeable location in the presence of representatives of the County Commission and FMHA.

5. The City and FMHA will, in accordance with the provisions of the applicable Bidding Statutes, select from those bids offered the appropriate bidder, subject to the right of the City and FMHA to reject any and all bids.

6. FMHA will be responsible for all costs in connection with the preparation and advertisement of bids; *provided however*, that all such costs may be reimbursable from the TIF Fund of the TIF District or from the proceeds of tax increment financing obligations to be issued by the City.

[Signature Page Follows]

WITNESS the following signatures:

THE CITY OF MORGANTOWN

By: 
Name: Jeff Mikorski
Title: City Manager

FAIRMONT-MORGANTOWN HOUSING AUTHORITY

By: 
Name: John Martys
Title: Executive Director

Boards & Commissions Available Positions

Board/Commission	Vacancy/Term	Name of Applicants	Res./Non Res.	Ward	Code Sec.	Other
Human Rights Commission	3	Names Attached	Resident		153	Appt 7-19-16
Museum Commission	1	Charlie Byrer	Resident		168	Appt 7-19-16
Parking Authority	1	Advertising	Resident		155	Special Meeting
Sister Cities	2	2 Apps. Attached	Resident		172.02	Special Meeting
Traffic Commission	4	3 Apps Attached	Resident	1,2,5,6	151	At Large Vacancy Appt 7-19-16
Fire Code Bd of Appeals	1	2 Apps Attached	Resdent		St.Code	Appt 7-19-16
Urban Landscape will be updated 1st of the year, per Marchetta Maupin. (Code Sec.163)						

Paul Steel was contacted by phone still wishes to serve on traffic commission.

Sister Cities will interview candidates in August waiting for one candidate from traveling abroad.

**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.*

7/13/2016

Council to interview all

Application to Serve on City Boards and Commissions JUNE 10, 2016

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

MR/MS: JUDITH SMITH WILKINSON WORK/CELL PHONE: 304-389-0753 *

ADDRESS: TWO WATERFRONT PLACE SUITE 1403 HOME PHONE: 304-292-0883
MORGANTOWN, WV 26501 ZIP: 26501

EMAIL ADDRESS: JSW1403@HOTMAIL.COM *TEXT WORKS WELL

CITY RESIDENT? YES NO YEARS OF CITY RESIDENCY 10 WARD FIRST
(10 AS A WV STUDENT 1961-1973)

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): RETIRED

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? PASTORAL (COUNSELING AND TEACHER)
KANAWHA & MORGANTOWN CENTERS

JOB TITLE or JOB DESCRIPTION: I COUNSELED PRIMARILY WOMEN & EARLIER HIGH SCHOOL STUDENTS

PROFESSIONAL CERTIFICATIONS/LICENSES: WV LICENSED PROFESSIONAL COUNSELOR
WV LDC

VERY SOON: GPC GERONTOLOGY PROFESSIONAL CERTIFICATE Clinical Pastoral Education (Hospital and Chaplain)
MANY YEARS AGO: ELEMENTARY TEACHING CERTIFICATES: CONNECTICUT

SPECIAL INTERESTS: LIFE LONG LEARNING HEALTH AND FITNESS
ISSUES OF (PEACE & UNDERSTANDING)
INTERFAITH/COMPASSION DIVERSITY EQUALITY INCLUSION PEACE
WV: (COMMUNITY, PURPOSE, & HOPE) ENVIRONMENTAL AND CLIMATE CONTROL

- | | |
|---|---|
| <input type="checkbox"/> BOCA BOARD OF APPEALS | <input type="checkbox"/> MUSEUM COMMISSION |
| <input type="checkbox"/> BOARD OF PARKS AND RECREATION | <input type="checkbox"/> PARKING AUTHORITY |
| <input type="checkbox"/> BOARD OF ZONING APPEALS | <input type="checkbox"/> PERSONNEL BOARD |
| <input type="checkbox"/> BUILDING COMMISSION | <input type="checkbox"/> PLANNING COMMISSION |
| <input type="checkbox"/> FIRE CIVIL SERVICE | <input type="checkbox"/> POLICE CIVIL SERVICE |
| <input type="checkbox"/> HISTORIC LANDMARKS | <input type="checkbox"/> SISTER CITIES COMMISSION |
| <input checked="" type="checkbox"/> HUMAN RIGHTS | <input type="checkbox"/> TRAFFIC COMMISSION |
| <input type="checkbox"/> LIBRARY BOARD | <input type="checkbox"/> TRANSIT AUTHORITY |
| <input type="checkbox"/> MET BOARD | <input type="checkbox"/> TREE BOARD |
| <input type="checkbox"/> MORGANTOWN HOUSING ADVISORY COMMISSION | <input type="checkbox"/> URBAN LANDSCAPE COMMISSION |
| <input type="checkbox"/> MORGANTOWN UTILITY BOARD | <input type="checkbox"/> WARD & BOUNDARY |
| <input type="checkbox"/> WOODBURN REDEVELOPMENT COMMISSION | |

Morgantown

Request ID: 31503

Request Form: Volunteer for Boards and Commissions

Received: Sunday, June 12, 2016

Status: Completed

Priority: Normal

Assigned To: Heather Carl

Contact Details

From: Barry Wendell

Email: wendell.barry@aol.com

Telephone: 304-685-1098

Address1: 1319 Heritage Place

Address2:

City: Morgantown

State: WV

Zip Code:

26505

Pref. Method of Response: E-Mail

Request Address

Number:

Direction:

Street:

Type:

Apt:

City:

State:

Zip Code:

Questions and Answers

Are you a Morgantown resident?:

Yes

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

1

In which City Ward do you reside?:

Seventh

Who is your current employer (If retired, answer "retired")?:

retired

What type of business are you, or were you, employed in?:

public schools, clergy

Do you have professional certifications or licenses?:

no

Do you have any pertinent special interests?:

I am the spouse of Rabbi Joe Hample of Tree of Life Congregation. I am

interested in protecting racial and religious minority and LGBT rights.

Are you a Morgantown resident?:
Yes

If Yes, how many years have you lived in the City of Morgantown?:
1

In which City Ward do you reside?:
Seventh

On which Board, Commission, or Authority are you interested in being a volunteer?:
Human Rights Commission

Who is your current employer (If retired, answer "retired")?:
retired

What type of business are you, or were you, employed in?:
public schools, clergy, ran for Delegate in 2016 primary

Do you have professional certifications or licenses?:
no

Do you have any pertinent special interests?:
fostering acceptance of racial and religious minorities and the LGBT community

Staff Activities

The status of the request was changed from Active to Completed. on 6/17/2016 at 11:23 AM

Public Activities

Request was successfully submitted. by Cartegraph Support on 6/12/2016 at 7:52 PM

Lib &
Sister Cities

Morgantown

Request ID: 31514

Request Form: Volunteer for Boards and Commissions

Received: Monday, June 20, 2016

Status: Completed

Priority: Normal

Assigned To: Heather Carl

Contact Details

From: Matthew Miller

Email: mmiller@eca.com

Telephone:

Address1: 1416 Western Ave

Address2:

City: Morgantown

State: WV

Zip Code:
26505

Pref. Method of Response: E-Mail

Request Address

Number:

Direction:

Street:

Type:

Apt:

City:

State:

Zip Code:

Questions and Answers

Are you a Morgantown resident?:

Yes

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

0 consecutive (4 total). I lived a few feet outside of the city (Villa View Dr, 26505) for the previous year. I lived in Morgantown 2002-2006 as a student at WVU, in westover '06-'08, and Pt Marion, PA, '08-'11.

In which City Ward do you reside?:

Seventh

Who is your current employer (If retired, answer "retired")?:

Energy Corporation of America

What type of business are you, or were you, employed in?:

Oil & Gas; my title is Senior Landman

Do you have professional certifications or licenses?:

I am a CPL, which stands for Certified Professional Landman, the highest

certification offered by the professional association which governs the Land profession.

Do you have any pertinent special interests?:

I have a PoliSci degree from WVU, and an MBA from Waynesburg U. I was a Foundation Scholar at WVU. I work in the energy industry, which interests me. I strive to be a responsible citizen and hope to help take advantage of the emerging opportunities in Green energy. I am also an Eagle Scout and intend to raise my children to appreciate and enjoy the beautiful natural surroundings we have here, so I am always interested in protecting our environment.

I am interested in diversity/human rights issues. I am interested in community outreach/the cultivation of social capital within the community.

My wife and I intend to raise our 1 year old son and soon-to-be-born baby daughter here in Morgantown, and I am interested in doing what I can to help make our community the best that it can be.

(My wife is a Psychologist at the WVU Carruth Center)

Are you a Morgantown resident?:

Yes

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

0 consecutive (4 total). I lived a few feet outside of the city (Villa View Dr, 26505) for the previous year. I lived in Morgantown 2002-2006 as a student at WVU, in Westover '06-'08, and Pt Marion, PA, '08-'11.

In which City Ward do you reside?:

Seventh

On which Board, Commission, or Authority are you interested in being a volunteer?:

Human Rights Commission

Who is your current employer (If retired, answer "retired")?:

Energy Corporation of America

Request Details



Request #31514 : Volunteer for Boards and Commissions

Are you a Morgantown resident?
Yes

Are you a Morgantown resident?
Yes

If Yes, how many years have you lived in the City of Morgantown?
0 consecutive (4 total). I lived a few feet outside of the city (Villa View Dr, 26505) for the previous year. I lived in Morgantown 2002-2006 as a student at WVU, in westover '06-'08, and Pt Marion, PA, '08-'11.

If Yes, how many years have you lived in the City of Morgantown?
0 consecutive (4 total). I lived a few feet outside of the city (Villa View Dr, 26505) for the previous year. I lived in Morgantown 2002-2006 as a student at WVU, in Westover '06-'08, and Pt Marion, PA, '08-'11.

In which City Ward do you reside?
Seventh

Who is your current employer (If retired, answer "retired")?
Energy Corporation of America

In which City Ward do you reside?
Seventh

Who is your current employer (If retired, answer "retired")?
Energy Corporation of America

On which Board, Commission, or Authority are you interested in being a volunteer?
Human Rights Commission; Library Board; Parking Authority; Planning Commission; Sister Cities Commission; Traffic Commission; Urban Landscape Commission

What type of business are you, or were you, employed in?
Oil & Gas; my title is Senior Landman

What type of business are you, or were you, employed in?
Oil & Gas; my title is Senior Landman

Do you have professional certifications or licenses?
I am a CPL, which stands for Certified Professional Landman, the highest certification offered by the professional association which governs the Land profession.

Do you have professional certifications or licenses?
I am a CPL, which stands for Certified Professional Landman, the highest certification offered by the professional association which governs the Land profession (AAPL).

Do you have any pertinent special interests?

Status Completed	
Priority	Normal
Received	6/20/2016 at 4:19 PM
Source of Request	Anon Online by Anonymous
Assigned To:	Heather Carl
Associated To:	Anonymous
Est. Completion	6/25/2016
Actual Completion	6/23/2016
<input type="button" value="Reactivate"/> <input type="button" value="Print"/>	
Citizen Information	
Matthew Miller 1416 Western Ave Morgantown, WV 26505 mmiller@eca.com	
Preferred Response Method: E-Mail	
Communication	
Select Communication Template	
<input type="text" value="Standard"/>	
<input type="button" value="Print Letter"/>	
View Email Text	

I have a PoliSci degree from WVU, and an MBA from Waynesburg U. I was a Foundation Scholar at WVU. I work in the energy industry, which interests me. I strive to be a responsible citizen and hope to help take advantage of the emerging opportunities in Green energy. I am also an Eagle Scout and intend to raise my children to appreciate and enjoy the beautiful natural surroundings we have here, so I am always interested in protecting our environment. I am interested in diversity/human rights issues. I am interested in community outreach/the cultivation of social capital within the community. My wife and I intend to raise our 1 year old son and soon-to-be-born baby daughter here in Morgantown, and I am interested in doing what I can to help make our community the best that it can be. (My wife is a Psychologist at the WVU Carruth Center)

Do you have any pertinent special interests?

I have a PoliSci degree from WVU, and an MBA from Waynesburg U. I was a Foundation Scholar at WVU. I work in the energy industry, which interests me. I strive to be a responsible citizen and hope to help take advantage of the emerging opportunities in Green energy. I am also an Eagle Scout and intend to raise my children to appreciate and enjoy the beautiful natural surroundings we have here, so I am always interested in protecting our environment. I am interested in diversity/human rights issues. I am interested in community outreach/the cultivation of social capital within the community. My wife and I intend to raise our 1 year old son and soon-to-be-born baby daughter here in Morgantown, and I am interested in doing what I can to help make our community the best that it can be. (My wife is a Psychologist at the WVU Carruth Center)

Staff Activities

[Add New](#)

[Sort](#)

The status of the request was changed from Active to Completed. by [Heather Carl](#) on 6/23/2016 at 3:41 PM

Public Activities

[Add New](#)

[Sort](#)

Request was successfully submitted. by [Cartegraph Support](#) on 6/20/2016 at 4:19 PM

Attachments

[Add New](#)

Application to Serve on City Boards and Commissions

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

MR/MS: DAVID SAVILLE WORK/CELL PHONE: 304 692-8118

ADDRESS: P.O. Box 569 HOME PHONE: _____

⁶¹³ HOBSON ST. MORGANTOWN, WV ZIP: 26507

EMAIL ADDRESS: DAVID.SAVILLE12@GMAIL.COM

CITY RESIDENT? YES NO _____ YEARS OF CITY RESIDENCY 5 WARD _____

WHO IS YOUR EMPLOYER?(If Retired, Answer "Retired"): SELF

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? NATURAL RESOURCES

JOB TITLE or JOB DESCRIPTION: OUTREACH, FORESTER

PROFESSIONAL CERTIFICATIONS/LICENSES: _____

SPECIAL INTERESTS: _____

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

- | | |
|--|---|
| <input type="checkbox"/> BOCA BOARD OF APPEALS | <input type="checkbox"/> MUSEUM COMMISSION |
| <input type="checkbox"/> BOARD OF PARKS AND RECREATION | <input type="checkbox"/> PARKING AUTHORITY |
| <input type="checkbox"/> BOARD OF ZONING APPEALS | <input type="checkbox"/> PERSONNEL BOARD |
| <input type="checkbox"/> BUILDING COMMISSION | <input type="checkbox"/> PLANNING COMMISSION |
| <input type="checkbox"/> FIRE CIVIL SERVICE | <input type="checkbox"/> POLICE CIVIL SERVICE |
| <input type="checkbox"/> HISTORIC LANDMARKS | <input type="checkbox"/> SISTER CITIES COMMISSION |
| <input checked="" type="checkbox"/> HUMAN RIGHTS | <input type="checkbox"/> TRAFFIC COMMISSION |
| <input type="checkbox"/> LIBRARY BOARD | <input type="checkbox"/> TRANSIT AUTHORITY |
| <input type="checkbox"/> MET BOARD | <input type="checkbox"/> URBAN LANDSCAPE COMMISSION |
| <input type="checkbox"/> MORGANTOWN UTILITY BOARD | <input type="checkbox"/> WARD & BOUNDARY |
| <input type="checkbox"/> MORGANTOWN HOUSING COMMISSION | <input type="checkbox"/> WOODBURN SCHOOL |
| <input type="checkbox"/> TREE BOARD | |

Linda Tucker

From: bgardne3@mix.wvu.edu
Sent: Thursday, July 07, 2016 6:45 PM
To: Linda Tucker
Subject: Re: Sister Cities

Bounjour de Paris!

Yes, I am he. I will be back in the states in early August. Thank you for reaching B out!

Thank you,
Brian Gardner
JD & MBA Candidate, 2018
WVU College of Law
WVU College of Business & Economics

On Jul 7, 2016, at 8:54 PM, Linda Tucker <ltucker@morgantownwv.gov> wrote:

Brian, are you the young man that will be traveling and still wants to be interviewed for the vacancy. Let me know. Thanks. Trying to keep track of lots of people.

Linda L. Tucker
Morgantown City Clerk
389 Spruce Street, Rm. 10
Morgantown, WV. 26505
(304)284-7439
ltucker@morgantownwv.gov

Sister Cities
2/20

Morgantown

Request ID: 31501

Request Form: Volunteer for Boards and Commissions
Received: Thursday, June 09, 2016
Status: Completed
Priority: Normal
Assigned To: Heather Carl

Contact Details

From: Brian Gardner
Email: bgardne3@mix.wvu.edu
Telephone: 304-209-1690 ✓
Address1: 936 Willowdale Road
Address2: Unit 6

City: Morgantown

State: WV

Zip Code:
~~26749~~ 26501

Pref. Method of Response: E-Mail

Request Address

Number:
Street:
Type:
City:

Direction:

State:

Apt:
Zip Code:

Questions and Answers

Are you a Morgantown resident?:
Yes

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

In which City Ward do you reside?:
Third

Who is your current employer (If retired, answer "retired")?:
Unemployed (Full-time Student)

What type of business are you, or were you, employed in?:
Education

Do you have professional certifications or licenses?:
I am a certified paralegal.

Do you have any pertinent special interests?:
I received a bachelors in Chinese Studies and focused on Chinese business. I am

continuing my education at WVU College of Law and College of Business and Economics with an emphasis in international law. I wish to work internationally in the field of American-Chinese business law. I believe I will be able to contribute to the sister cities program as well as gain invaluable experience.

Are you a Morgantown resident?:

Yes

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

One

In which City Ward do you reside?:

Third

On which Board, Commission, or Authority are you interested in being a volunteer?:

Sister Cities Commission

Who is your current employer (If retired, answer "retired")?:

Unemployed (Full-Time Student)

What type of business are you, or were you, employed in?:

Education

Do you have professional certifications or licenses?:

I am a certified paralegal

Do you have any pertinent special interests?:

I received a bachelors in Chinese Studies and focused on Chinese business. I am continuing my education at WVU College of Law and College of Business and Economics with an emphasis in international law. I wish to work internationally in the field of American-Chinese business law. I believe I will be able to contribute to the sister cities program as well as gain invaluable experience.

Staff Activities

Application to Serve on City Boards and Commissions

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

MR/MS: Ms. Ana Casanova WORK/CELL PHONE: (304)290-6977

ADDRESS: 682 Killarney Dr. Apt 5B, Morgantown HOME PHONE: _____

ZIP: 26505

EMAILADDRESS: ana.casanova@gmail.com

CITY RESIDENT? YES NO _____ YEARS OF CITY RESIDENCY 18 WARD _____

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): Monongalia County Schools

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

JOB TITLE or JOB DESCRIPTION: HS Spanish Teacher in UHS

PROFESSIONAL CERTIFICATIONS/LICENSES: _____

Teacher Certification

Doctoral in Technology Education from WVU

SPECIAL INTERESTS: I would like to participate in some way with international people coming to Morgantown.

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

BOCA BOARD OF APPEALS

BOARD OF PARKS AND RECREATION

BOARD OF ZONING APPEALS

BUILDING COMMISSION

FIRE CIVIL SERVICE

HISTORIC LANDMARKS

HUMAN RIGHTS

LIBRARY BOARD

MET BOARD

MORGANTOWN HOUSING ADVISORY COMMISSION

MORGANTOWN UTILITY BOARD

MUSEUM COMMISSION

PARKING AUTHORITY

PERSONNEL BOARD

PLANNING COMMISSION

POLICE CIVIL SERVICE

SISTER CITIES COMMISSION

TRAFFIC COMMISSION

TRANSIT AUTHORITY

TREE BOARD

URBAN LANDSCAPE COMMISSION

WARD & BOUNDARY

WOODBURN REDEVELOPMENT COMMISSION

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

APPLICATIONS WILL REMAIN ON FILE IN THE CITY CLERK'S OFFICE FOR 6 MONTHS

UPDATED: 7/15

Request Details

Request #31515 : Volunteer for Boards and Commissions

<p>Are you a Morgantown resident?</p> <p>Are you a Morgantown resident? Yes</p> <p>If Yes, how many years have you lived in the City of Morgantown?</p> <p>If Yes, how many years have you lived in the City of Morgantown? 1</p> <p>In which City Ward do you reside?</p> <p>Who is your current employer (If retired, answer "retired")? West Virginia University</p> <p>In which City Ward do you reside? First</p> <p>Who is your current employer (If retired, answer "retired")?</p> <p>On which Board, Commission, or Authority are you interested in being a volunteer? Library Board: Traffic Commission <i>Fire Lodge Bd</i></p> <p>What type of business are you, or were you, employed in?</p> <p>What type of business are you, or were you, employed in? Information Technology</p> <p>Do you have professional certifications or licenses?</p> <p>Do you have professional certifications or licenses?</p> <p>Do you have any pertinent special interests?</p> <p>Do you have any pertinent special interests?</p>	<p>Status Completed</p> <p>Priority: Normal</p> <p>Received: 6/21/2016 at 11:19 AM</p> <p>Source of Request: Anon Online by Anonymous</p> <p>Assigned To: Heather Carl</p> <p>Associated To: Anonymous</p> <p>Est. Completion: 6/26/2016</p> <p>Actual Completion: 6/24/2016</p> <p><input type="button" value="Reactivate"/> <input type="button" value="Print"/></p> <hr/> <p>Citizen Information</p> <p>Patrick Hathaway 359 Sanford Street Morgantown, WV 26501 3042821072 Patrick.Hathaway1@gmail.com</p> <p>Preferred Response Method: E-Mail</p> <hr/> <p>Communication</p> <p>Select Communication Template</p> <p>Standard <input type="button" value="v"/></p> <p><input type="button" value="Print Letter"/></p> <p>View Email Text</p>
<p>Staff Activities</p> <p>Add New Sort</p> <p>The status of the request was changed from Active to Completed. by Heather Carl on 6/24/2016 at 8:05 AM</p>	

Request Details

Request #31531 : Volunteer for City Boards and Commissions

<p>What is your work telephone number?</p> <p>Are you a Morgantown resident? Yes</p> <p>If Yes, how many years have you lived in the City of Morgantown? 5</p> <p>In which City Ward do you live? Fifth</p> <p>Who is your employer? (If retired, answer "retired") Monongalia County</p> <p>What type of business are, or were, you employed in?</p> <p>What is your job description?</p> <p>Do you have any professional certifications or licenses? I have a JD and and MPA (Masters of Public Administration)</p> <p>Do you have any pertinent special interests? Public planning, land use, zoning, public budgeting, mapping, and government efficiency.</p> <p>On which commission(s) are you interested in serving? BOCA Board of Appeals; Board of Zoning Appeals; Historic Landmarks Commission; Morgantown Utility Board; Mountain Line Transit Authority; Parking Authority; Planning Commission; Traffic Commission <i>Fire Code Board of Appeals</i></p>	<p style="text-align: right;">Status Completed</p> <p>Priority Normal</p> <p>Received 6/29/2016 at 2:32 PM</p> <p>Source of Request Anon Online by Anonymous</p> <p>Assigned To: Heather Carl</p> <p>Associated To: Anonymous</p> <p>Est. Completion 7/6/2016</p> <p>Actual Completion 6/29/2016</p> <p style="text-align: center;"> <input type="button" value="Reactivate"/> <input type="button" value="Print"/> </p>
	<p>Citizen Information</p> <p>Kyle Haugh 650 Price St Morgantown, WV 26505 817-729-6321 kylerhaugh@gmail.com</p> <p>Preferred Response Method: E-Mail</p>
<p>Staff Activities</p> <p>Add New Sort</p> <p>The status of the request was changed from Active to Completed. by Heather Carl on 6/29/2016 at 4:23 PM</p>	<p>Communication</p> <p>Select Communication Template</p> <p>Standard ▼</p> <p style="text-align: center;"><input type="button" value="Print Letter"/></p> <p>View Email Text</p>
<p>Public Activities</p> <p>Add New Sort</p> <p>Request was successfully submitted. by Cartegraph Support on 6/29/2016 at 2:32 PM</p>	

Attachments

Add New

Application to Serve on City Boards and Commissions

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

MR/MS: Nicholas A. Wright WORK/CELL PHONE: (304) 641-1977

ADDRESS: 456 West Virginia Ave HOME PHONE: (304) 641-1977

Morgantown, WV ZIP: 26501

EMAILADDRESS: nickwright2414@gmail.com

CITY RESIDENT? YES NO YEARS OF CITY RESIDENCY 3 WARD 1st

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): City of Morgantown Fire Department

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? City Government/Fire Service

JOB TITLE or JOB DESCRIPTION: Firefighter First Class

PROFESSIONAL CERTIFICATIONS/LICENSES: Extensive Firefighter Training (<4,000 hours),

Licensed Emergency Vehicle Operator, EMT-B, Haz-Mat Technician, Vehicle Extrication Technician, Swift Water

Technician, Licensed Technician for Fire Protection Products (ie: Sprinkler, Fire Extinguisher, Fire Alarms), Eagle Scout

SPECIAL INTERESTS: Very Passionate towards my profession and serving my community, Athletic Events/Sports

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

- | | |
|---|---|
| <input type="checkbox"/> BOCA BOARD OF APPEALS | <input type="checkbox"/> MUSEUM COMMISSION |
| <input type="checkbox"/> BOARD OF PARKS AND RECREATION | <input type="checkbox"/> PARKING AUTHORITY |
| <input type="checkbox"/> BOARD OF ZONING APPEALS | <input type="checkbox"/> PERSONNEL BOARD |
| <input type="checkbox"/> BUILDING COMMISSION | <input type="checkbox"/> PLANNING COMMISSION |
| <input type="checkbox"/> FIRE BOARD OF APPEALS | <input type="checkbox"/> POLICE CIVIL SERVICE |
| <input type="checkbox"/> FIRE CIVIL SERVICE | <input type="checkbox"/> SISTER CITIES COMMISSION |
| <input type="checkbox"/> HISTORIC LANDMARKS | <input checked="" type="checkbox"/> TRAFFIC COMMISSION |
| <input type="checkbox"/> HUMAN RIGHTS | <input type="checkbox"/> TRANSIT AUTHORITY |
| <input type="checkbox"/> LIBRARY BOARD | <input type="checkbox"/> TREE BOARD |
| <input type="checkbox"/> MET BOARD | <input type="checkbox"/> URBAN LANDSCAPE COMMISSION |
| <input type="checkbox"/> MORGANTOWN HOUSING ADVISORY COMMISSION | <input type="checkbox"/> WARD & BOUNDARY |
| <input type="checkbox"/> MORGANTOWN UTILITY BOARD | <input type="checkbox"/> WOODBURN REDEVELOPMENT
COMMISSION |

ARTICLE 153
Human Rights

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

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

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

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| <p>155.01 Created.</p> <p>155.02 Jurisdiction.</p> <p>155.03 Composition and membership;
vacancies.</p> <p>155.04 Oath of office.</p> <p>155.05 Members' bonds. (Repealed)</p> <p>155.06 Organization and officers.</p> <p>155.07 Powers and duties.</p> <p>155.08 Appointment of special
police officers.</p> | <p>155.085 Parking enforcement officers.</p> <p>155.09 Powers relative to parking
facilities.</p> <p>155.10 Members not to be interested
in contracts.</p> <p>155.11 Certain State law adopted.</p> <p>155.12 Construction of article.</p> |
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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 curblin 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.	172.06	Compensation and reimbursement for expenses.
172.02	Members.	172.07	Appropriation of funds.
172.03	Officers.	172.08	Purpose, powers, and duties.
172.04	Meetings.		
172.05	Voting.		

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.	151.03 Officers and rules of procedure.
151.02 Composition and membership.	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 shall 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.)

shall have the full authority and responsibility of principal members when serving in place of a principal member.

1.10.1.1.3 Members and alternate members shall be appointed based on their education, experience, and knowledge.

1.10.1.1.4 Members and alternates shall be appointed to a 3-year term.

1.10.1.1.5 Members and alternates shall be composed of individuals experienced in the following fields or professions:

- (1) Engineering or architectural design
- (2) General contracting
- (3) Fire protection contracting
- (4) Fire department operations or fire code enforcement
- (5) Building code enforcement
- (6) Legal
- (7) General public

1.10.1.1.5.1 Members and alternates shall not be employees, agents, or officers of the jurisdiction.

1.10.1.1.5.2 Members and alternates shall be residents of the jurisdiction.

1.10.1.1.5.3 No more than one member shall represent the same field or provision listed in 1.10.1.1.5.

1.10.1.1.6 The representative of the AHJ shall be an ex officio member and shall be entitled to participate in all discussions. The ex officio member shall not be entitled to a vote.

1.10.1.1.7 No member of the Board of Appeals shall sit in judgment on any case in which the member holds a direct or indirect property or financial interest in the case.

1.10.1.1.8 The board shall select one of its members to serve as chair and one member to serve as vice chair.

1.10.2 Rules and Procedures of the Board of Appeals. The Board of Appeals shall have the authority to establish rules and regulations for conducting its business that are consistent with the provisions of this *Code*.

1.10.3 Authority of the Board of Appeals.

1.10.3.1 The Board of Appeals shall provide for the reasonable interpretation of the provisions of this *Code* and issue rulings on appeals of the decisions of the AHJ.

1.10.3.2 The ruling of the Board of Appeals shall be consistent with the letter of the *Code* or when involving issues of clarity, ensuring that the intent of the *Code* is met with due consideration for public safety and fire fighter safety.

1.10.3.3 The Board of Appeals shall have the authority to grant alternatives or modifications through procedures outlined in Section 1.4 of the *Code*.

1.10.3.4 The Board of Appeals shall not have the authority to waive the requirements of the *Code*.

1.10.3.5 The Board of Appeals decisions shall not be precedent setting.

1.10.4 Means of Appeals.

1.10.4.1 Any person with standing shall be permitted to appeal a decision of the AHJ to the Board of Appeals when it is claimed that any one or more of the following conditions exist:

- (1) The true intent of the *Code* has been incorrectly interpreted.
- (2) The provisions of the *Code* do not fully apply.

(3) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

1.10.4.2 An appeal shall be submitted to the AHJ in writing within 30 calendar days of notification of violation. The appeal shall outline all of the following:

- (1) The *Code* provision(s) from which relief is sought
- (2) A statement indicating which provisions of 1.10.4.1 apply
- (3) Justification as to the applicability of the provision(s) cited in 1.10.4.1
- (4) A requested remedy
- (5) Justification for the requested remedy stating specifically how the *Code* is complied with, public safety is secured, and fire fighter safety is secured

1.10.4.3* Documentation supporting an appeal shall be submitted to the AHJ at least 7 calendar days prior to the Board of Appeals hearing.

1.10.5 Meetings and Records.

1.10.5.1 Meetings of the Board of Appeals shall be held at the call of the chair, at such other times as the board determines, and within 30 calendar days of the filing of a notice of appeal.

1.10.5.2 All hearings before the Board of Appeals shall be open to the public.

1.10.5.3 The Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question or, if the member is absent or fails to vote, these actions shall be recorded.

1.10.5.4 The Board of Appeals shall keep records of its examinations and other official actions.

1.10.5.5 Minutes and records of the Board of Appeals shall be public record.

1.10.5.6 A quorum shall consist of not less than 5 members or alternates.

1.10.5.7 In varying the application of any provision of this *Code*, or in modifying an order of the AHJ, a two-thirds vote of the quorum shall be required.

1.10.6 Decisions.

1.10.6.1 Every decision of the Board of Appeals shall be entered in the minutes of the board meeting.

1.10.6.2 A decision of the Board of Appeals to modify an order of the AHJ shall be in writing and shall specify the manner in which such modification is made, the conditions upon which it is made, the reasons therefore, and justification linked to specific code sections.

1.10.6.3 Every decision shall be promptly filed in the office of the AHJ and shall be open for public inspection.

1.10.6.4 A certified copy shall be sent by mail or delivered in person to the appellant, and a copy shall be publicly posted in the office of the AHJ for 2 weeks after filing.

1.10.6.5 The decision of the Board of Appeals shall be final, subject to such remedy as any aggrieved party might have through legal, equity, or other avenues of appeal or petition.

1.10.6.6 If a decision of the Board of Appeals reverses or modifies a refusal, order, or disallowance of the AHJ, or varies the application of any provision of this *Code*, the AHJ shall take action immediately in accordance with such decision.

1.7.15 Stop Work Order. The AHJ shall have the authority to order an operation, construction, or use stopped when any of the following conditions exists:

- (1) Work is being done contrary to provision of this *Code*.
- (2) Work is occurring without a permit required by Section 1.12.
- (3) An imminent danger has been created.

1.7.16 Imminent Dangers and Evacuation.

1.7.16.1 When, in the opinion of the AHJ, an imminent danger exists, the AHJ shall be authorized to order the occupants to vacate, or temporarily close for use or occupancy, a building, the right-of-way, sidewalks, streets, or adjacent buildings or nearby areas.

1.7.16.2 The AHJ shall be authorized to employ the necessary resources to perform the required work in order to mitigate the imminent danger.

1.7.16.3 Costs incurred by the AHJ in the performance of emergency work shall be the responsibility of the property owner or other responsible party creating such imminent danger.

1.7.17 Standby and Fire Watch Personnel.

1.7.17.1 The AHJ shall have the authority to require standby fire personnel or an approved fire watch when potentially hazardous conditions or a reduction in a life safety feature exist due to the type of performance, display, exhibit, occupancy, contents, or activity; an impairment to a fire protection feature; or the number of persons present.

1.7.17.2 The owner, agent, or lessee shall employ one or more qualified persons, as required and approved, to be on duty.

1.7.17.2.1 The cost of standby fire personnel shall be at no cost to the AHJ.

1.7.17.3^a Such standby fire personnel or fire watch personnel shall be subject to the AHJ's orders at all times and shall be identifiable and remain on duty during the times such places are open to the public, when such activity is being conducted, or as required by the AHJ.

1.7.18 Public Fire Education.

1.7.18.1 The AHJ shall have the authority to develop and implement a public fire safety education program as deemed necessary for the general welfare with respect to the potential fire hazards within the jurisdiction.

1.7.18.2 The AHJ shall have the authority to ensure duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public.

1.8 Duties and Powers of the Incident Commander.

1.8.1 Authority. The incident commander conducting operations in connection with the extinguishment and control of any fire, explosion, hazardous materials incident, natural disaster, rescue, and/or other emergency shall have authority to direct all operations of fire extinguishment, mitigation of a hazardous materials incident, natural disaster, rescue, and/or control and to take necessary precautions to save life, protect property, and prevent further injury or damage.

1.8.2 Controlling Scene. During any emergency described in 1.8.1, including the investigation of the cause of such emergency, the incident commander or authorized representative shall be permitted to control or prohibit the approach to the scene of such emergency by any vehicle, vessel, or person.

1.8.3 Obstruction of Operations. Persons shall not obstruct the operations of the fire department or disobey any command of the incident commander or authorized representative or any part thereof, or any order of a police officer assisting the fire department.

1.8.4 Scene Barrier. The incident commander or authorized representative in charge of an emergency scene shall have the authority to establish barriers to control access in the vicinity of such emergency and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such emergency scene barriers.

1.8.5 Persons, except as authorized by the incident commander in charge of the emergency, shall not be permitted to cross barriers established in accordance with 1.8.4.

1.9 Liability.

1.9.1 The AHJ, and other individuals charged by the AHJ, or the incident commander of emergency operations, charged with the enforcement of this *Code* or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties.

1.9.2 The fire department and AHJ, acting in good faith and without malice in the discharge of the organizations' public duty, shall not thereby be rendered liable for any damage that could accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of such duties.

1.9.3 Any suit brought against the AHJ, the incident commander, or such individuals because of such act or omission performed in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this *Code* or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

1.9.4 This *Code* shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this *Code* or any permits or certificates issued under this *Code*.

1.10 Fire Code Board of Appeals.

1.10.1 Establishment of Fire Code Board of Appeals. A Board of Appeals shall be established to rule on matters relating to the fire code and its enforcement.

1.10.1.1 Membership.

1.10.1.1.1 The members of the Board of Appeals shall be appointed by the governing body of the jurisdiction.

1.10.1.1.2 The Board of Appeals shall consist of five or seven principal members and one ex officio member representative of the AHJ. Each principal member shall be permitted to have an alternate with similar experience to serve in his or her stead when necessary.

1.10.1.1.2.1 The jurisdiction governing body shall have the authority to appoint alternates who shall serve when a principal member is unable to fulfill their obligations. Alternates

AN ORDINANCE AMENDING CHAPTER SEVEN OF THE TRAFFIC CODE GOVERNING PARKING WITHIN THE CITY, CREATING REGULATIONS AND CHARGES FOR DISPLAY OF PERMITS, MODIFYING PARKING ZONES AND RATES, AND AUTHORIZING IMMOBILIZATION OF CERTAIN VEHICLES.

The City of Morgantown hereby ordains that Chapter Seven of the Traffic Code is amended as follows:

361.13. DISPLAY OF PERMIT.

Every vehicle authorized to park by issuance of a permit from the Parking Authority shall display such permit in accordance with the instructions contained on the permit or provided along with the issuance of the permit. Unless a different fine is provided elsewhere, a fine of Twenty dollars (\$20.00) shall be assessed for each improper display of a permit.

363.02 PARKING METER ZONES DESIGNATED.

The following named and described areas, streets or portions of streets and such other areas, streets or portions of streets as may hereafter be included in this section by proper order as provided in Section 363.03 lying within the City shall constitute parking meter zones:

Brockway Avenue from South Walnut Street to Kingwood Street.
Carson Street from University Avenue to Grant Avenue
Chestnut Street from Fayette Street to Forest Avenue.
Chestnut Street from Pleasant Street to Moreland Street.
Court Street (Chancery Row) from High Street to Chestnut Street.
Fayette Street from High Street to Spruce Street.
Fife Street from N. High Street to Price Street.
Foundry Street from High Street to University Avenue.
Grant Avenue from Second Street to Third Street
High Street from Willey Street to Foundry Street.
McLane Avenue from Houston Street to Second Street
Reid Street from Chestnut Street to University Avenue.
North High Street from Willey Street to Fife Street.
Prospect Street from University Avenue to Willey Street.
Spruce Street from Willey Street to Fife Street.
University Avenue from Willey Street to Beechurst Avenue.
~~Walnut Street from University Avenue to High Street.~~
Walnut Street from Spruce to Chestnut
Wells Street from North Spruce Street to Price Street
Wiles Street from N. Spruce Street to Price Street.
Willey Street from University Avenue to Spruce Street.

363.05 INSTALLATION OF METERS; DISPLAY OF SIGNAL.

In all parking meter zones the City Manager shall cause parking meters to be installed upon the curb or sidewalk ~~or~~ upon the space immediately adjacent to the parking spaces provided for in Section 363.04, or within the lot where the space is located, and the City Manager through such departments of the City and such officers, officials, agents and employees thereof as the City Manager shall designate, shall be responsible for the regulation, control, operation, management, maintenance and use of such parking meters and parking meter spaces. Each device shall be so constructed as to display a signal showing legal parking upon the deposit of the appropriate coins, lawful money of the United States of America, or other method of payment accepted by the parking meter for the respective periods of time as prescribed in this article. Each device shall be so arranged that upon the expiration of the lawful time limit of parking it shall indicate by a proper visible signal that the lawful parking period in such parking space has expired or provide written notice upon deposit of payment of the time at which the lawful parking period will expire, and in such cases the right of such vehicle to occupy such space shall cease and the operator, owner, possessor, driver or manager thereof shall be subject to the penalties provided for the violation of this article.

363.08 PARKING TIME LIMITS AND FEES.

The hereinafter designated parking fees, regulations and fines shall become effective upon entry and recordation in the journal of the City, pursuant to Section 363.09:

(a) Downtown Street Parking Zone:

- (i) Time Limit: Parking in the Downtown Parking Zone shall be limited to a total of two (2) hours in each calendar day.
- (ii) Rate: The fee for parking in the Downtown Parking Zone shall be one dollar (\$1.00) per hour.
- (iii) Area: The Downtown Parking Zone is comprised of the following areas
Court Street - High to Chestnut
Foundry Street - High to University
Chestnut Street - Foundry to Willey
High Street - Willey to Foundry
Fayette Street - High to Spruce
Walnut Street - Spruce to Chestnut

(b) Short-term Street Parking Zone:

- (i) Time Limit: Parking in the Short-term Street Parking Zone shall be limited to two (2) consecutive hours.
- (ii) Rate: The fee for parking in the General Street Parking Zone shall be seventy-five cents (\$0.75) per hour.
- (iii) Area: The Short-term Street Parking Zone is comprised of the following areas
Brockway Avenue – Walnut to Kingwood

Donley Street – Don Knotts Blvd. to Clay Street

(c) Long-term Street Parking Zone:

- (i) Time Limit: Parking in the Long-term Street Parking Zone shall be limited to ten (10) consecutive hours.
- (ii) Rate: The fee for parking in the General Street Parking Zone shall be seventy-five cents (\$0.75) per hour.
- (iii) Area: The Long-term Street Parking Zone is comprised of the following areas
 - North Spruce Street - Willey to Fife
 - North High Street - Willey to Fife
 - Prospect Street - Willey to University
 - University Avenue - Willey to Fayette
 - Reid Street - Chestnut to University
 - Fife Street - North High to Price
 - Wells Street – North Spruce to Price
 - McLane Avenue – Houston to Second
 - Grant Avenue – Second to Third
 - Carson Street – University to Grant

~~(a) Rate – \$0.50/hour – Two hour limit:~~

- ~~— Court Street – High to Chestnut~~
- ~~— Walnut Street – High to University~~
- ~~— Foundry Street – High to University~~
- ~~— Chestnut Street – Foundry to Willey~~
- ~~— Brockway Avenue – Walnut to Kingwood~~
- ~~— High Street – Willey to Foundry~~
- ~~— Fayette Street – High to Spruce~~
- ~~— Walnut Street – Spruce to Chestnut~~
- ~~— Donley Street – Don Knotts Blvd. to Clay Street~~

~~(b) Rate – \$0.75/hour – Ten hour limit:~~

- ~~— North Spruce Street – Willey to Fife~~
- ~~— North High Street – Willey to Fife~~
- ~~— Prospect Street – Willey to University~~
- ~~— University Avenue – Willey to Fayette~~
- ~~— Reid Street – Chestnut to University~~
- ~~— Fife Street – North High to Price~~

~~(c) (d) Off- Street Parking. Off-Street parking will be available at the following locations and rates~~

~~“J” Lot (Wesley Methodist Church)~~

~~Rate: \$0.75/hr.~~

~~Time limit: Parking shall be limited to twenty-four (24) consecutive hours~~

~~“G” Lot (Trinity Episcopal Church)~~

~~Rate: \$0.75/hr.~~

Time limit: Parking shall be limited to twenty-four (24) consecutive hours

“K” Lot (University Avenue Garage)

Rate: \$0.75/hr. 6:00 a.m. to 6:00 p.m.

\$1.00/hr. 6:00 p.m. to 6:00 a.m.

Time Limit: Parking shall be limited to twenty-four (24) consecutive hours

“A” Lot (Spruce Street Pavilion)

Rate: \$1.25/hr. 6:00 p.m. to 6:00 a.m.

Permit Lot Only 6:00 a.m. - 6:00 p.m.

“B” Lot (~~Behind Daniels~~ Corner of Fayette and Chestnut)

Rate: \$0.75/hr. 6:00 a.m. - 6:00 p.m.

\$1.25/hr. 6:00 p.m. to 6:00 a.m.

Time limit: Parking shall be limited to twenty-four (24) consecutive hours

“E” Lot (Across from Bent Willeys)

Rate \$0.75/hr. 6:00 a.m. - 6:00 p.m.

\$1.25/hr. 6:00 p.m. - 6:00 a.m.

Time limit: Parking shall be limited to twenty-four (24) consecutive hours

“C” Lot (Next to Hastings Funeral Home)

Rate: \$0.75/hr.

Time limit: Parking shall be limited to twenty-four (24) consecutive hours

“D” Lot (Corner of Pleasant and Chestnut)

Rate: \$0.75/hr.

Time limit: Parking shall be limited to twenty-four (24) consecutive hours

“F” Lot (Spruce Street Methodist Church)

Rate: \$0.75/hr.

Time limit: Parking shall be limited to twenty-four (24) consecutive hours

“H” Lot (Spruce Street Garage)

Rate: \$0.75/hr.

“O” Lot (First Baptist Church)

Rate: \$0.75/hr.

Time limit: Parking shall be limited to twenty-four (24) consecutive hours

“N” Lot (Wharf Garage and adjacent lot)

Rate: \$0.75/hr.

Time Limit: Parking shall be limited to twenty-four (24) consecutive hours

(d) (e) Overtime. The following fines will be assessed for parking beyond the legally permitted time:

- (i) Downtown Street Parking Zone: Twenty dollars (\$20.00) for the first violation in each calendar year and One Hundred dollars (\$100.00) for each subsequent violation in a calendar year.
- (ii) Off-street Parking lots: Five dollars (\$5.00) for each violation of permissible metered time. Twenty dollars (\$20.00) for parking in excess of an applicable twenty-four consecutive hour limit.
- (iii) Other parking zones: Five dollars (\$5.00) for each violation.
- (iv) If any fine established by this section not paid within ten (10) days from date of issue, the fine will be increased by Five dollars (\$5.00), plus municipal court costs, if any.

~~(1) Long term Spaces (10 hr.) and short term spaces (2 hr.) at the following locations:~~

- ~~— Foundry Street— High to University~~
- ~~— Brockway Avenue— Walnut to Kingwood~~
- ~~— North Spruce Street— Willey to Fife—~~
- ~~— North High Street— Willey to Fife~~
- ~~— Prospect Street— Willey to University~~
- ~~— University Avenue— Willey to Fayette~~
- ~~— Reid Street— Chestnut to University~~
- ~~— Fife Street— North High to Price~~
- ~~— First violation— \$5.00~~
- ~~— Each subsequent violation— \$5.00—~~

~~If any of the above fines are not paid within ten days from date of issue, then in such an event the fines will be increased to \$10.00, plus municipal court costs, if any.~~

~~(2) Short term spaces (2 hr.) at the following locations between the hours of 11:00 p.m. through 6:00 p.m.:~~

- ~~— Court Street— High to Chestnut~~
- ~~— Walnut Street— High to University~~
- ~~— Chestnut Street— Foundry to Willey~~
- ~~— High Street— Willey to Foundry~~
- ~~— Fayette Street— High to Spruce~~
- ~~— Walnut Street— Spruce to Chestnut~~

~~First violation— \$5.00~~

~~Second violation for same incident for which first violation was issued— \$10.00.~~

~~Third violation for same incident for which first and second violations were issued— \$25.00.~~

~~If any of the above fines are not paid within ten (10) days from date of issue, then in such an event the fines will be increased by \$5.00, plus municipal court costs, if any.~~

~~There shall not be a 2-hour parking time limit upon the streets listed in this subparagraph (d)(2) between the hours of 6:00 p.m. through 11:00 p.m.—~~

363.15 ENFORCEMENT.

(a) Enforcement Generally: It shall be the duty of the City Manager and such departments, officials, officers, agents and employees of the City as he shall designate to effectuate and enforce the provisions of this article.

(b) Immobilization of Vehicles:

(i) When it appears to any police officer or parking enforcement officer that any vehicle in a public right-of-way has been so placed in the past so as to result in two or more citations to the owner or driver which have not been properly disposed of in accordance with the City Code, the officer may immobilize the vehicle until the owner or driver has satisfied any existing and past violations in accordance with the City Code, or until the vehicle has been impounded. The owner or driver of any vehicle which has been immobilized shall, in addition to the fines and penalties provided for under the provisions of this Traffic Code, pay the Parking Authority the sum of forty-five dollars (\$45.00) as reimbursement to it for administrative costs associated with said immobilization.

(ii) No unauthorized person shall move any vehicle immobilized pursuant to the preceding subsection prior to obtaining a release thereof from either the Judge of the Municipal Court, the Director of the Parking Authority, or the officer in charge at the City police station.

(iii) Any person who damages any property of the City or the Parking Authority in an attempt to remove or alter an immobilization device or by moving a vehicle which has been immobilized pursuant to this section shall reimburse the City or the Parking Authority for the cost of the damage.

365.11 IMMOBILIZATION OF VEHICLES.

(a) When it appears to any police officer or parking enforcement officer that any vehicle in a parking lot or garage operated by the Parking Authority has been so placed in the past so as to result in two or more citations to the owner or driver which have not been properly disposed of in accordance with the City Code, the officer may immobilize the vehicle until the owner or driver has satisfied any existing and past violations in accordance with the City Code, or until the vehicle has been impounded. The owner or driver of any vehicle which has been immobilized shall, in addition to the fines and penalties provided for under the provisions of this Traffic Code, pay the Parking Authority the sum of forty-five dollars (\$45.00) as reimbursement to it for administrative costs associated with said immobilization.

(b) No unauthorized person shall move any vehicle immobilized pursuant to the preceding subsection prior to obtaining a release thereof from either the Judge of the Municipal Court, the Director of the Parking Authority, or the officer in charge at the City police station.

(c) Any person who damages any property of the City or the Parking Authority in an attempt to remove or alter an immobilization device or by moving a vehicle which has been immobilized pursuant to this section shall reimburse the City or the Parking Authority for the cost of the damage.

~~—(a) When it appears to any Parking Authority special police officer, parking meter attendant, or any police officer of the City that any vehicle which has been placed upon any parking lot under the jurisdiction of the Parking Authority in a manner that violates the provisions of this Traffic Code or has been so placed in the past so as to result in a citation or citations to the owner or driver and which citation or citations have not been properly disposed of in accordance with the ordinances pertaining thereto, such special officer, parking meter attendant, or City police officer may immobilize such vehicle until the owner or driver has satisfied any existing and past violations in accordance with the ordinances pertaining thereto, or until such vehicle so immobilized by such officer has been impounded; provided, however, the Parking Authority shall post a sign or signs in each of the lots wherein it intends to have vehicles immobilized advising users of such lots of the possibility of vehicles being immobilized and impounded. —The owner or driver of any vehicle which has been immobilized shall, in addition to the fines and penalties provided for under the provisions of this Traffic Code, pay the Parking Authority the sum of forty five dollars (\$45.00) as reimbursement to it for administrative costs associated with said immobilization.~~

~~—(b) No unauthorized person shall move any vehicle immobilized pursuant to the preceding subsection prior to obtaining a release thereof from either the Judge of the Municipal Court, or the Director of the Parking Authority or from the officer in charge at the City police station.~~

~~—(c) Should any unauthorized person damage any property of the City or the Parking Authority while attempting to remove or removing an immobilization boot, or moving a vehicle which has been immobilized pursuant to this section, that unauthorized person shall reimburse the City or its Parking Authority for the cost of said damage.~~

367.04 PERMITS; RULES; FEES.

(a) The City Manager, or his/her designee, which may include the Morgantown Parking Authority, is hereby authorized to issue parking permits to qualified residents of designated parking districts within the City.

(b) The City Manager shall promulgate rules governing the use of designated parking districts, including, but not limited to, rules governing the determination of eligibility residents for receipt of parking permits.

(c) The rules shall make provisions for parking district petition processes, feasibility study procedures, and administrative recommendations.

(d) The rules shall make provision for regular permits, as well as for the issuance of temporary permits for the guests and visitors of residents of the district and also for temporary permits to delivery or other business vehicles serving the residents of the district.

(e) The rules shall create standards for determining the distribution of parking permits, which may differ from one parking district to another.

(f) Prior to implementing any such rules, the City Manager shall reduce them to writing and present them to City Council for consideration and approval by Resolution.

(g) The intent of the permit process is to provide on-street parking for residents, their guests and visitors to their household. Permits are not to be given by residents to individuals so that those individuals may park in the district when not specifically there for the sole purposes of visiting with the residence in question. Visitor permits of any type, with the exception of one-day (24 hour) visitor permits, may not be used for more than five (5) consecutive days for the same vehicle.

(h) The City Clerk shall maintain a book that contains all ordinances, resolutions, and adopted rules and regulations pertaining to the designation and enforcement of parking districts within the City. Said book shall also contain any amendments to the foregoing documents. The City Clerk shall title this book "Parking Districts and Applicable Ordinances, Resolutions, and Rules."

(i) The fees for permits issued under this article shall be established by ordinance setting the fee schedule for each designated parking district; provided, parking permit fees shall not be less than:

First Resident Permit	\$5.00 per year
Each additional Resident Permit	\$10.00 per year
Visitor Permits (all types except One-day Visitor Permit)	\$5.00 per year
One-day Visitor Permit (1 to a maximum of 8 permits per occurrence)	\$5.00 per occurrence

(j) Permits issued under this article are valid only in the designated parking district for which the permit is issued.

(k) A fine of Fifty dollars (\$50.00) shall be assessed for each unauthorized display of a permit. For purposes of this section, unauthorized display of a permit shall mean display of a false or fraudulent permit for any designated parking zone or the display of an unlawfully transferred or modified permit for any designated parking zone.

This ordinance shall be effective thirty (30) days from the date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

**AN ORDINANCE AMENDING ARTICLES 1713 AND 1717 OF THE CITY CODE AND
ADOPTING THE 2015 STATE BUILDING CODE**

The City of Morgantown hereby ordains that Articles 1713 and 1717 of the City Code are amended and the 2015 West Virginia State Building Code is adopted as follows:

1713.01 ADOPTION.

There are hereby adopted and incorporated by reference herein the following portions of the State Building Code, as published by the International Code Council (“ICC”), to be known as the Building Code of the City of Morgantown, West Virginia, for the purpose of regulating construction, alteration, addition, removal and demolition of buildings and structures, together with the additions and amendments hereinafter provided:

- (a) The 2015 edition, International Building Code, with the following exceptions and additions:
 - (i) The section entitled “Fire Prevention” and identified as Section 101.4.5 is deleted and not considered to be a part of this section.
 - (ii) The entire subsection entitled “Qualifications” and identified as Section 113.3 is deleted and replaced with the following:
“Section 113.3. Board of Appeals
113.3 Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years experience, five of which shall be in responsible charge of work. No less than one of the members of such Board of Appeals shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor.”
 - (iii) The following appendices are applicable:
Appendix E - Supplementary Accessibility Requirements; and
Appendix H - Signs.
- (b) The 2015 edition of the International Plumbing Code
- (c) The 2015 edition of the International Mechanical Code
- (d) The 2015 edition of the International Fuel Gas Code, with the following exception:
 - (i) Section 404.10 Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.
- (e) The 2015 edition of the International Property Maintenance Code, with the following exceptions and additions:
 - (i) Section 110.3 Failure to Comply, shall be modified as follows:

“Unless authorized by W.Va. Code § 8-12-16, or absent the express consent of the owner, if the owner of a premises fails to comply with a demolition order within the time prescribed, the legal counsel of the jurisdiction shall institute appropriate action in the Circuit Court of the County in which the property is located against the owner of the premises where the structure is or was located seeking an Order causing the structure to be demolished and removed. Thereafter, the local jurisdiction, through an available public agency or by contract or arrangement with private persons, shall demolish and remove the structure and the costs thereof, as well as all fees and costs incurred in the legal action, shall be a lien upon such real estate.”

- (ii) The following appendix is applicable:
Appendix A - Boarding standards.
- (f) The 2009 edition of the International Energy Conservation Code for residential buildings
- (g) The ANSI/ASHRAE/IESNA Standard 90.1-2007 edition for commercial buildings. For purposes of this section, “ANSI” means American National Standards Institute; “ASHRAE” means American Society of Heating, Refrigerating, and Air-Conditioning Engineers; and “IESNA” means Illuminating Engineering Society of North America.
- (h) The 2015 edition of the International Residential Code for One and Two Family Dwellings, with the following exceptions and additions:
 - (i) Chapter 11 of the 2015 edition of the International Residential Code for One and Two Family Dwellings, Seventh Printing, entitled “Energy Efficiency,” is exempt from this section.
 - (iii) Section G2415.12 (404.10) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.
 - (iv) Section R311.7.5 Stair Treads and Risers
 - (A) 311.7.5.1 Riser Heights -- The maximum riser height shall be eight and one-quarter (8 1/4) inches.
 - (B) 311.7.5.2 Tread Depth -- The minimum tread depth shall be nine (9) inches.
 - (v) Section R403.1.7.1: Building Clearances From Ascending Slopes is not applicable to this section.
 - (vi) Section R403.1.7.2: Footings Setbacks From Descending Slope Surfaces is not applicable to this section.
 - (vii) Pursuant to Title 87, West Virginia Code of State Rules, Series 4, Section 5.1. New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement, and New One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A 1/2 inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family

Dwellings: Provided, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

- (viii) Pursuant to Title 87, West Virginia Code of State Rules, Series 4, Section 5.2, Townhouses meeting the Fire Resistant Construction Standard R302.2 will be treated as New One and Two Family Dwellings and shall comply with the referenced Section 5.1 immediately above
- (ix) The following appendices are applicable:
 - Appendix D - Safety inspections of existing appliances
 - Appendix E - Manufactured Housing used as Dwellings.
- (i) The 2009 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities
- (j) The 2015 International Existing Building Code, with the following exception:
 - (i) Omit reference to International Fire Code and substitute NFPA Life Safety Code 2015 edition.
- (k) The 2014 edition of the National Electric Code, NFPA 70
- (l) The 2015 edition of the International Swimming Pool and Spa Code

Wherever referenced in the several ICC codes adopted above, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2015 edition. The State Building Code and its application within this City shall be subject to Legislative Rules adopted by the West Virginia State Fire Commission and authorized by the West Virginia Legislature.

1713.01 ADOPTION.

~~—(a) There is hereby adopted and incorporated by reference as if set out at length herein for the purpose of safeguarding life and property and to ensure the quality of construction of all structures erected or removed throughout the Municipality that certain code known as the State Building Code as promulgated by the Fire Marshal under West Virginia Code 29-3-5b.~~

~~—(b) The State Building Code and its application within this City shall be subject to Legislative Rules adopted by the West Virginia State Fire Commission and authorized by the West Virginia Legislature.~~

~~(Ord. 03-18, Passed 4-15-03.)~~

1713.02 MINIMUM AREA REQUIREMENTS FOR OCCUPANCY.

~~—Every dwelling unit for rent or lease within the corporate City limits shall meet minimum standards for square feet and area requirements as it pertains to number of occupants as set forth in this Section 1713.02.~~

~~Area for Sleeping Purposes. Every bedroom occupied by one person shall contain at least seventy square feet of floor area, and every bedroom occupied by more than one person shall contain at least fifty square feet of floor area for each occupant thereof.~~

~~Overcrowding. Dwelling units shall not be occupied by more than permitted by minimum area requirements of the following table.~~

Minimum Area Requirements
Minimum Area in Square Feet

Space	1-2 Occupants	3-5 Occupants	6 or More Occupants
Living Room a, b	No requirements	120	150
Dining Room a, b	No requirements	80	100
Bedrooms	Shall Comply with Area for Sleeping		

~~—(a) Combined Spaces:~~ Combined living room and dining room spaces shall comply with the requirements of the above table if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

~~—(b) Sleeping Area:~~ The minimum occupancy area required by the above table shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Area for Sleeping Purposes. (Ord. 10-30, Passed 7-20-10.)

1713.03 BOARDING STANDARDS.

~~—(a) There is hereby adopted, as part of the State Building Code, Appendix A of the 2009 International Property Maintenance Code, governing Boarding Standards for structures. The standards are as follows:~~

~~—(1) General.~~ All windows and doors shall be boarded in an approved manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

~~—(2) Boarding Sheet Material.~~ Boarding sheet material shall be minimum ½ inch (12.7 mm) thick wood structural panels complying with the International Building Code.

~~—(3) Boarding framing material.~~ Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the International Building Code.

~~—(4) Boarding fasteners.~~ Boarding fasteners shall be minimum 3/8 inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the International Building Code.

~~—(5) Boarding installation.~~ The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) below and Sections 1713.03 (a) (6) through Section 1713.03 (a) (9) of this Article.

~~—(6) Boarding sheet material.~~ The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

~~—(7) Windows.~~ The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing materials shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be pre-drilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

~~—(8) Door walls.~~ The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at not more than 24 inches (610 mm) on center. Blocking shall also be secured at not more than 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

~~—(9) Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.~~

~~—(Ord. 10-40. Passed 9-21-10.)~~

1717.01 CODE ADOPTED.

~~—There is hereby adopted and incorporated by reference as if set out at length herein, in order to establish rules and regulations for the installation, renewal, extension and reception of electric wiring and electric apparatus in buildings, structures or outdoor electrical displays or signs, that certain code known as the National Electrical Code, and adopted by the State of West Virginia as part of the State Building Code.~~

~~(Ord. 08-39. Passed 9-16-08.)~~

This Ordinance shall be effective as of August 1, 2016.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

AN ORDINANCE REPEALING ORDINANCES 2014-38 AND 2014-39 PROVIDING FOR A DOWNTOWN BUSINESS DISTRICT HEAVY TRUCK LIMITATION AND AMENDING CITY CODE SECTION 347.01 PROVIDING LOCAL PERMIT FEES

The City of Morgantown hereby ordains that Ordinances 2014-38 and 2014-39 are repealed in their entirety and the City Code is amended as follows:

~~301.071 DOWNTOWN BUSINESS DISTRICT.~~

~~“Downtown Business District” means the entirety of the B-4 General Business District as defined in the City of Morgantown’s Planning and Zoning Code, but does not include Beechurst Avenue, University Avenue south of Beechurst Avenue, and Don Knotts Boulevard south of University Avenue. (Ord. 14-38. Passed 9-2-14.)~~

~~301.111 HEAVY TRUCK.~~

~~“Heavy Truck” means any vehicle which is designed or operated for the transportation of property and 1) has combined declared gross weight of over 26,000 pounds as combined declared gross weight is defined in W.Va. Code §17A-3-3(e), and 2) commercial motor vehicle registered as class 7 or greater rating. (Ord. 14-38. Passed 9-2-14.)~~

347.01 OVERSIZE OR OVERWEIGHT VEHICLES.

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

No holder of a permit issued by the Commissioner of Highways shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful 1) to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in subsection (c) hereof; and 2) to operate any Heavy Truck within the Downtown Business District, as defined within Article 301 of the City’s Traffic Code, except as provided in subsections (c) and (d) hereof.

- (b) Five-ton Limitation on Local Streets. Whenever it becomes apparent to the

City Manager that any street is being destroyed or permanently injured by the operation thereover of commercial vehicles, in excess of ordinary wear and tear, he has authority to close any such street to vehicles whose gross weight, including load, exceeds five tons. When any street has been so closed by the City Manager, and notice of such closing posted at the entries thereto, it shall, during the continuance of such closing, be unlawful for any person to operate thereupon any vehicle whose gross weight exceeds five tons. Any street so closed by the City Manager shall be promptly reported to Council.

- (c) Local Permit and Conditions. Upon application and for good cause, the City Manager may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets ~~or to operate a Heavy Truck on streets and highways located within the Downtown Business District, as defined within Article 301 of the City's Traffic Code.~~ No permittee shall be required to obtain a special permit from the Commissioner of Highways for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction ~~or for the movement of Heavy Trucks within the Downtown Business District;~~ however, the approval of the Commissioner of Highways shall be required for movement upon State routes as provided in subsection (a) hereof.

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

For each such permit, the City Manager shall charge ~~five dollars (\$5.00)~~ an amount equal to the fee charged by the Commissioner of Highways for a similar permit and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the ~~sum of ten dollars (\$10.00).~~ actual cost of the salary and benefits payable to each police officer for such time.

Signs shall be posted indicating "no thru trucks - gross weight 5 tons" or words of similar import to apprise drivers of the limitations imposed by subsection (b) hereof. No driver shall disobey the instructions indicated on any such sign.

Violation of any of the limitations, terms or conditions of the permit granted by the City Manager shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by Section 303.99.

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

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

~~This provision does not limit or restrict:~~

- ~~(1) The operation of any Heavy Trucks in the Downtown Business District when that operation is necessary to conduct business at a destination within the Downtown Business District where merchandise or material is loaded or unloaded during the normal course of business;~~
- ~~(2) The operation of emergency or military vehicles;~~
- ~~(3) The operation of vehicles by Public Utilities;~~
- ~~(4) The operation of any governmental or quasi-governmental vehicle in the performance of any official function or duty;~~
- ~~(5) The operation of solid waste disposal vehicles;~~
- ~~(6) The operation of vehicles lawfully engaged in the business of towing, hauling or carrying wrecked or disabled vehicles;~~
- ~~(7) The operation of trucks upon any officially established detour in any case where a truck could lawfully be operated on the street for which such detour was established;~~
- ~~(8) The issuance of a special permit by the City Manager as provided in subsection (e).~~

~~347.01(e) TRUCK SIGNAGE.~~

~~Signs shall be posted indicating "no thru trucks — limit 13 tons" or words of similar import to apprise drivers of the limitations imposed by subsection (d) hereof.~~

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

**AN ORDINANCE AMENDING CITY CODE ARTICLE 545 RELATING TO GENERAL
OFFENSES INVOLVING WEAPONS**

The City of Morgantown hereby ordains that Article 545 of the City Code is amended as follows:

545.02 CARRYING CONCEALED DEADLY WEAPONS WITHOUT LICENSE.

(a) No person shall carry a concealed deadly weapon, without a State license or ~~other lawful authorization established under~~ as authorized by the provisions of West Virginia Code 61-7-4-1 et seq.

(b) Whoever violates this section shall, for a first offense, be guilty of a misdemeanor.

**545.03 EXCEPTIONS AS TO PROHIBITIONS AGAINST CARRYING CONCEALED
DEADLY WEAPONS.**

(a) ~~The licensure provisions~~ prohibitions against carrying concealed handguns set forth in West Virginia Code ~~Article 61-7-3~~ do not apply to:

(1) Any person at least eighteen years of age and fewer than twenty-one years of age who is:
A. Carrying a deadly weapon upon his or her own premises;
B. Carrying a firearm, unloaded, from the place of purchase to his or her home, residence or place of business or to a place of repair and back to his or her home, residence or place of business; or

C. Possessing a firearm while hunting in a lawful manner or while traveling from his or her home, residence or place of business to a hunting site and returning to his or her home, residence or place of business;

~~(2) D. Any person who is a~~ A member of a properly organized target-shooting club authorized by law to obtain firearms by purchase or requisition from this State or from the United States for the purpose of target practice from carrying any pistol, as defined in this article, unloaded, from his or her home, residence or place of business to a place of target practice and from any place of target practice back to his or her home, residence or place of business, for using any such weapon at a place of target practice in training and improving his or her skill in the use of the weapons;

~~(3) E. Any law-enforcement officer or law-enforcement official or chief executive~~ as defined in West Virginia Code 30-29-1;

(4) F. Any employee of the West Virginia Division of Corrections, duly appointed pursuant to the provisions of West Virginia Code 25-1-11c while the employee is on duty;

~~(5) G. Any member of the United States armed forces, reserve or National Guard of the armed forces of the United States or the militia of this State while the member is on duty;~~

(6) H. Any resident of another state who holds a valid permit or license to possess or carry a handgun issued by a state or a political subdivision subject to the provisions and limitations set forth in West Virginia Code 61-7-6a;

(7) I. _____ Any federal law-enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty;

~~(8) Any Hatfield McCoy Regional Recreation Authority Ranger while the ranger is on duty; and~~

(9) J. _____ Any parole officer appointed pursuant to West Virginia Code 62-12-14 in the performance of ~~their~~ his or her duties.

(b) ~~On and after July 1, 2013, †~~The following judicial officers and prosecutors ~~and staff shall be exempted~~ are exempt from paying any application fees or licensure fees required under West Virginia Code Article 61-7. However, ~~on and after that same date,~~ they shall be required to make application and satisfy all licensure and handgun safety and training requirements to obtain a license as set forth in West Virginia Code 61-7-4 before carrying a concealed handgun in this State:

- (1) Any justice of the Supreme Court of Appeals of West Virginia;
 - (2) Any circuit judge;
 - (3) Any retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia;
 - (4) Any family court judge;
 - (5) Any magistrate;
 - (6) Any prosecuting attorney;
 - (7) Any assistant prosecuting attorney; and
 - (8) Any duly appointed investigator employed by a prosecuting attorney.
- (WVaC 61-7-6)

545.04 PERSONS PROHIBITED FROM POSSESSION OF FIREARMS.

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

- (1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) Is habitually addicted to alcohol;
- (3) Is an unlawful user of or habitually addicted to any controlled substance;
- (4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;
- (5) Is an alien illegally or unlawfully in the United States;
- (6) Has been discharged from the armed forces under dishonorable conditions;
- (7) Is subject to a domestic violence protective order that:
 - A. Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

B. Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

C. 1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

(b) Any person may carry a concealed deadly weapon without a license therefor who is:

(1) At least twenty-one years of age;

(2) A United States citizen or legal resident thereof;

(3) Not prohibited from possessing a firearm under the provisions of this Article 545 or West Virginia Code 61-7-7; and

(4) Not prohibited from possessing a firearm under the provisions of 18 U. S. C. § 922(g) or (n).

(b) (c) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(e) (d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section. (WVAC 61-7-7)

This ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

Ordinance No. 2016 - _____

AN ORDINANCE AMENDING CITY CODE SECTION 545.10 REGULATING SALE, POSSESSION, AND USE OF FIREWORKS; REPEALING ARTICLE 752 ESTABLISHING A NOVELTY AND SPARKLER FEE; AND AMENDING SECTION 1511.02 TO PRESERVE FIRE MARSHALS ENFORCEMENT OF FIREWORKS REGULATIONS

WHEREAS, 2016 West Virginia House Bill 2582 modifies existing law to permit the sale and possession of certain fireworks within the State of West Virginia; and

WHEREAS, the legislation repeals West Virginia Code section 29-3-23, which was the source of authority for assessment of the Sparkler and Novelty Registration Fee established by West Virginia Code section 11-12-86 and implemented by Morgantown City Code sections 752.01 and 752.02; and

WHEREAS, the legislation no longer prohibits use of certain fireworks previously prohibited by the State Fire Code, which is enforced by the Fire Marshals in the Morgantown Fire Department; and

WHEREAS, West Virginia Code section 29-3-5 permits municipalities to enact ordinances imposing a more stringent or higher standard than the State Fire Code, so long as the standard is not inconsistent with the State Fire Code; and

WHEREAS, the legislation expressly preserves the right of cities to regulate the use of fireworks within their boundaries; and

WHEREAS, the City of Morgantown intends to amend its existing law to permit the sale of fireworks while preserving the prohibition on using fireworks within the City and continuing the existing methods of enforcing that prohibition;

NOW, THEREFORE, the City of Morgantown hereby ordains that Sections 752.01 and 752.02 of the City Code are repealed and Sections 545.10 and 1511.02 of the City Code are amended as follows:

~~545.10 FIREWORKS SALE, POSSESSION AND DISCHARGE.~~

(a) Unlawful acts.

It is unlawful for a person to manufacture, wholesale, distribute, import, sell or store for the purpose of resale, consumer fireworks without a license, registration, certificate or permit from the State Fire Marshal and a valid business license issued by the City of Morgantown.

(b) Definitions.

As used in this section:

(1) "Agricultural and wildlife fireworks" means fireworks devices distributed to farmers, ranchers and growers through a wildlife management program administered by the United States Department of the Interior or the Division of Natural Resources of this state;

(2) "Amusement park" means any person or organization which holds a permit for the operation of an amusement ride or amusement attraction under article ten, chapter twenty-one of the West Virginia Code;

(3) "APA Standard 87-1" means the APA Standard 87-1 published by the American Pyrotechnics Association, as amended, and incorporated by reference into Title 49 of the Code of Federal Regulations;

(4) "Articles pyrotechnic" means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 C.F.R. §172.101 (2014);

(5) "Consumer fireworks" means small fireworks devices that are designed to produce visible effects by combustion that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 C.F.R. Parts 1500 and 1507 (2014), and that are listed in APA Standard 87-1. Consumer fireworks do not include sparkling devices, novelties, toy caps or model rockets;

(6) "Consumer fireworks certificate" means a certificate issued under section four of West Virginia Code Chapter 29, Article 3E;

(7) "Display fireworks" means large fireworks to be used solely by professional pyrotechnicians licensed by the State Fire Marshal and designed primarily to produce visible or audible effects by combustion, deflagration or detonation and includes, but is not limited to, salutes containing more than two grains (one hundred thirty milligrams) of explosive materials, aerial shells containing more than forty grams of pyrotechnic compositions and other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334, or UN0335 under 49 C.F.R. §172.101 (2014);

(8) "Distributor" means a person who sells fireworks to wholesalers and retailers for resale;

- (9) "Division 1.3 explosive" means that term as defined in 49 C.F.R. §173.50 (2014);
- (10) "Division 1.4 explosive" means that term as defined in 49 C.F.R. §173.50 (2014);
- (11) "Explosive composition" means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited;
- (12) "Fire Marshal" means the State Fire Marshal;
- (13) "Firework" or "fireworks" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks include consumer fireworks, display fireworks and special effects. Fireworks does not include sparkling devices, novelties, toy caps or model rockets;
- (14) "Interstate wholesaler" means a person who is engaged in interstate commerce selling fireworks;
- (15) "Model rocket" means that term as defined in National Fire Protection Association Standard 1122, "Code for Model Rocketry";
- (16) "New explosive" means that term as defined in 49 C.F.R. §173.56 (2014);
- (17) "NFPA 1123" means National Fire Protection Association Standard 1123, "Code for Fireworks Display."
- (18) "NFPA 1124" means National Fire Protection Association Standard 1124, "Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles," 2006 Edition.
- (19) "NFPA 1126" means that term as defined in National Fire Protection Association Standard 1126, "Standard for the Use of Pyrotechnics Before a Proximate Audience."
- (20) "Novelties" means that term as defined under APA standard 87-1, section 3.2; but shall not include toy pistols, toy caps, toy canes, toy guns or other similar devices;
- (21) "Permanent" means that term as defined in NFPA 1124;
- (22) "Person" means an individual or the responsible person for an association, an organization, a partnership, a limited partnership, a limited liability company, a corporation or any other group or combination acting as a unit;
- (22) "Public display of fireworks" means a public entertainment feature that is advertised to the general public or is on public property that includes the display or discharge of fireworks;
- (23) "Pyrotechnic composition" means a mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. A pyrotechnic composition will not explode upon ignition unless severely confined;
- (24) "Retailer" means a person who purchases consumer fireworks for resale to consumers;
- (25) "Sparkling devices" means "ground or handheld sparkling devices" as that phrase is defined under APA 87-1, sections 3.1.1 and 3.5;

(26) "Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment;

(27) "Temporary" means that term as defined in NFPA 1124;

(28) "Toy caps" means that term as defined under APA 87-1, section 3.3; and

(29) "Wholesaler" means any person who sells consumer fireworks to a retailer or any other person for resale and any person who sells articles of pyrotechnics, display fireworks, and special effects to a person licensed to possess and use those devices.

(c) Production or transportation of fireworks.

A person may produce or transport a firework within the city that is a new explosive and that is either a division 1.3 explosive or division 1.4 explosive if the person first meets the requirements of 49 C.F.R. §173.56 (2014).

(d) Requirements for a retailer of consumer fireworks.

(1) A retailer may not sell consumer fireworks in the City unless the retailer is certified under West Virginia Code Chapter 29, Article 3E and possesses a valid business license issued by the City of Morgantown.

(2) To be certified to sell consumer fireworks a retailer shall:

(A) Submit an application to the State Fire Marshal;

(B) Submit with the application a copy of his or her current business registration certificate;

(C) Pay a fee of \$500.00 for each temporary retail sales location and \$1,000.00 for each permanent retail sales location to the State Fire Marshal;

(D) Provide the State Fire Marshal proof that the retailer maintains at all times public liability and product liability insurance with minimum coverage limits of \$1 million dollars per location to cover losses, damages or injuries that might result from selling consumer fireworks; and

(E) Provide other information as the State Fire Marshal may require by legislative rule.

(3) A consumer fireworks certificate is valid from April 1 through March 31 of the next calendar year or any fraction thereof.

(4) A consumer fireworks certificate is not transferable.

(5) A retailer shall post the certificate in a conspicuous place at the location of the business.

(6) A separate copy of an issued certificate is required for each retail sales location of the retailer.

(7) A retailer who sells consumer fireworks shall comply with all regulations provided in NFPA 1124. The State Fire Marshal may by legislative rule, promulgate rules to supplement those rules established in NFPA 1124.

(8) A retailer shall sell the consumer fireworks only from a permanent building or structure that meets the specifications in NFPA 1124 or a temporary facility or structure that meets the specifications of NFPA 1124.7.3.5.

(e) Requirements for a public fireworks display.

(1) Any municipality, county, fair association, amusement park or other organization shall have a permit to present a public display of fireworks from the State Fire Marshal.

(2) To receive a permit, a municipality, fair association, amusement park, and other organization shall:

(A) Submit an application to the State Fire Marshal;

(B) Pay the required fee, not to exceed \$50;

(C) Furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the party seeking the permit or an employee thereof, in the amount, character and form as the State Fire Marshal determines to be necessary for the protection of the public; and

(D) Provide any other information as the State Fire Marshal may require by legislative rule.

(3) The State Fire Marshal shall require the municipality, county, fair association, amusement park and other organizations to give written notice to the local police and fire authorities at least five days prior to the display for which the permit is sought.

(4) A permit is not transferable.

(5) The display shall be operated by a competent operator licensed or certified as to competency by the State Fire Marshal and shall be of such composition, character, and so located, discharged or fired so as to be safe in the opinion of the Chief of the Morgantown Fire Department.

(6) The permittee shall require a bond from the licensee in a sum not less than \$1,000 conditioned on compliance with the provisions of this West Virginia Code Chapter 29, Article 3E and the rules of the State Fire Marshal except where the licensee is an insured government entity.

(f) Exemptions.

Except as otherwise provided by Paragraph (g), below, this section does not prohibit any of the following:

(1) The use of fireworks by railroads or other transportation agencies for signaling purposes or illumination;

(2) The use of agricultural and wildlife fireworks;

(3) The sale or use of blank cartridges for a theatrical performance, use by military organizations or signal or ceremonial purposes in athletics or sports; or

(4) The possession, sale or disposal of fireworks incidental to the public display of fireworks by wholesalers or other persons who have a permit to possess, store and sell explosives from the Bureau of Alcohol, Tobacco, Firearms, and Explosives of the United States Department of Justice and the State Fire Marshal.

(g) Regulation of consumer fireworks.

The use of consumer fireworks is prohibited within the City.

(h) Violations of this section; penalties.

In addition to the regulations provided in subsection (g), above, the following acts constitute a violation of this section:

(1) A person may not intentionally ignite, discharge or use consumer fireworks on public property or private property without the express permission of the owner to do so.

(2) A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices within or throw the same from a motor vehicle or building.

(3) A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices into or at a motor vehicle or building, or at any person or group of people.

(4) A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices while the person:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug; or

(D) Is under the combined influence of alcohol and any controlled substance or any other drug.

(5) A person who is less than sixteen years of age may not purchase, nor offer for sale, consumer fireworks.

(i) Miscellaneous offenses; penalties.

Any person who violates a provision of this section for which a penalty is not expressly set forth is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$500.00.

~~—(a) "Fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include model rockets and model rocket engines, designed, sold and used for the purpose of propelling recoverable aero models and shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper or plastic caps are used and toy paper or plastic caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy paper or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap.~~

~~—The following sparklers and novelties shall not be considered fireworks but do require a business registration fee be paid to be authorized to sell, as provided for in Article 752:~~

~~—(1) Explosive caps designed to be fired in toy pistols, provided that the explosive mixture of the caps shall not exceed twenty five hundredths of a grain for each cap.~~

~~—(2) Snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large snake like ash when burning.~~

~~—(3) Smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke.~~

~~—(4) Trick noisemakers which produce a small report designed to surprise the user and which include:~~

~~—A. A party popper, which is a small plastic or paper item containing not in excess of twenty-five hundredths of a grain of explosive mixture. A string protruding from the device is pulled to activate the device, expelling paper streamers and producing a small report.~~

~~—B. A string popper which is a small tube containing not in excess of twenty-five hundredths of a grain of explosive mixture with string protruding from both ends. The strings are pulled to activate the friction-sensitive mixture, producing a small report.~~

~~— C. A snapper or drop pop, which is a small paper wrapped item containing no more than twenty five hundredths of a grain of explosive mixture coated on small bits of sand. When dropped, the device produces a small report.~~

~~— (5) Wire sparklers consisting of wire or stick coated with nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition. These items must not exceed one hundred grams of mixture per item.~~

~~— (6) Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, are hand held or ground based, cannot propel themselves through the air and contain not more than seventy five grams of chemical compound per tube or not more than a total of two hundred grams if multiple tubes are used: Provided, that sparklers and sparkler devices as provided for herein shall not be sold to anyone below the age of sixteen years old.~~

~~— (Ord. 95-23, Passed 6-8-95.)~~

~~— (b) Except as hereinafter provided, no person, firm, copartnership or corporation shall offer for sale, possess, expose for sale, sell at retail, keep with intent to sell at retail, or use or explode any fireworks, provided, permits for the supervised display of fireworks may be granted upon application to the State Fire Marshal and after approval of the Police and Fire Chiefs, and the filing of a bond by the applicant as provided hereinafter. Every such display shall be handled by a competent operator licensed or certified as to competency by the State Fire Marshal and shall be of such composition, character, and so located, discharged or fired as in the opinion of the Fire Chief, after proper inspection, and of the Police Chief shall not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, the sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.~~

~~— The Mayor shall require a bond from the licensee in a sum not less than one thousand dollars (\$1,000) conditioned on compliance with the provisions of this section and West Virginia Code Article 29-3 and the regulations of the State Fire Commission, provided, that the Municipality shall not be required to file such bond.~~

~~— Before any permit for a pyrotechnic display shall be issued, the person, firm or corporation making application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character and form as the State Fire Marshal determines to be necessary for the protection of the public.~~

~~(WVaC 29-3-24)~~

~~752.01 PURPOSE.~~

~~— The purpose of this article shall be to require registration of businesses which sell sparklers and novelties.~~

~~(Ord. 95-22, Passed 5-16-95.)~~

~~752.02 BUSINESS REGISTRATION.~~

~~— (a) Any person or business desiring to sell sparklers and novelties within the City, as authorized by West Virginia Code 29-3-23 and Section 545.10(a) of the Morgantown Municipal Code shall submit evidence to the City's Finance Department that he or she has properly registered with the State of West Virginia, pursuant to West Virginia Code 11-12-86, for the sale of the same.~~

~~(b) Upon payment of a fifteen dollar (\$15.00) registration fee to the City, the City's Finance Director shall issue to the registrant a sticker, card or business registration certificate which shall be posted in a conspicuous position, next to like registration stickers, cards or business registration certificates issued by the State Tax Commissioner, at the location of the business which has paid the registration fee. This City registration fee shall run concurrent with the business license issued by the State, and shall not be prorated. This fee shall be collected for each separate location within the City where sparklers and novelties are sold.
(Ord. 14-13. Passed 6-17-14.)~~

1511.02 CODE ENFORCEMENT.

(a) The Fire Chief shall be responsible for the enforcement of the City of Morgantown Fire Prevention Code. To assist in the performance of the responsibilities and duties placed upon the Fire Chief, ~~a Bureau of Fire Prevention and a Bureau of Fire Investigation~~ Fire Marshals Division in the Fire Department ~~are~~ is hereby created. ~~Both Bureaus~~ The Fire Marshals Division shall operate under the supervision of the Fire Chief ~~and Chief Fire Marshal~~, who shall designate fire officials of the Fire Department as Fire Marshals ~~for each~~. The Fire Marshals shall report to the ~~Fire Chief~~ Chief Fire Marshal, shall be the administrators of the ~~Bureau of Fire Prevention and Bureau of Fire Investigation~~ Fire Marshals Division, and shall be responsible for administration and enforcement of the Fire Prevention Code. The Fire Chief may also designate members of the Fire Department, who have met the qualifications and training as set forth in Morgantown Fire Department S.O.G. 308.01 as Deputy Fire Marshals. The Fire Chief is authorized, if he/she deems it necessary, to create additional bureaus and appoint additional Fire Marshals. The Fire Marshals and Deputy Fire Marshals are hereby empowered to enforce the Fire Prevention Code and to cite for any Fire Code violations upon observation of each such offense. Violations for which citations may be issued by the Fire Marshals and Deputy Fire Marshals include, but are not limited to:

- (1) Locked or blocked fire exits.
- (2) Overcrowding in violation of posted occupant loads.
- (3) Failure to maintain occupant load posting.
- (4) Blocking or obstructing designated fire lanes.
- (5) Outdoor burning without a State forester permit, when such a permit is required.
- (6) Burning of materials not authorized in the State burning permit.
- (7) Having a bonfire or other similar fire without approval of the Morgantown Fire Department.
- (8) Refusing to cease burning of materials when ordered to do so by proper authority.
- (9) Tampering with any portable or fixed fire extinguishing system or device or any fire warning system.
- (10) Illegal burning.
- (11) Malicious burning.
- (12) Obstructing a Fire Marshal.
- (13) Failure to Comply with Orders.
- (14) Any violation of the Morgantown Fire Prevention Code, West Virginia State Fire Code, or any other fire codes or standards adopted by specific reference by the State of West Virginia.

(15) Use of consumer fireworks prohibited by City Code.

(b) Fire Marshals and Deputy Fire Marshals are hereby empowered to make arrests anywhere within the City of Morgantown of any person charged with the violations of Malicious Burning, Obstructing a Fire Marshal, or Failure to Comply with Orders; and when a witness to the perpetrations of these offenses, to make arrests without warrant; or to detain any persons suspected of the commission of these offenses for investigatory purposes.

(c) Fire Marshals and Deputy Fire Marshals are hereby empowered to make complaint in writing before the Municipal Judge or appropriate municipal court officer and procure a warrant for the arrest of any offender of the violations of Malicious Burning, Obstructing a Fire Marshal, or Failure to Comply with Orders. Fire Marshals and Deputy Fire Marshals may execute any summons or warrant issued by the Municipal Judge or appropriate municipal court officer for the offenses of Malicious Burning, Obstructing a Fire Marshal, or Failure to Comply with Orders upon the offender within the City of Morgantown. Any return by a Fire Marshal or Deputy Fire Marshal showing the manner of executing the warrant or summons has the same force and effect as if made by a police officer.

(d) The Fire Chief, who is responsible for the enforcement of the Fire Prevention Code, may revoke or rescind, at any time, any Fire Department member's enforcement powers when, in the opinion of the Fire Chief, these powers have been abused or improperly enforced.

(e) Nothing within this article shall prevent a Fire Marshal or an Assistant Fire Marshal from seeking injunctive relief against the responsible party at any time once any Code violation is noted.

(f) There is hereby established a Fire Code Board of Appeals, which shall be composed in accordance with, and have all authorities and responsibilities granted by, NFPA 1-1.10, current edition.

This ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

**AN ORDINANCE AMENDING ARTICLE 149 OF THE CITY CODE RELATING TO
THE BOARD OF PARKS AND RECREATION COMMISSIONERS**

WHEREAS, West Virginia Code section 8-21-3 provides requirements for the members of the Board of Park and Recreation Commissioners, including the provision that each member of the board must be a resident and freeholder of the city;

NOW, THEREFORE, the City of Morgantown hereby ordains that Section 149.02 of the City Code is amended as follows:

149.02 MEMBERSHIP; TERM.

The Board of Park and Recreation Commissioners shall consist of seven members, a majority of whom shall constitute a quorum for the transaction of business. Each member of the Board must be a resident and freeholder of the City. The appointment of the members thereof shall be by Council. Membership on Council shall not disqualify any member from being appointed to the Board. Two members of Council, if otherwise qualified, may be appointed to the Board. The term of the Board membership of any such member of Council so appointed shall continue during his term as a member of Council and until his successor is appointed or elected and qualified. The terms of other appointed members shall be for six years, except for the initial appointment as hereinafter stated, and until their successors have been duly appointed and qualified. Council shall appoint the members of the Board, such first appointees to serve, one for a term of six years, two for a term of four years, and two for a term of two years. The date upon which the terms of such Board members shall end shall be the 30th day of June. When any member of the Board, during his term of office, shall cease to be a resident and freeholder of the City, he shall thereby be disqualified as a member of the Board and his office shall thereupon become vacant.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

AN ORDINANCE AMENDING ARTICLE 941

941.01 DEFINITIONS.

As used in this article:

- (a) "Board" means the Board of Park and Recreation Commissioners of Morgantown.
- (b) "Manager" means the Superintendent of Parks and Recreation, Board of Park and Recreation Commissioners of Morgantown.
- (c) "Park" means all properties and facilities controlled by or under the jurisdiction of the Board, including playgrounds or school facilities being used as part of the Board's recreational program.
- (d) "Person" includes individuals and corporations.
- (e) "Authorized emergency vehicles" means vehicles of a fire department or police department, or ambulances.

941.02 PROTECTION OF PARK PROPERTY.

- (a) ~~Defacement, Destruction, Removal, etc.~~ No person shall remove, injure, deface, destroy or disturb any part of ~~the any~~ park or any building, sign, equipment or other property found therein, nor shall any tree, flower, shrub or other vegetation or fruit or seed thereof, or rock or mineral therein, be removed, injured, defaced, destroyed or disturbed.
- (b) ~~Defacement of Surface.~~ No person shall operate a motor vehicle causing the rubber tires to spin, mark and deface ~~the any~~ park roadway surface.
- (c) ~~Littering or Dumping of Rubbish or Garbage.~~ Trash and Debris; Storage of Materials. No person, without the written consent of the Manager, shall leave behind or dump any material of any kind in the park, except that refuse, ashes, garbage or other material from a picnic or other permitted activity may be deposited in receptacles or pits provided for such purposes. No person may leave trash, debris, or refuse in a park except in designated receptacles and in connection with authorized use of the park. No materials may be stored in a park without the prior approval of the Manager except for storage in areas clearly designated for such storage.
- (d) ~~Noxious or Deleterious Material.~~ No person shall, ~~within the park,~~ place or permit to be placed in any ~~river, brook, stream, ditch or drain~~ body of water or drainage system that flows into or through park lands ~~or in any lake in the park,~~ any noxious or ~~deleterious~~ harmful material which may render park waters harmful or inimical to the public health, or to animals, vegetation or aquatic life, or which may prevent, limit or interfere with the use of such waters for domestic or agricultural purposes or which may lessen to an unreasonable degree the use and enjoyment of such waters for recreational or other park uses.

941.03 CARRYING WEAPONS OR HUNTING PROHIBITED.

- (a) Firearms.

- (i) No person may carry or possess a firearm within a Park, which is municipally owned or operated property, without a valid concealed handgun license.
- (ii) Carrying or possessing a firearm either openly, or not lawfully concealed, is prohibited in municipally owned recreation facilities. This provision shall not prohibit a person with a valid concealed handgun permit from carrying an otherwise lawfully possessed firearm into a municipally owned recreation facility and securely storing the firearm out of view and access to others during the person's time at the municipally owned recreation facility. For purposes of this paragraph, "municipally-owned recreation facilities" means any municipal swimming pool, recreation center, sports facility, facility housing an after-school program, or other similar facility where children are regularly present.

(b) Dangerous Weapons. No person shall carry or possess any dangerous weapon in any park. The term "dangerous weapon" includes, but is not limited to, any explosive, fireworks, slingshot, switchblade, hunting knife, metal knuckles, paintball gun, and projectile weapon not regulated by the Firearms provision of this section; provided, that bows and arrows may be possessed, carried, and used in areas designated in writing by the Manager and appropriately signed to warn of such use.

~~(a) Firearms. No person shall carry a firearm of any description, air or gas gun, fireworks, explosive, slingshot or missile throwing device into or within the park or discharge the same therein.~~

~~(b) Dangerous Weapons. No person shall have or carry any switchblade, hunting knife, dagger, metal knuckles or other dangerous weapon while in the park.~~

~~(c) Bows and Arrows. No person shall release an arrow from a bow, crossbow or longbow within the park other than in areas designated by the Manager at archery ranges or at such other locations as may be designated in writing for such purpose by the Manager.~~

~~(d) (c) Hunting. No person within the park shall hunt, pursue with dogs, hunt with birds, trap or in any way molest any wild bird or animal found within the park, or rob or molest any bird nest or take the eggs of any bird; except pursuant to and in accordance with City Code section 505.19 entitled "Urban Deer Management."~~

941.04 OTHER PROHIBITED ACTIVITIES.

(a) Advertising, Signs. No person shall distribute or place any sign, advertisement, circular, notice or statement, ~~or distribute or place any banner, emblem or design or political advertisement, other written material~~ within the any park without the written consent of ~~except pursuant to a permit issued by the Manager.~~

(b) Sales. No person shall sell or offer for sale any article, thing, privilege or service within the any park without the written consent of the Manager, and without all applicable permits or licenses.

(c) Disturbing the Peace. No person shall disturb the peace and good order within the park by fighting, by quarreling or wrangling with loud voice or shouts, by threatening violence to the person or property of others, or by engaging in riotous clamor or tumult.

(d) Unlawful Assemblage. No person or persons shall within the park collect a group or a crowd for unlawful purposes or in riotous assemblage or with the intent to annoy, harass or inflict property damage or bodily injury upon another person or persons.

(e) Abusive Language. No person shall use obscene, profane or abusive language within the park.

(f) Assault and Battery. No person shall willfully assault or commit bodily injury upon another while within the park, or within the park be engaged in, or abet or aid in, any fight, quarrel or other disturbance.

(g) Gambling. No person shall gamble or play games of chance within the park, unless such games conform to all State and local laws, and operators thereof hold a permit issued by the Manager.

(h) Intoxicating Beverages, Wine. No person shall within the park sell, offer for sale, possess or consume any intoxicating liquor or wine unless the written consent of the Manager therefor is first had and obtained and unless there is full compliance with all applicable State law; and under no circumstances whatever shall any person be under the influence of any intoxicating liquor or wine within the park.

(i) Beer. No person shall sell, offer for sale, possess or consume beer or other malt beverage within the park without the written consent therefor of the Manager except as provided in Section 941.05.

~~(j) Glue Sniffing. No person shall within the park sniff any type of glue or other commercial material or product which contains toluol or ethers.~~

~~(k) (j) Use of Narcotics, Opiates and Hallucinogens. No person shall smoke, drink, have injected into one's self, or otherwise use, any type of narcotic drug, dangerous drug, opiate, hallucinogen or marihuana within the park-, nor shall any person inhale any type of glue or commercial product containing toluene or similar chemical compounds.~~

~~(l) (k) Entering and Use of Toilet Bathroom Facilities. No persons, except park maintenance employees or police in the performance of their official duties, shall enter a toilet within the park set aside for members of the opposite sex. Use of park toilet facilities shall be limited to defecating, urinating, and washing of one's hands thereafter. Bathroom facilities may only be used for intended purposes, which include only toilet use, hand washing in sinks, and showering only where shower facilities are provided, all in accordance with posted signage. All other activities therein are prohibited including, but not limited to, the following:~~

- ~~(1) Bathing.~~
- ~~(2) Storing personal items.~~
- ~~(3) Sleeping or resting.~~
- ~~(4) Smoking.~~
- ~~(5) Eating or drinking~~
- ~~(6) Loitering.~~

No person shall hinder, obstruct, or prevent the movement of persons within a park toilet facility, so as to interfere with the right of others to the proper use of the toilet facility.

No person shall hinder, obstruct, or prevent access to a park toilet facility so as to interfere with the rights of others to the proper ingress and egress of the toilet facility.

~~(m) (l) Indecent Conduct and Exposure. No person shall appear within the park in a state of nudity, or therein commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior and no person shall within the park make any indecent exposure of his or her person.~~

~~(n)~~ (m) Solicitation. No person shall within the park solicit or ask anyone to commit, perform or engage in, any unlawful lewd, lascivious, obscene or indecent act or behavior.

~~(o)~~ (n) Boats and Water Equipment. No person shall, without the written consent of the Manager, bring and use within the park any boat, surfboat, surfboard, water skis, scuba diving gear and similar aquatic equipment.

~~(p)~~ (o) Compliance with Police, Failure to Obey. No person shall fail or refuse to comply with any reasonable order relating to these rules and regulations or to the control of traffic or motor vehicles within the park, or with any other order lawfully given by any police officer or willfully resist, obstruct or abuse any officer or any other official in the execution of his office.

~~(q)~~ (p) Feeding Wildlife. No person shall feed any wildlife within the park.

941.05 REGULATED ACTIVITIES.

(a) Fires.

(1) No person shall start a fire within the park, except small fires for culinary purposes in park grills or privately owned grills or fires in the place or areas designated for such purpose by the Board; provided, that the Manager may at his discretion prohibit fires for limited periods at any location or for any purpose when necessary for the protection of park property.

(2) All fires within the park shall be put out by the person or persons starting or using the same before leaving the immediate vicinity of the fire.

(3) No person shall within the park dump hot ashes or fire onto the grass or plants.

(b) No Admittance After Park Is Closed. No person, except Board employees in the performance of their official duties, shall be permitted within ~~the~~ any park or building within a park or any part thereof during a time when such park is closed. ~~after the same is closed for the night and prior to its opening the following day.~~

(c) Camping. No person shall establish or maintain any camp or other temporary lodging or sleeping place within the park without the written consent of the Manager.

(d) Beer and Malt Beverages. Persons of legal age may have in their possession and may consume within the park beer or malt beverages in approved containers in connection with a picnic involving the consumption of food if such picnic is held at a designated picnic area and if such beer or malt beverage is possessed and consumed at such designated picnic area. Only glass and aluminum containers are permitted. Kegs are not permitted within the park.

~~(e) Fishing.~~

~~(1) Fishing within the park is prohibited except at areas designated for that purpose by the Board.~~

~~(2) Fishing by the use of hooks left unattended, traps, spears, gigs or bows and arrows is prohibited.~~

(f) Pets. No person shall bring within ~~the~~ any park, or permit, have or keep within the park, any dog, cat or other animal destructive to birds or other wildlife; provided, that dogs and cats shall be permitted in the park if they are controlled at all times on a leash not more than six feet long, ~~with the exception of the use of~~ contained in a designated dog parks, or as a specific aspect of an organized BOPARC permitted activity.

(g) Horses or Horseback Riding.

(1) No person shall ride a horse within the park without prior written consent of the Manager.

(2) No person shall leave a horse unattended within the park.

(h) Swimming. Swimming within the park is permitted only in a swimming pool or pools operated by the Board, and all persons shall abide by the swimming pool rules and regulations posted by the Manager at any such pool.

(i) Ice Skating. No person shall ice skate on any area not specifically designated for ice skating activity and supervised by an employee of the Board.

(j) Professional Instruction. No person other than authorized employees of the Board shall offer professional instruction in recreational activities within the park.

(k) Use of Picnic Shelters. No person shall use a park picnic shelter, except by permit.

(l) Athletic Fields. No person shall conduct any type of tournament on any park athletic field without a permit, and upon payment of appropriate fees.

941.06 MOTOR VEHICLES.

(a) State Laws Applicable. All of the provisions ~~contained in~~ of the West Virginia Code Chapters 17A, 17B and 17C shall govern the operation of motor vehicles within the park except as modified by these rules.

(b) Speed Limit. No person shall ~~drive or propel or cause to be driven or be propelled along or over any road or drive within the park,~~ operate any vehicle at a greater rate of speed than ten (10) miles per hour, ~~unless otherwise posted~~ except in an area where official signage clearly identifies an alternate speed limit.

(c) Motor Vehicles Prohibited on Paths. No person shall operate or cause to be operated any type of ~~self-propelled vehicle or any~~ motor vehicle which is moved by animal or human power upon any area other than a designated ~~roadway~~ public highway; provided that persons who require the use of motorized wheelchairs for mobility may use such devices upon designated trails and sidewalks within the Parks.

(d) Driving on Closed Roads or Drives. No person shall drive upon or along any park road or drive which has been closed and posted with appropriate signs or barricades. The Manager shall have authority to order roads or drives closed when the park is closed or during the process of construction, reconstruction or repairs, or when, in ~~his~~ the Manager's opinion, weather conditions render travel either unsafe or unduly destructive to the road.

(e) Demonstrating, Testing, Instructing with Respect to or Learning to Operate Vehicle. No person shall use any part of the park for the purpose of demonstrating the operation of any vehicle, testing the operation of any vehicle, instructing another person to drive or operate any vehicle or learning to drive or operate any vehicle, except by written consent of the Manager.

(f) Parking. No person shall park any motor vehicle, bicycle, wagon or other vehicle within any traveled roadway in the park or at any location where posted signs prohibited parking.

No person shall leave any vehicle in the park between posted closing time and daybreak without written permission from the Manager or his authorized representative, unless such person is attending an event approved for extension beyond the posted closing.

(g) Snowmobiles. No person shall within the park operate a motor-driven vehicle which is designed for the purpose of traveling on snow-covered surfaces other than in areas designated for such purpose by the Manager.

(h) Motorbikes; Motorcycles.

(1) Every person riding within the park on a motorbike or motorcycle is required to wear a crash helmet approved by either the American Motorcycle Association or the Snell Foundation.

(2) No person shall operate a motorbike or motorcycle on any park roadway without having thereon a fender covering each tire.

(3) Motorbikes or motorcycles are permitted within the park only on paved roadways normally used by motor vehicles and in parking areas for motor vehicles.

(i) Exceptions. Nothing contained in this section shall apply to authorized emergency vehicles responding for emergency work in the case of fire, accident, public disaster, impending danger or other emergency, or to a police officer in the performance of his official duties. (Ord. 3-3-82.)

941.07 REVOCATION OF PERMITS.

The Manager or his authorized representative has the authority to revoke any or all permits upon the finding of violation of any park rule or regulation by any offender or offenders.

941.08 USE OF TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES.

(a) It shall be unlawful for any person to use tobacco in any form, or to use an electronic cigarette, in or on any property controlled by or under jurisdiction of the Morgantown Board of Park and Recreation Commissioners (BOPARC). For purposes of this section, property controlled by or under the jurisdiction of the Morgantown Board of Park and Recreation Commissioners is: White Park, Marilla Park, Krepps Park, Dorsey's Knob Park, Wiles Hill Park, Hazel Ruby McQuain Park, King Street Park, Suncrest Lake Park, Paul Preserve Park, Aspen Street Park, Jack Roberts Park, Woodburn Park, Whitmore Park, MEA Fishing Pier, Stanley's Spot Dog Park, South U Park.

(b) Whoever violates this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00).

941.99 PENALTY.

(a) Fine; Jurisdiction. Whoever violates any of these rules and regulations shall be fined not more than one hundred dollars. ~~As specified in West Virginia Code 8-21-10, the Police Judge, magistrates of Monongalia County, shall have concurrent jurisdiction with the Circuit Court of the County and other courts of record of the County, having criminal jurisdiction, of any such offenses.~~

(b) Prosecution Under State Laws or Municipal Ordinances. The violation of any of these rules and regulations which also constitutes the violation of any State law and/or Municipal ordinance may be prosecuted as a violation of such State law or Municipal ordinance and/or as a violation of these rules and regulations.

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

The City of Morgantown hereby ordains:

That the FY 2016-2017 Annual Budget of the Coal Severance Fund of the City of Morgantown is amended as shown in the revised budget (Revision 01) attached hereto and made a part of this ordinance.

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

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

REQUEST FOR REVISION TO APPROVED BUDGET

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

CONTROL NUMBER
 FY: **2016-2017**
 Fund: **Coal Sev.**
 Rev. No. **1**
 Pg. of No. **1 of 1**

City of Morgantown
 GOVERNMENT ENTITY

Person To Contact Regarding Request:

Name: **James Goff**
 Phone: **304-284-7407**
 Fax: **304-284-7418**

389 Spruce Street
 STREET OR PO BOX

Municipality
 Government Type

Morgantown
 CITY ZIP CODE
 26505

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
298	Assigned Fund Balance	11,086	6,685		17,771
310	Coal Severance Tax	80,000		20,000	60,000
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) -13,315

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*	11,286		5,815	5,471
444	Contributions / Transfers to Other Funds	80,000		7,500	72,500
	#N/A				

NET INCREASE/(DECREASE) Expenditures -13,315

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

The City of Morgantown hereby ordains:

That the FY 2016-2017 Annual Budget of the General Fund of the City of Morgantown is amended as shown in the revised budget (Revision 01) 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: July 13, 2016
TO: Jeff Mikorski, City Manager
FROM: James Goff, Finance Director
RE: Budget Revisions for FY 2017

Attached are the ordinances and supporting documentation to amend the General Fund and the Coal Severance Fund for FY 2017. The revisions are briefly explained as follows:

General Fund

The carryover fund balance is estimated to be \$4,543,283 higher than anticipated. This is primarily due to B&O tax revenues, fire fees, certain other revenues coming in higher than budgeted, and expenditures coming in less than budgeted. Based on these FY 2016 results and on improved revenue collection efforts, regular B&O taxes not including construction B&O taxes are expected to generate additional revenue of \$900,000 and fire fees are expected to generate an additional \$100,000 in FY 2017. Some budgeted B&O construction tax revenue for FY 2017 came in sooner than anticipated driving these revenues over the adopted budget for FY 2016. As a result of receiving payment on multiple projects earlier than anticipated, B&O Construction tax estimates are being lowered by \$1,000,000 in FY 2017.

Proposed revisions to expenditures are detailed on the attached spreadsheet. Some of the highlights include the addition of a new Public Works Director, the addition of a new GIS/Traffic Engineer, extra funding contributions to the Police and Fire Pension plans, and additions to the Rainy Day Fund and General Fund contingency account.

Coal Severance Fund

The carryover fund balance is expected to be \$17,771 based on an estimate of the tax revenue due to the City for the quarter ended June 30, 2016. Coal severance tax revenue continues to decline and came in below budget. As a result of the declining revenues, the coal severance tax, the contribution to the General Fund, and the contingency account have been reduced for FY 2017.

Please let me know if you have any questions.

CITY OF MORGANTOWN
GENERAL FUND - REVISION 01
FY 2016-2017

ACCT NO	REVENUES	PROPOSED BUDGET FY17	PROPOSED REV 01	PROPOSED AMENDED BUDGET	EXPLANATION
299	Fund Balance Unassigned	650,000	4,503,283	5,153,283	Adjust to actual estimate as of 7/11/16
305	B & O Taxes	12,336,000	900,000	13,236,000	Result of increase in service revenue, contracting revenue and collections
305	B & O - Construction	3,310,000	(1,000,000)	2,310,000	Projects completed in 2016 that were budgeted in 2017
352	Fire Fees	3,161,600	100,000	3,261,600	Increase in collections
369	Contributions from Other Funds	120,000	(25,100)	94,900	Reduced coal severance revenue
			<u>4,478,183</u>		

ACCT NO	EXPENDITURES	PROPOSED BUDGET FY17	Personnel Adjustments	Other	PROPOSED REV 01	PROPOSED AMENDED BUDGET	EXPLANATION OF PERSONNEL ADJUSTMENTS AND OTHER
409	Mayor	10,163		1,000	1,000	11,163	Increase in training expense for National League of Cities conference
410	City Council	55,097		6,000	6,000	61,097	Increase in training expense for National League of Cities conference
414	Finance	870,220	2,500	36,500	39,000	909,220	New World .Net licensing fee and staff OT during go-live on .Net system
415	City Clerk	191,250		10,000	10,000	201,250	Increase for additional civil service hiring cost for added user fee police jobs
417	City Attorney	285,066		15,000	15,000	300,066	Additional outside legal services
420	Engineering	514,755	86,629		86,629	601,384	Addition of GIS/Traffic Engineer
422	Human Resources	108,972		11,000	11,000	119,972	Increase in job posting costs and Affordable Care Act consulting
439	Information Technology	236,638		25,000	25,000	261,638	Additional Microsoft 365 license fees, consulting services, and IT equipment
700	Police	8,685,545	182,943	20,000	202,943	8,888,488	Additional pension contribution, officer supplies, and vehicle maintenance
706	Fire	5,129,122	236,547	20,000	256,547	5,385,669	Addition of Lieutenant, additional pension contribution and vehicle maintenance
750	Streets	3,250,671	121,800		121,800	3,372,471	Addition of Public Works Director
758	Airport	30,000		100,000	100,000	130,000	Increase in operational support of airport
901	Contribution to CVB	437,500		13,000	13,000	450,500	Increase CVB contribution to 50% of budgeted Hotel/Motel Taxes
900	Contribution to BOPARC	1,304,559		25,130	25,130	1,329,689	Net adjustment to support payment
444	Contribution to Other Funds	3,310,000		(1,000,000)	(1,000,000)	2,310,000	Reduction in B&O Construction tax revenue transferred to Capital Escrow
444	Contribution to Other Funds	2,103,200		1,535,100	1,535,100	3,638,300	Additional transfer to Capital Escrow Fund and MET Theatre support
444	Contribution to Other Funds	-		500,000	500,000	500,000	Contribution to the City's Rainy Day Fund
500	Other buildings	892,188		(47,000)	(47,000)	845,188	Reduction of amount budgeted for lease payments
699	Contingency	657,382		2,577,034	2,577,034	3,234,416	Difference between revenue and expenditures revisions
					<u>4,478,183</u>		

RESOLUTION

The City of Morgantown met on July 19, 2016, with a quorum present and passed the following resolution:

Be It Resolved that the City of Morgantown hereby authorizes its City Manager, Jeff Mikorski, to act on its behalf to enter a contractual agreement with the Department of Justice, Office of Justice Programs, to receive and administer grant funds from the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program for Equipment Enhancement for the City of Morgantown.

MAYOR

CITY CLERK



OFFICE OF JUSTICE PROGRAMS

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Bureau of Justice Assistance
U.S. Department of Justice

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[Publications](#) [A-Z Index](#)

[Home](#) | [Programs](#) | [JAG](#) | [Justice Assistance Grant \(JAG\) Program: FY 2016 Allocations and Disparate Information](#)

JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: FY 2016 ALLOCATIONS AND DISPARATE INFORMATION

To view the FY 2016 JAG state and local allocations and disparate information, click on a state abbreviation or use the alphabetical listing below.

Note: Each spreadsheet is a PDF file; be sure to view/print each page of the file.



- | | |
|--------------------------------------|---------------------------------|
| Alabama | Mariana Islands |
| Alaska | Montana |
| Arizona | Nebraska |
| Arkansas | Nevada |
| American Samoa | New Hampshire |
| California | New Jersey |
| Colorado | New Mexico |
| Connecticut | New York |
| Delaware | North Carolina |
| District of Columbia | North Dakota |
| Florida | Ohio |

<u>Georgia</u>	<u>Oklahoma</u>
<u>Guam</u>	<u>Oregon</u>
<u>Hawaii</u>	<u>Pennsylvania</u>
<u>Idaho</u>	<u>Puerto Rico</u>
<u>Illinois</u>	<u>Rhode Island</u>
<u>Indiana</u>	<u>South Carolina</u>
<u>Iowa</u>	<u>South Dakota</u>
<u>Kansas</u>	<u>Tennessee</u>
<u>Kentucky</u>	<u>Texas</u>
<u>Louisiana</u>	<u>Utah</u>
<u>Maine</u>	<u>Vermont</u>
<u>Maryland</u>	<u>Virginia</u>
<u>Massachusetts</u>	<u>Virgin Islands</u>
<u>Michigan</u>	<u>Washington</u>
<u>Minnesota</u>	<u>West Virginia</u>
<u>Mississippi</u>	<u>Wisconsin</u>
<u>Missouri</u>	<u>Wyoming</u>

2016 WEST VIRGINIA LOCAL JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2016 JAG funding, as determined by the JAG formula. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Technical report here: <https://www.bjs.gov/content/pub/pdf/jagp15.pdf> and current JAG Frequently Asked Questions here: <https://www.bja.gov/Funding/JAGFAQ.pdf>
 Finding your jurisdiction:

- (1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.
- (2) Eligible individual allocations are listed alphabetically below the shaded, disparate groupings.
- (3) Counties that have an asterisk (*) under the "Eligible Individual Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at: <https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU.

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
WV	CABELL COUNTY	County	*	
WV	HUNTINGTON CITY	Municipal	\$23,587	\$23,587
WV	KANAWHA COUNTY	County	\$33,420	
WV	CHARLESTON CITY	Municipal	\$100,903	\$134,323
WV	MERCER COUNTY	County	*	
WV	BLUEFIELD CITY	Municipal	\$10,347	
WV	PRINCETON CITY	Municipal	\$11,890	\$22,237
WV	OHIO COUNTY	County	*	
WV	WHEELING CITY	Municipal	\$41,775	\$41,775
WV	RANDOLPH COUNTY	County	*	
WV	ELKINS CITY	Municipal	\$10,155	\$10,155
WV	BECKLEY CITY	Municipal	\$31,878	
WV	BERKELEY COUNTY	County	\$16,132	
WV	CLARKSBURG CITY	Municipal	\$14,075	
WV	FAYETTE COUNTY	County	\$13,754	
WV	HAMPSHIRE COUNTY	County	\$12,404	
WV	HARRISON COUNTY	County	\$10,669	
WV	LOGAN COUNTY	County	\$15,296	

State	Jurisdiction Name	Government Type	Direct Allocation	Joint Allocation
WV	MARION COUNTY	County	\$15,875	
WV	MARTINSBURG CITY	Municipal	\$11,311	
WV	MONONGALIA COUNTY	County	\$16,260	
✓	MORGANTOWN CITY	Municipal	\$18,317	
WV	NICHOLAS COUNTY	County	\$27,893	
WV	PARKERSBURG CITY	Municipal	\$23,201	
WV	PUTNAM COUNTY	County	\$31,363	
WV	RALEIGH COUNTY	County	\$26,093	
WV	SOUTH CHARLESTON CITY	Municipal	\$17,674	
WV	WOOD COUNTY	County	\$16,774	
WV	WYOMING COUNTY	County	\$14,268	
	Local total		\$565,314	