



MORGANTOWN
CITY CLERK

304-284-7439
Morgantownwv.gov
389 Spruce St.
Morgantown, WV 26505

AGENDA

CITY COUNCIL REGULAR MEETING

City Hall Council Chambers, 389 Spruce Street, 2nd Floor, Morgantown, WV 26505

Tuesday, January 06, 2026, at 7:00 PM

This meeting will be broadcast live via YouTube at City of Morgantown - YouTube

<https://www.youtube.com/@CityofMorgantown/streams>

1. **PLEDGE:**
2. **CALL TO ORDER:**
3. **ROLL CALL:**
4. **APPROVAL OF MINUTES:**
 - A. December 16, 2025, Special Meeting Minutes
 - B. December 16, 2025, Regular Meeting Minutes
5. **CORRESPONDENCE:**
6. **PUBLIC HEARINGS:**
7. **UNFINISHED BUSINESS:**
 - A.** Boards and Commissions
8. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:**
9. **SPECIAL COMMITTEE REPORTS:**
10. **CONSENT AGENDA:**
11. **NEW BUSINESS:**
 - A.** Consideration to Receive and File the Planning Commission's recommendation to deny a petition to reclassify 126 Simpson Street (City Tax District 9 [First Ward], Tax Map 37, Parcel 95) from R-1A, Single-Family Residential District to R-2, Single and Two-Family Residential District (Case No. MAP25-108)
 - B.** Discussion of Mobile Food Vending Regulations
12. **CITY MANAGER'S REPORT:**

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

16. EXECUTIVE SESSION:

- A. Discussion of matters related to development of property and/or investment of public funds in the area of Spruce St., Willey St., and Richwood Ave. (It is anticipated this item will be discussed in executive session pursuant to W. Va. Code 6-9A-4(b)(9))**
- B. Pursuant to WV State Code Section 6-9A-4(b)(2)(A) to discuss personnel matters in considering new appointments for Boards and Commissions**
- C. Pursuant to WV State Code Section 6-9A-4(b)(2)(A) to discuss personnel matters in considering matters arising from the employment of a public employee related to the six-month evaluation for the City Manager**

17. ADJOURNMENT:

For accommodations please call or text 304-288-7072

Boards & Commissions Vacant Position List

Updated 12/22/2025

- **Board of Parks and Recreation Commissioners:** 1 Vacant – (City Resident, Resident of City for at Least 3 Years)
1– 6yr term: 7/1/2021 – 6/30/2027
- **Board of Zoning Appeals:** 2 Vacant – (City Resident, Resident of City for at Least 3 Years)
1– 6yr term: 1/1/2026 – 12/31/2028
1– 3yr term: (Alternate)
- **Civilian Police Review & Advisory Board:** 1 Vacant – (City Resident or Work within City)
1– 3yr term: 7/5/2023 – 7/4/2026
- **Fairmont Morgantown Housing Authority:** 1 Vacant – (City Resident of Morgantown or Fairmont or Receiving Services)
1– 5yr term: 8/4/2024 – 8/3/2029 (Resident of Public Housing or Voucher User-City of Fairmont)
- **Fire Code Board of Appeals:** 3 Vacant – City Resident (Legal, Building Contractor, Engineering/Architectural Design, Fire)
1– 3yr term: 5/1/2025 – 4/30/2028 (Legal)
1– 3yr term: 5/1/2025 – 4/30/2028 (Alternate)
1– 3yr term: 5/1/2025 – 4/30/2028 (Alternate)
- **Historic Landmarks Commission:** 1 Vacant – City Resident
1 – 4yr term: 11/5/2022 – 11/4/2026
- **Housing Advisory Commission:** 2 Vacant - (City Resident or Work/Business within City)
1 — 3yr term: 11/1/2023 – 10/31/2026
1 — 3yr term: 11/1/2023 – 10/31/2026 (College Student Living Within City Limits)
- **Human Rights Commission:** 4 Vacant – City Resident
3 – 2yr term: 7/1/2024 – 6/30/2026
1 – 2yr term: 7/1/2025 – 6/30/2027
- **“ICC” Building Code Board of Appeals:** 1 Vacant (Architect/Engineer or Bldg. Contractor)
1 – 5yr term: 5/1/2021 – 4/30/2026 (Civil Engineer)
- **Land Reuse & Preservation Agency:** 1 Vacant– City Resident (Real estate transactions or financing, Development of commercial or residential property, Establishment or use of public lands, Land conservation, Preservation, Development or management of programs promoting access to public lands or conservation areas)
1 – 3yr term: 1/1/2026 – 12/31/2028
- **Morgantown Utility Board (MUB):** 1 Vacant– City Resident
1 – 5yr term: 11/1/2026 – 10/31/2030
-
- **Parking Authority:** 2 Vacant – City Resident
2 – 3yr term: 7/1/2025 – 6/30/2028
- **Personnel Board:** 2 Vacant – City Resident
1 – 3yr term: 7/1/2024 – 6/30/2027
1 – 3yr term: 7/1/2025 – 6/30/2028
- **Planning Commission:** 2 Vacant – City Resident (Ward Specific)
1 – 3yr term: 3rd Ward 1/1/2023 – 12/31/2025
1 – 3yr term: 7th Ward 1/1/2025 – 12/31/2027
- **Sister Cities Commission:** 2 Vacant
2 – 3yr term: 6/1/2025 – 5/31/2028
- **Traffic Commission:** 3 Vacant – City Resident (Ward Specific)
3 – 3yr term: 4/4/2024 – 4/3/2027 – 2nd Ward, 4th Ward, and 7th Ward
- **Transit Authority:** 3 Vacant – City Resident (Ward Specific)
3 – 3yr term: 4/4/2024 – 4/3/2027 – 2nd Ward, 4th Ward, and 7th Ward
- **Tree Board:** 4 Vacant

Boards & Commissions Vacant Position List

1 – 3yr term: 11/15/2023 – 11/14/2026

1 – 3yr term: 11/15/2024 – 11/14/2027

- **Urban Landscape Commission: 4 Vacant – City Resident** (Landscape Design – Horticulture - Plant Health)
 - 1 – 3yr term: 7/1/2023 – 6/30/2026 (*Horticulture*)
 - 1 – 3yr term: 7/1/2024 – 6/30/2027 (*Plant Health*)
 - 2 – 3yr term: 7/1/2025 – 6/30/2028 (*Landscape Arch/Design*)

- **Ward & Boundary Commission: 4 Vacant – City Resident (Ward Specific)**
 - 4 – 2yr terms: 7/1/2025 – 6/30/2027 – 1st, 2nd, 4th, 7th Wards

- **Woodburn Commission: 2 Vacant**
 - 1 – 2yr term: 1/1/2025 – 12/31/2027
 - 1 – 3yr term: 1/1/2026 – 12/31/2028



City Council Agenda Item Summary

Council Meeting Date: January 6, 2025

Item: Boards and Commissions
Department: Land Reuse and Preservation Agency
Requested By: Land Reuse and Preservation Agency
Strategic Goal: Vibrant and Prosperous

Recommended Motion: Move to appoint the slate of appointees for the Land Reuse and Preservation Agency.

Item Summary:

City Council approved the second reading of an Ordinance amending the Board Composition of the Land Reuse and Preservation Agency on November 4, 2025. The ordinance creates new terms for all members under the new structure. This item was presented at the Agency's November 20, 2025 meeting and the agency recommends the appointments for the board be as follows:

January 1, 2026 – December 31, 2026 (two members): Adelheid Schaupp and Brent Bailey

January 1, 2026 – December 31, 2027 (two members): Jessica McDonald and Michael Mills

January 1, 2026 – December 31, 2028 (two members): Dave Satterfield and Vacant City Council Member Ex Officio Designee: Councilor Mark Downs

The sixth board seat is currently noted as vacant as Laura Rye has resigned her seat with the agency. The City Council will need to appoint a new member to the board once an appropriate person is identified.

City Manager and ex officio members shall serve during their term of office.

Fiscal Impact: N/A



City Council Agenda Item Summary

Council Meeting Date: 01/06/2026

- Item:** Consideration to Receive and File the Planning Commission’s recommendation to deny a petition to reclassify 126 Simpson Street (City Tax District 9 [First Ward], Tax Map 37, Parcel 95) from R-1A, Single-Family Residential District to R-2, Single and Two-Family Residential District (Case No. MAP25-108)

 - Re:** Zoning Map Amendment Application for City Council Agenda MAP25-108 | Deandre Mason | 126 Simpson Street

 - Department:** Development Services Department

 - Request By:** Mr. Deandre Mason

 - Strategic Plan:** Not Applicable

 - Fiscal Impact:** Not Applicable
-

Item Summary:

During its public hearing on December 11, 2025, the Morgantown Planning Commission made a motion to forward a recommendation to Morgantown City Council to deny the above referenced map amendment. The motion passed 6-0-0. The recommendation to deny the petitioner’s request was forwarded with the understanding that the property is currently a legally non-conforming use as evidenced by the issuance of a valid Letter of Compliance for the subject property in July 2025, and that the constituted use should continue as such.

Attached herewith is the petitioner’s request for the zoning map amendment, the Staff Report presented to the Planning Commission for Case No. MAP25-108, and the relevant meeting minutes for the Planning Commission’s Regular Session on December 11, 2025. If there are no objections, Morgantown City Council may receive and file the Commission’s recommendation at its next regularly scheduled meeting on January 6, 2026.



City Council Agenda Item Summary

This summary, under a cover letter explaining the public comment opportunities before City Council relating to the matter, will be sent to the petitioner.

If you have any questions, please contact me at 304.284.7414 or by email at scardwell@morgantownwv.gov



Case Summary Report

Report run: 12/17/2025 8:54:08 PM

Case Type	Case Number	Applicant and Owner Information	Date Accepted	Address	Contractor	Case Status	Fees	Payments	Unpaid Fees
PZ-Zoning Map Amendment	MAP25-000108	Applicant: Deandre Mason	11/4/2025	126 Simpson St, Morgantown, West Virginia, 26501		PENDING	\$0.00	\$0.00	\$0.00

Case Data

Question	Answer
Street Addressed (if assigned):	126 Simpson St
Tax Map Number:	37
Parcel Number:	09 37009500000000
Size (Acres):	0.06
Current Zoning Classification:	R1A
Proposed Zoning Classification:	R-2/R-3 Conversion to 2 unit Duplex
Current Land Use:	Residential 2 Family
Proposed Land Use:	Residential 2 Family



MORGANTOWN PLANNING COMMISSION
PLANNING AND ZONING DIVISION STAFF REPORT
Thursday, December 11, 2025
City Hall – City Council Chambers (389 Spruce Street)

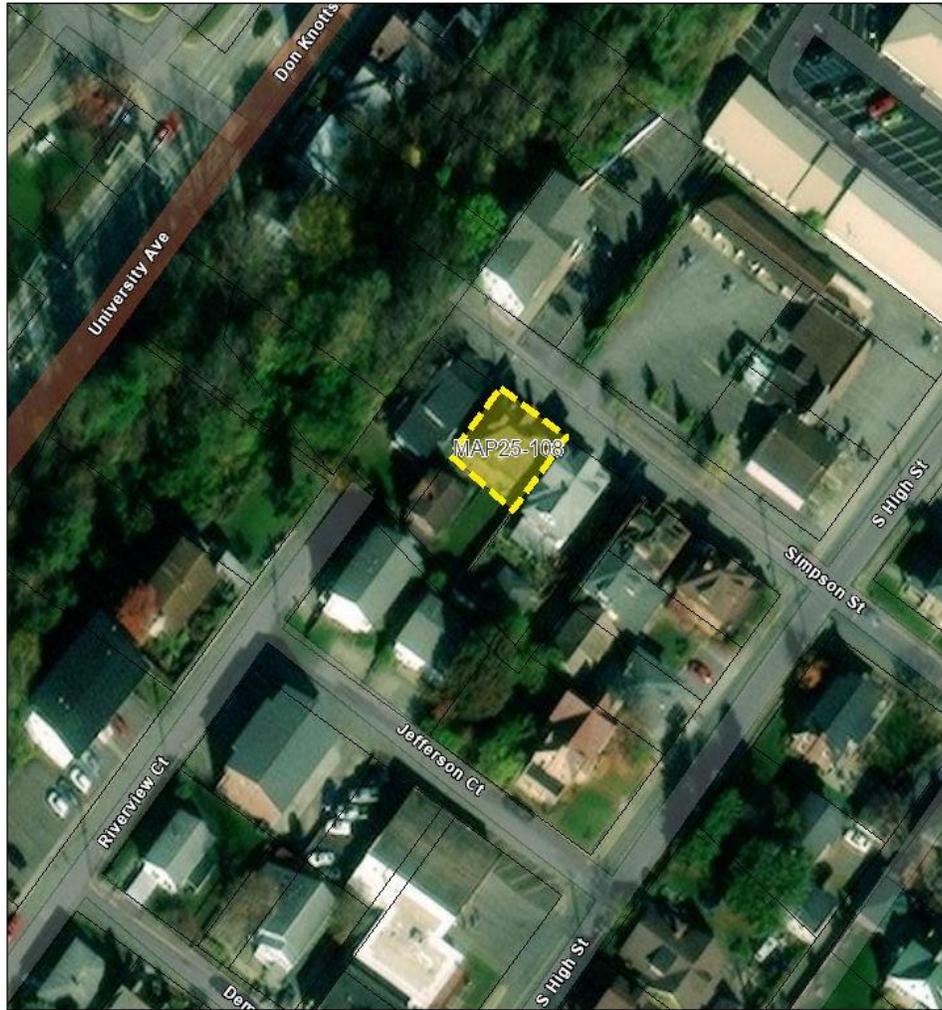
MAP25-108 / Deandre Mason / 126 Simpson Street

Case Summary

Address:	126 Simpson Street
Tax Map-District-Parcel:	City Tax District 9 (First Ward), Tax Map 37, Parcel 95
Proposal:	Zoning Map Amendment Application
Request:	Rezone the above-referenced parcel of land from an R-1A, Single-Family Residential District, to a R-2, Single and Two-Family Residential District
Surrounding Zoning:	R-1A, Single-Family Residential District; B-4, General Business District; B-4NPOD, Neighborhood Preservation Overlay District
Staff Recommendation:	Move to forward a recommendation onto Morgantown City Council that the proposed zoning map amendment is consistent with the City’s Comprehensive Plan (Morgantown 2033).
Applicant:	Deandre Mason
Case Manager:	Seth Cardwell, AICP Candidate City Planner
Attachments:	Application (Case Summary Report)

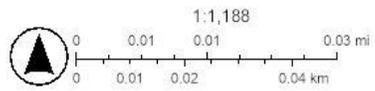
Staff Enhanced Site Location and Zoning Maps

MAP25-108 / Deandre Mason / 126 Simpson St.



12/3/2025

-  Land Use Cases (Prod) - Land Use Cases
-  Parcels



Microsoft, Vantor, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, OpenStreetMap contributors, and the GIS User Community

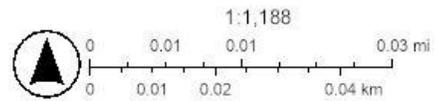
Source: Morgantown ArcGIS

MAP25_108 | Zoning Map



12/3/2025

-  Land Use Cases (Prod) - Land Use Cases
-  Parcels
- Morgantown, WV Overlay Districts Layer
-  B-4 Neighborhood Preservation Overlay District
- Morgantown, WV Zoning Layer
-  R-1A: Single Family Residential District
-  B-4: General Business District



Microsoft, Vantor, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Source: Morgantown ArcGIS

Street View Images of 126 Simpson Street

Looking Southwest on Simpson Street.



Source: Google Maps

Background

The above-mentioned parcel encompasses approximately 2,610 square feet on Simpson Street. According to the City's records, the principal structure located at the subject site has been registered with the Development Service Department – Building Permit and Code Enforcement Division since the early 1980s as rental property. Additionally, records show the following:

- An active Letter of Compliance exists for the property that was issued in July 2025 and is valid until January 2028. Staff are coordinating with Code Enforcement to determine whether a potential change in use (from dwelling, multi-family to dwelling, two-family) will necessitate an update to the Letter of Compliance.
- The ‘dwelling, multi-family’ use was a pre-existing, nonconforming use in the R-1A, Single-Family Residential District that was permitted to continue in accordance with Article 1373 of the City’s Planning and Zoning Code regarding nonconforming provisions.
- The applicant intends to use the principal structure as a ‘dwelling, two-family,’ which alters the non-conforming use to another non-conforming use in the R1-A District, per Table 1331.05.01: Permitted Land Uses. Therefore, the applicant seeks to rezone the property to R-2, Single and Two-Family Residential District where this use is permitted by right. See below for more information.

Uses	R-1	R-1A	R-2	R-3
Dwelling, Multi-family			C	P
Dwelling, Single family	P	P	P	P
Dwelling, Townhouse			P	P
Dwelling, Two-family			P	P

Please note that the Application (Case Summary) attachment indicates a rezone to R-2 or R-3. Staff have contacted and confirmed with the applicant that the intended end use is as a two-family dwelling and that R-2 is proposed rezoning classification.

Also note that there is uncertainty as to the recent vacancy status of the subject property, and whether it meets conditions outlined for abandonment in Article 1373.05(d).

Analysis

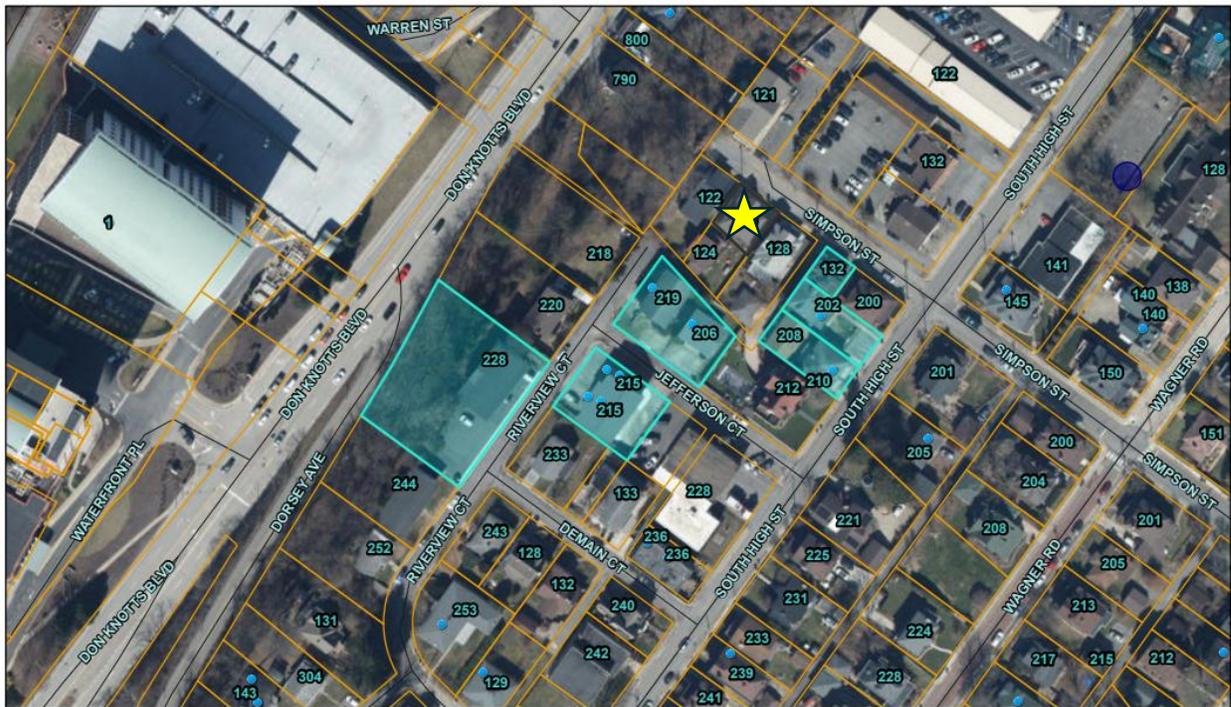
To address the non-conforming issue discussed above, the applicant has submitted a zoning map amendment application to rezone the property from a R-1A, Single-Family Residential District to a R-2, Single and Two-Family Residential District. Per Section 1337.01 of the City’s Planning and Zoning Code, the purpose of the Single and Two-Family Residential (R-2) District is to:

(a) Provide for two-family housing development and customary accessory uses at a density slightly higher than in single family neighborhoods; and

- (b) Preserve the desirable character of existing medium density family neighborhoods; and
- (c) Protect the medium density residential areas from change and intrusion that may cause deterioration; and
- (d) Provide for adequate light, ventilation, quiet, and privacy for neighborhood residents.

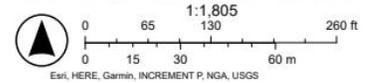
In the immediate vicinity of the subject property, there appears to be an array of single-family and multi-family dwellings, the latter of which would also be pre-existing, non-conforming uses. Additionally, the property is flanked by the B-4, General Business District on the side of Simpson St. opposite the subject property and B-4NPOD, Neighborhood Preservation Overlay District. Please see the map overview below which highlights the location of presumed non-conforming structures [light blue] in the vicinity of the subject property and R1-A district.

126 Simpson / Vicinity of Possible Non-Conforming Uses



12/3/2025, 11:58:48 AM

● AddressPoints — Roads
 □ Parcels World_Street_Map



Source: Monongalia County Parcel Viewer

2023 Comprehensive Plan Update (Morgantown 2033)

Development Services Department – Planning and Zoning Division | 389 Spruce Street | 304.284.7431 | morgantownwv.gov

The Land Management Plan, in Morgantown 2033, identifies the subject property as Residential Type 1. *This district encompasses historic neighborhoods that are more densely packed with smaller lot sizes and a network of connectivity via walkable street grids. This district is largely a mix of historic single-family homes as well as small multi-unit apartments with some commercial presence near or along major neighborhood corridors.*

The City’s Future Land Use Map (Land Management Plan) identifies the subject property as **High-Intensity Residential**. Per the Land Management Plan, the High-Intensity Residential Character Type is described as the following:

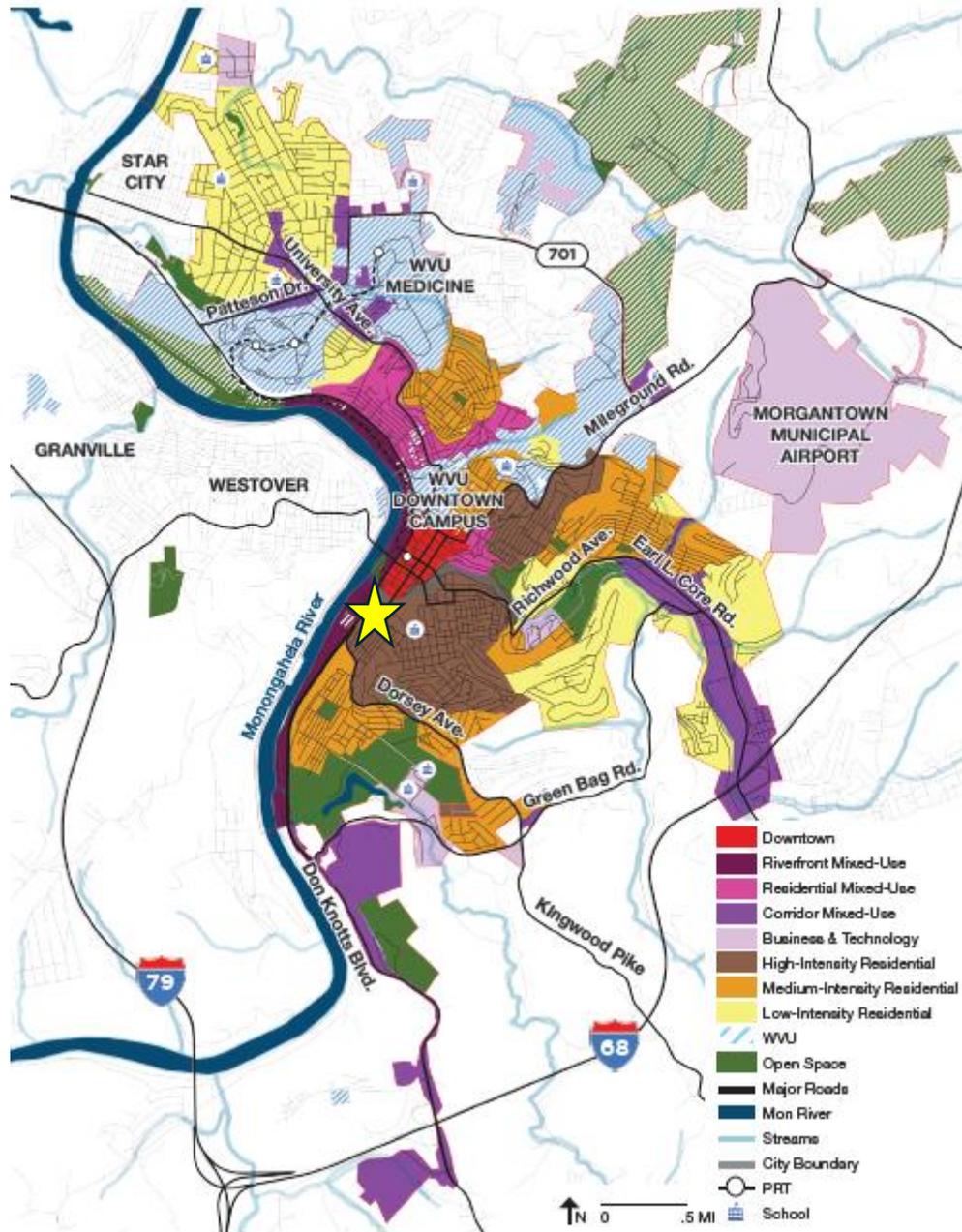
Includes a mix of small, multi-unit buildings and single-family structures. Structures may vary considerably in form and density depending on the adjacent context (up to four stories). Density and height ranges may increase along major corridors and adjacent to Downtown. Limited neighborhood-serving commercial uses may be considered along major corridors where these uses exist. The area may also host

Please see the excerpt from the Comprehensive Plan below that shows what development typologies should be generally permitted in the High-Intensity Residential District:

Land Management Type	Compatible Use Types								
	SF	TF	MF	CI	C	AC	O	I	OS
Downtown			■	■	■		■		■
Riverfront Mixed-Use			■	■	■		■		■
Residential Mixed-Use		■	■	■	■		■		■
Corridor Mixed-Use			■	■	■		■		■
Business & Technology			■	■	■		■	■	■
High-Intensity Residential	■	■	■	■	■	■	■	■	■
Medium-Intensity Residential	■	■	■	■		■			■
Low-Intensity Residential	■		■	■		■			■
WVU			■	■	■		■		■
Open Space									■

- SF:** Single-Family Dwelling
- TF:** Two-Family Dwelling
- MF:** Multi-Family Dwellings (Apartments, Townhouses)
- CI:** Civic/Institutional (Schools, Government Buildings, Churches, Etc.)
- C:** Commercial (Retail, Restaurant and Accommodation)
- AC:** Accessory Commercial (Residential Compatible Retail and Restaurant)
- O:** Office
- I:** Industrial (Light Industrial/ Manufacturing, Warehouse)
- OS:** Open Space (Parks, Recreation Areas)

Please see the Land Management Plan Map on the following page and note the subject site indicated by a yellow star:



Source: Morgantown 2033

The Land Management Plan also set forth eleven principles that describe the intent about how (character attributes) and where (conceptual location) growth and development in Morgantown should occur. The principles are also designed to help guide the City of Morgantown on how to use land resources in a more efficient manner to foster high quality, distinct sense of place.

The proposed zoning map amendment appears to be consistent with the following principles:

2. Encourage incremental “house-sized,” contextual infill within existing residential neighborhoods.

The City will continue to invest in and encourage private investment in all neighborhoods that strengthen their existing character and value. Particular attention will be given to infill that blends with the size and form of the existing surrounding structures.

3. Increase opportunities to develop diverse housing options near schools, parks, shopping districts, and employment centers.

Complete neighborhoods include a variety of land uses (residential, commercial, civic, and recreational areas), building types, and housing types to increase access to amenities and services for diverse and multi-generational neighbors. A mix of residential dwelling types will be located within walking, and/or biking distance from amenities.

4. Include strategies that can help preserve existing structures, including the use of Accessory Dwelling Units (ADUs), building additions, transitioning larger single-family houses to apartments, etc.

Preserving and adapting existing structures retains the neighborhood character while increasing housing diversity (single-unit and multi-unit, detached and attached) and leading to increased ownership rates. Housing within Morgantown neighborhoods will offer options for ownership and rental occupancy at various price levels.

Additionally, the proposed zoning map amendment appears to be in keeping with the following Land Management Strategy and Action item:

- LM-2.6B Ensure that zoning and other regulations support the appropriate reuse of buildings. Reconcile conflicting policies that hamper such reuse and drive development elsewhere beyond the City.

While the applicant’s proposal only involves the rezoning of one parcel of land, staff did not consider the application to be ‘spot zoning,’ because of the following observations:

1. According to the City’s records, the ‘dwelling, multi-family’ use had been established since at least the 1980s. If the property would not have been vacant for

more than a year, it would have continued to operate as a legal, pre-existing, non-conforming use in the existing R-1A District.

2. There appears to be several properties near the subject site that have similar pre-existing, nonconforming uses.
3. The proposed rezoning is not arbitrary and substantially different from the regulations associated with the surrounding R-1A District and appears to be consistent with the City's Comprehensive Plan Update (Morgantown 2033) as its high-density residential uses *'include(s) a mix of small, multi-unit buildings and single-family structures.'*

Staff Recommendation

Zoning map amendment requests should be evaluated on their land use merits alone. Development intentions are extraneous, and the Commission should consider the request on its merits as a land use decision. In conducting such an analysis, the Commission should determine if the R-2, Single and Two-Family Residential District is the appropriate zoning classification for the premises, weighing all possible future development and land use scenarios as permitted by the Planning and Zoning Code; particularly, Article 1339 – R-3, Multifamily Residential District and Table 1331.05.01 - Permitted Land Uses.

Additionally, the proposed zoning classification for this property wedd existing development character with future land uses outlined in the comprehensive plan. While the definition of high-intensity residential designation in future land use maps outline an array of uses, R-2, as defined in Section 1337.01, provides additional stipulations that development will:

- (b) Preserve the desirable character of existing medium density family neighborhoods; and*
- (c) Protect the medium density residential areas from change and intrusion that may cause deterioration.*

If the property were to be rezoned, the applicant's desired end use (dwelling, two-family) would be permitted by right. However, potentially disruptive or controversial uses that may alter the existing form and character of the neighborhood would require conditional use approval, rather than being permitted by right. This outlet provides a channel for both increasing neighborhood density while preserving the existing character of neighborhood development in an area with many historic homes. Conditional use requirements also provide recourse for public input to balance existing conditions with future land use ideals.

Given the structure and previous use of the property, staff recommend that the property be rezoned from a R-1A Single-Family Residential District to a R-2, Single and Two-Family Residential District.



Case Summary Report

Report run: 12/3/2025 3:35:55 PM

Case Type	Case Number	Applicant and Owner Information	Date Accepted	Address	Contractor	Case Status	Fees	Payments	Unpaid Fees
PZ-Zoning Map Amendment	MAP25-000108	Applicant: Deandre Mason	11/4/2025	126 Simpson St, Morgantown, West Virginia, 26501		PENDING	\$0.00	\$0.00	\$0.00

Case Data	
Question	Answer
Street Addressed (if assigned):	126 Simpson St
Tax Map Number:	37
Parcel Number:	09 37009500000000
Size (Acres):	0.06
Current Zoning Classification:	R1A
Proposed Zoning Classification:	R-2/R-3 Conversion to 2 unit Duplex
Current Land Use:	Residential 2 Family
Proposed Land Use:	Residential 2 Family

MORGANTOWN PLANNING COMMISSION

Meeting Minutes

6:30 p.m. | December 11, 2025, | City Hall, Council Chambers

DRAFT

PRESENT COMMISSIONERS: Pete DeMasters, Bill Petros, Darren Taylor, Danielle Trumble, Brennan Williams and Kelly Palmer

COMMISSIONERS ABSENT: Tim Stranko

STAFF PRESENT: Rickie Yeager and Seth Cardwell

- I. **CALL TO ORDER AND ROLL CALL:**
- II. **GENERAL PUBLIC COMMENTS:** There were no comments.
- III. **MATTERS OF BUSINESS:**
 - A. Meeting minutes from September 11, 2025, have been approved
 - B. Meeting minutes from October 9, 2025, have been approved
- IV. **UNFINISHED BUSINESS:**
- V. **NEW BUSINESS:**
 - A. **MAP-108 / Deandre Mason / 126 Simpson Street**
Request by Deandre Mason for a zoning map amendment to rezone City Tax District 09 (First Ward), Tax Map 37, Parcel 95, more commonly known as 126 Simpson Street from a R-1A, Single- Family Residential District to a R-2, Single- and Two-Family Residential District or a R-3 Multi- Family Residential District.

Seth, City Planner, presented the staff report and provided an overview of the request and site location. He explained that the property is a pre-existing, non-conforming use within the R-1A Single- Family Residential District. The applicant is seeking to rezone the property to R-2 to use the principal structure as a two-family dwelling, which would otherwise constitute a change from one non-conforming to another within the R-1A district.

Seth displayed the parcel viewer and the location maps, noting that the surrounding area includes several pre-existing, non-conforming multi-family uses. He explained that while the area is primarily zoned R-1A, the City's

Planning Commission
Draft Meeting Minutes (not yet reviewed or approved by the Planning Commission)
December 11, 2025

comprehensive plan and future land use map identify high-intensity residential uses as appropriate in certain locations where contextually compatible.

Commissioner DeMasters questioned the existing zoning classification of the area and expressed concern regarding the proposed rezoning. Seth reiterated that the property is currently zoned R-1A and that rezoning to R-2 would align the property's zoning with its intended and historical use. He referenced the Monongalia County Parcel Viewer, pointing out nearby nonconforming multi-family dwellings.

Commissioner DeMasters stated that he did not fully understand how the rezoning would not constitute spot zoning. R. Yeager, Director of Development Services, explained that the issue had been discussed with the City Attorney and that if the rezoning is consistent with the comprehensive plan, particularly the future land use map, then it would not be considered spot zoning, as it aligns with the City's long-term vision for the area.

Commissioner DeMasters suggested that the area may need to be rezoned and asked if there were further questions from the Commission.

Commissioner Trumble asked whether the applicant had commented on allowing the nonconforming use process to expire and proceed under existing regulations. Mr. Yeager responded that that the applicant was present to address questions.

APPLICANT STATEMENT

Mr. Deandre Mason, owner of 126 Simpson Street, stated that the property functions better as a two-unit rather than a three-unit dwelling. He noted that a two-unit configuration would be safer and reduce parking impacts on the narrow street, which has limited off-street parking. Mr. Mason stated that public records list the property as a two-family dwelling and that the surrounding area, while primarily R-1A, includes other duplexes, triplexes, and quadplexes.

DeMasters asked whether the property was currently leased. Mr. Mason responded that it is not currently leased. He explained that the property was placed under contract in July 2025, and that the previous owners had rented the units to their children while attending school locally. At that time, both the

main house and the carriage house were rented. The property was vacant during his inspection, and tenants were in the process of moving out when the property went under contract.

Mr. Yeager added that City records indicate the property has been used as a multi-family dwelling since the 1980s and at times functioned as three-unit structure.

Commissioner Williams asks about the number of utility meters on the property. Mr. Mason responded that there are two gas meters and two electric meters: one serving the main house and one serving the carriage house.

Commissioner Williams asked whether the main structure contained three units. Mr. Mason explained that the building is effectively configured as a single-family structure with three floors. The third-floor space is an attic of approximately 400 square feet, which he stated is not suitable for independent living without significant modification. He explained that under a two-unit arrangement, the attic could be used as a bedroom or storage for the second unit. The building currently contains two kitchens, bathrooms on each floor, and multiple bedrooms, requiring minimal work to function as a two-family dwelling.

Commissioner Taylor asked about the intended use of the carriage house. Mr. Mason stated that he plans to reside in the carriage house and remodel it over time, and that it will not be rented. He noted that he believed the compliance letter indicated the carriage house had been used in the past.

Mr. Mason comments that he will be living in this space and remodeling overtime and this won't be rented out. He was under assumption that the compliance letter meant that the carriage house was being used in the past.

STAFF RECOMMENDATION:

Seth stated that based on the structure and historical use of the property, staff recommended rezoning the property from R-1A to R-2.

Commissioner Trumble asked whether rezoning would impact the use of the accessory dwelling unit (ADU). Seth responded that, according to the

Monongalia County Parcel Viewer, the ADU appears to be located on a separate parcel from the principal.

Williams requested clarification on the timeframe during which the property was listed as a three-unit rental, noting a desire to avoid rezoning if possible.

Commissioner reiterated concerns about rezoning a single parcel to R-2 within a predominately R-1A area and questioned how the request would not constitute spot zoning. He noted that if the nonconforming use had not expired for more than one year and one day, the property could continue its existing use without rezoning.

Commissioner Williams stated that he would be willing to support approval in order to remain consistent with previous Commission recommendations.

MOTIONS:

Commissioner Williams made a motion to recommend that City Council deny the rezoning application, with the understanding that the property qualifies as a legal nonconforming use based on the July compliance determination, thereby allowing the use to continue without rezoning. The motion was seconded by Commissioner Petros.

All votes carried unanimously (6 – 0 – 0).

B. Proposed Amendment to Article 1373 of the City's Planning and Zoning Code establishing a process for revival of Abandoned Nonconforming Uses and Other Updates.

(Request by the Morgantown City Council Mayor and Deputy Mayor)

STAFF COMMENTS:

Mr. Yeager presented staff comments, explaining that the proposed amendment would allow applicants to seek revival of pre-existing, nonconforming uses that are no longer grandfathered. The proposed process would require submission of an application, staff review, a public hearing, and determination by the Planning Commission. The determination would then be forwarded to Morgantown City Council.

Planning Commission
Draft Meeting Minutes (not yet reviewed or approved by the Planning Commission)
December 11, 2025

If the determination is not appealed by the applicant and City Council does not place the item on an agenda within 30 days of reviving notice, the determination would take effect. If the determination is appealed or City Council elects to review the matter within the 30-day period, the determination would be held in abeyance pending Council action.

Commissioner DeMasters sought clarification, stating that the amendment would allow a nonconforming use that was abandoned for more than one year and one day to be revived. He questioned how this proposal aligns with state code.

Mr. Yeager referenced West Virginia Code 8A-7-10(c), which grants City Council authority to enact ordinances related to the revival of nonconforming uses. He also referenced 8A-7-11, noting that while it outlines conditions under which variance is required, it does not limit City Council's authority to authorize extensions of nonconforming uses.

Commissioner DeMasters disagreed with this interpretation, stating that an extension implies a continuation of an existing use rather than the revival of a use that has already expired.

Mr. Yeager reminded the Commission that, in prior cases discussed with the City Attorney, the Board of Zoning Appeals has granted extensions of nonconforming uses even after the grandfathered status had lapsed.

Commissioner Williams stated that the amendment had been reviewed and approved by the City Attorney; he would be comfortable supporting it. He suggested that the process could be handled similarly to a conditional use or variance through the Board of Zoning Appeals rather than the Planning Commission.

Following discussion, Mr. Yeager clarified that the Commission's feedback suggested revising the proposal so that administration of process would occur through the Board of Zoning Appeals instead of the Planning Commission.

Commissioners DeMasters and Williams agreed with this approach.

Motions:

Planning Commission
Draft Meeting Minutes (not yet reviewed or approved by the Planning Commission)
December 11, 2025

Commissioner Palmer made a motion to table the proposed amendment. The motion was seconded by Commissioner Williams.

STAFF COMMENTS:

FOR THE GOOD OF THE COMMISSION:

MINUTES APPROVED:

COMMISSION SECRETARY: Rickie Yeager, AICP



City Council Agenda Item Summary

Council Meeting Date: 1/6/2026

Item: Mobile Food Vending
Department: Parking Authority / Various
Requested By: Parking Authority / Various
Strategic Goal: Vibrant and Prosperous – Vibrant Public Spaces

Recommended Motion: No Council action required. Discussion item only.

Item Summary: Morgantown currently has codified ordinances that generally prohibit using public rights of way for business without a permit, and two separate code provisions specifically regulating mobile food vending by prohibiting food trucks/carts from operating in the Downtown and Wharf Districts during daytime hours. Nighttime food truck/cart permits are currently managed by the Morgantown Parking Authority, which has collected regulations and program information here: <https://www.morgantownwv.gov/256/Vending-Downtown>.

Current issues experienced by the community and by city staff include vendors failing to appropriately clean and maintain their spaces, crowds obstructing public spaces, and limited business opportunities due to nighttime-only restrictions. In addition, complex registration requirements for mobile food vending may keep some vendors from registering to do business with the City, and prevent the City collecting tax revenue from their operations, and life safety code inspections by fire marshals are not integrated into the current process.

In 2025, this program was reviewed by City Council and public input was sought from vendors and downtown businesses with a physical location. There was limited response. Program regulations were updated to address cleanliness/maintenance issues for 2025. Staff have continued to review program goals and obstacles and are requesting feedback on the following topics and intended outcomes, before drafting any related ordinance revisions:

- a. Does the Council want to consider an expansion of the food truck operation ordinance? For example, allowing food trucks/carts on street in Courthouse Square block during the daytime. This will require an ordinance change. Staff also recommends contacting County Council and make another attempt at obtaining business input from downtown vendors through Main Street before finalizing any ordinance revision.

City Council Agenda Item Summary

- b. Does Council want to consider a modification in the licensure required for mobile food vendors? Administratively, with no change in ordinance but by acceptance by Council, staff could require a general business license rather than a hawker/peddler license. This would simplify the licensing requirements for vendors and reduce permitting timelines. However, staff will not issue the license unless the food truck/cart is inspected and approved by fire marshals or fire marshals determine that the service provided does not require fire code inspection. Longer term, staff may consider proposing an ordinance update to establish mobile food vendor permit requirements that allows for a more streamlined process that still covers all the items needed to ensure the vendors are properly licensed and inspected. This would be presented to Council for consideration.
- c. Does Council want to consider moving nighttime vending to an alternative location? For example, 430 Spruce / Marketplace Pavilion Lot or other public, monitored space, rather than permitting on street vending late at night / early morning.
- d. Staff will continue to identify and monitor existing permit locations with persistent complaints. Staff will evaluate whether or not the identified location is not conducive to continued street vending and consider relocating the vendor. Alternatively, if the issue is related to a vendor, the current process allows for citations to be issued and permits to be revoked if needed to ensure public ways and private property remain clean and undisturbed. Additional policy considerations may include updating regulations notifying vendors that suspension will occur for repeated violations; increasing insurance/security required; and allow for recovery of cleanup costs from the security.

In the staff discussion on these topics, it was also identified that there may be some value to looking at the revision to the special event processes as well and how permits are required for festival type events.

Fiscal Impact: No direct impact. Additional vendor activity and licensing compliance may generate additional City revenue.

Downtown Vending Permits

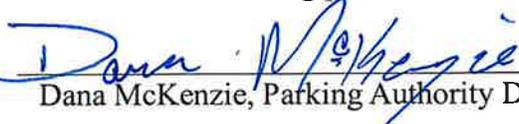
Effective January 1, 2025

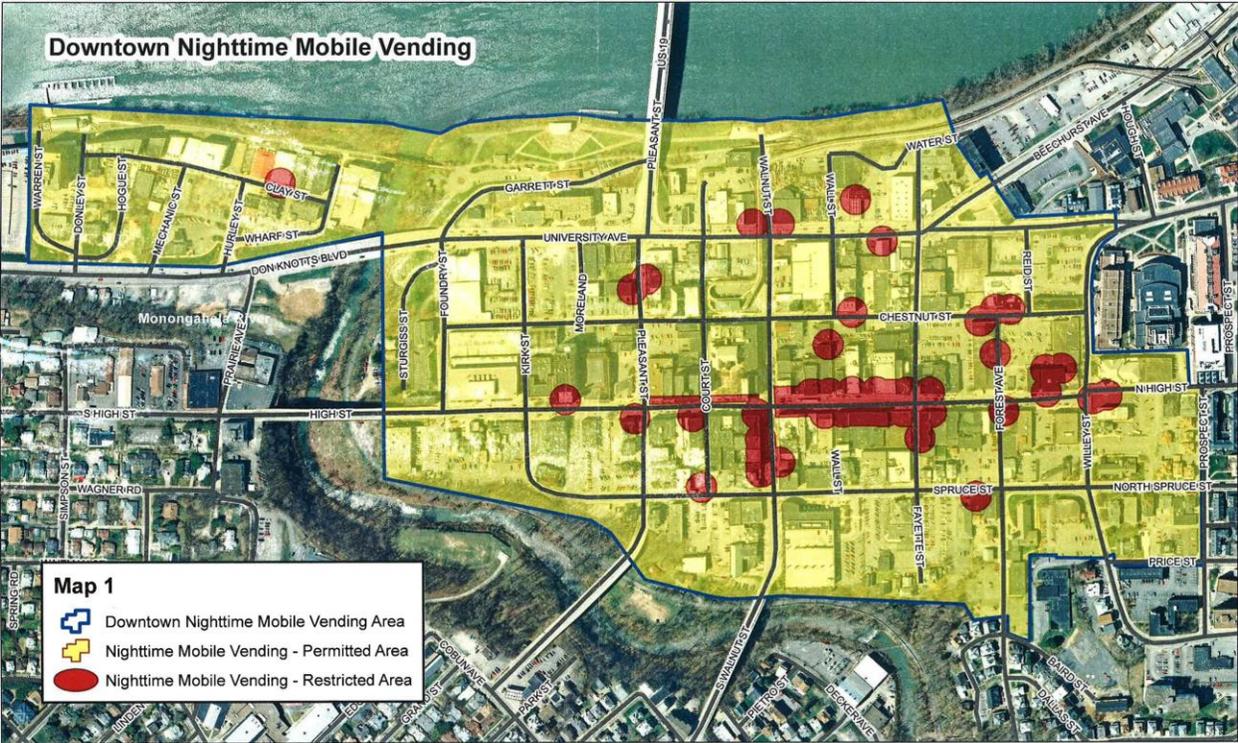
- **Application Process:** Applicants will submit an application form provided by the City, including all of the required information described in **Permit Requirements**, and identifying the owners, operators, and products offered. City Manager or designee will review all applications and grant permits in their sole discretion. Evaluation of whether to grant a permit will consider how the proposed vendor serves the downtown environment and population consistent with other businesses and residents in the area.

- **Permit Requirements:**
 - *Dimensions; obstructions.* Applicants must fit within a Permit Area defined by the City (generally, the length of two parking spots). Only a vending apparatus may occupy the permit area (a food truck, or a trailer without the attached vehicle. Operators may park a trailer in the area for vending and remove the towing vehicle to another available parking area). The applicant shall furnish all floor plans and approvals required by the City, including Health Department or West Virginia Alcoholic Beverage Control Administration approvals if applicable. The Manager may issue a permit conditioned on the subsequent approval of other agencies, and the failure to have such agencies' approval will not prevent review of an application. Any such conditional permit will become effective upon receipt of the necessary agency approvals.
 - *Location.* Applicants may request one or more of the Permit Areas identified by the City, but locations are not guaranteed. City will assign a Permit Area with issuance of a permit. If an Applicant will not use a particular Permit Area, they must identify that on the application.
 - *Enclosure and boundary requirements.* Vendors may not place enclosures or boundary markers outside their vending apparatus.
 - *Equipment and Signs in Permit Area.* Vendors may only place equipment or signage outside of their Food truck or trailer with the prior written permission of the City Manager. If requesting permission to place equipment or sign(s), the applicant must identify the equipment and requested location on a drawing submitted with the application. The design and placement of equipment and sign(s), as well as other equipment, shall comply with applicable requirements of the Americans with Disabilities Act and any applicable Federal, State, or local law. Allowance of any equipment and/or signage is in the sole discretion of the City Manager.
 - *Alcohol service and consumption in permit area.* Alcohol service is only permitted with a valid PODA license, and subject to license conditions. Alcohol may only be consumed in Permit Areas in an approved PODA cup.
 - *Licensing.* Applicants must have a City business license and City Mobile Food Vending License, including current, valid inspection by fire marshal. Applicants must be current, and maintain current, on all taxes and fees owed to the City.

- *Health Department regulations.* All applicable Health Department sanitation requirements shall be followed for outdoor food handling. All applicants must include with their application a current, valid Health Department permit for their operations.
- *Fire Department.* All applicable Fire Code requirements shall be followed at all times. Vendors must include with their application a permit from the Fire Marshal or statement that no such permit is required for their operations.
- *Maintenance of permit area.*
 - Each Vendors' Permit Area shall be maintained by the permittee in a sanitary manner at all times.
 - Food, trash, and recyclables shall be disposed of in appropriate containers furnished by the Vendor on a regular basis during the operating times by the permittee. Vendor shall not use public trash receptacles. Vendor must furnish sufficient trash receptacles that customers do not need to use public trash receptacles.
 - Vendors must dispose of grease and other cooking waste off site. No grease or other cooking waste/residue may be disposed of or left at or near the Vending Area.
 - Vendor shall keep Permit Area and surrounding area clean throughout the operating times and thoroughly clean the area at closing, disposing of all trash and debris and cleaning the surface of the Permit Area to remove spills or other residue.
- *Insurance/security requirements.* Vendors shall provide security acceptable to the City to ensure performance of their permit conditions. City may accept a performance bond, cashier's check, letter of credit, or deposit to be held by the City – in the City's discretion – to secure Vendor's obligations. Vendor agrees the City may recover any and all costs associated with its failure to meet permit conditions, including costs of waste disposal and cleaning of Permit Areas at the reasonable estimated cost to the City, from the security methods.
- *Permit a privilege; limitations and revocation.* Street vending is a privilege. The City shall have the right and power, acting through the City Manager, to prohibit the operation of a Vending Area at any time because of anticipated or actual problems and conflicts in the use of the right-of-way area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the right-of-way, or from demonstrations or emergencies occurring in the area. The City Manager may suspend or revoke a vending permit for any reason after providing at least three days' prior written notice to a permittee, and the City Manager may revoke a vending permit without notice in a situation determined by the City Manager to be an emergency. Any violation of the provisions of this section, any Federal, State, or local law, or of the specific conditions of any vending permit shall be cause for immediate revocation of the vending permit.

Adopted January 1, 2025:

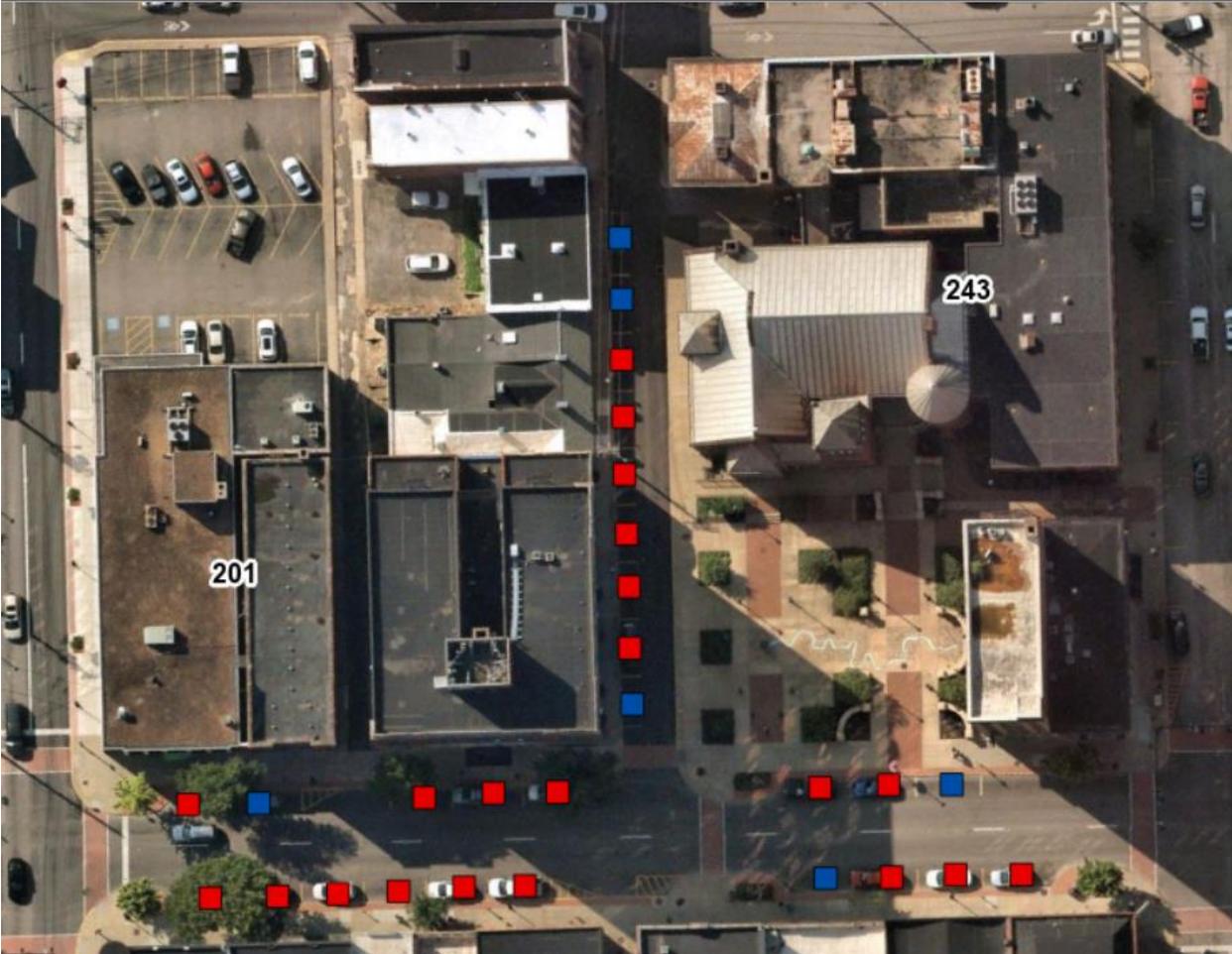

 Dana McKenzie, Parking Authority Director



Downtown Nighttime Mobile Vending



Chestnut Street



High Street

ORD 13-66

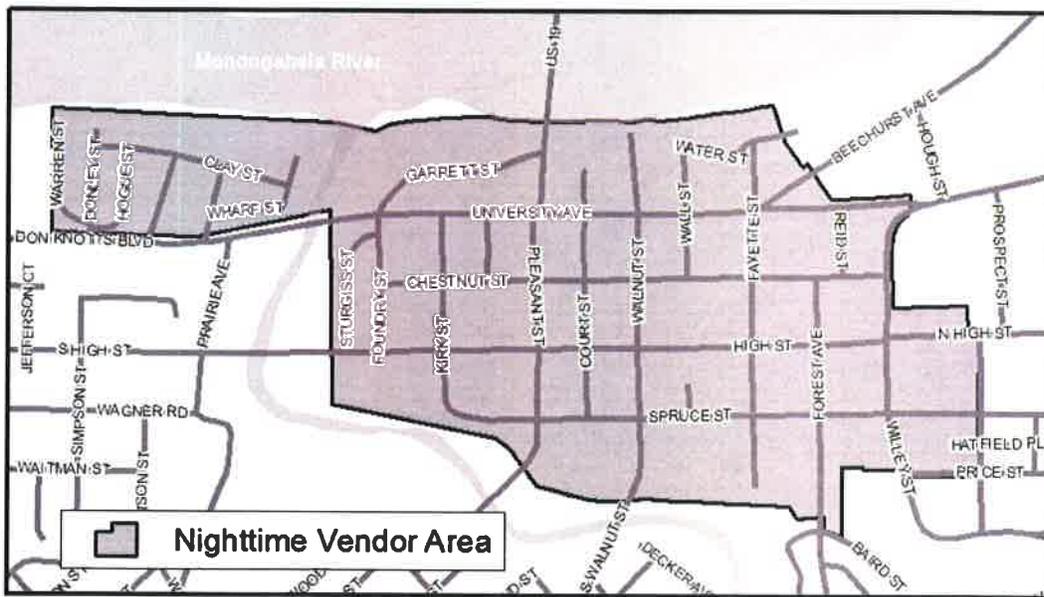
AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 361.09 OF ITS TRAFFIC CODE, AS THE SAME APPLIES TO PUBLIC PARKING SPACES AND THE SALE OF PRODUCE, FOOD, GOODS, WARES OR OTHER MERCHANDISE IN THE DOWNTOWN BUSINESS DISTRICT OF THE CITY.

The City of Morgantown hereby ordains that Section 361.09 of its Traffic Code is amended as follows (new matter underlined, deleted matter struck through):

361.09 PARKING TO DISPLAY OR SELL PRODUCE, FOOD, GOODS, WARES OR OTHER MERCHANDISE.

No vehicle shall be parked in the ~~business or congested district~~ Downtown Business District of the City, as shown on the map contained herein, for the purpose of displaying or selling therefrom any produce, food, goods, wares or other merchandise of any kind, except between the hours of 11:00 p.m. and 6:00 a.m., and only within the parking space assigned to such vendor by the City Manager, or his/her designee, which may include the Morgantown Parking Authority; or as a part of an authorized special event permit. The City Manager, or his/her designee, shall promulgate rules governing the assignment of parking spaces regulated by this Section, to vendors. Individual vendors shall be required to remove all litter or garbage within the public right-of-way and resulting from the vendor's sales, for a distance of fifty (50) feet of their assigned parking space. The vendor shall remove all such litter or garbage from the public right-of-way before removing its vehicle used for the transportation and sale of produce, food, goods, wares or other merchandise from the assigned vendor parking space. Violators of this section shall be subject to a fine of five hundred dollars (\$500.00).

The prohibitions contained within this code section shall not prohibit the City Manager from issuing permits to vehicle vendors, allowing such vendors to set up in parking spaces from the hours of 6:00 a.m. to 11:00 p.m. while special events are being held by and/or authorized by the City of Morgantown.



This Ordinance shall become effective on January 1, 2014.

FIRST READING: December 3, 2013

ADOPTED: December 17, 2013

FILED: December 18, 2013

RECORDED: December 18, 2013

[Handwritten Signature]

 MAYOR

[Handwritten Signature]

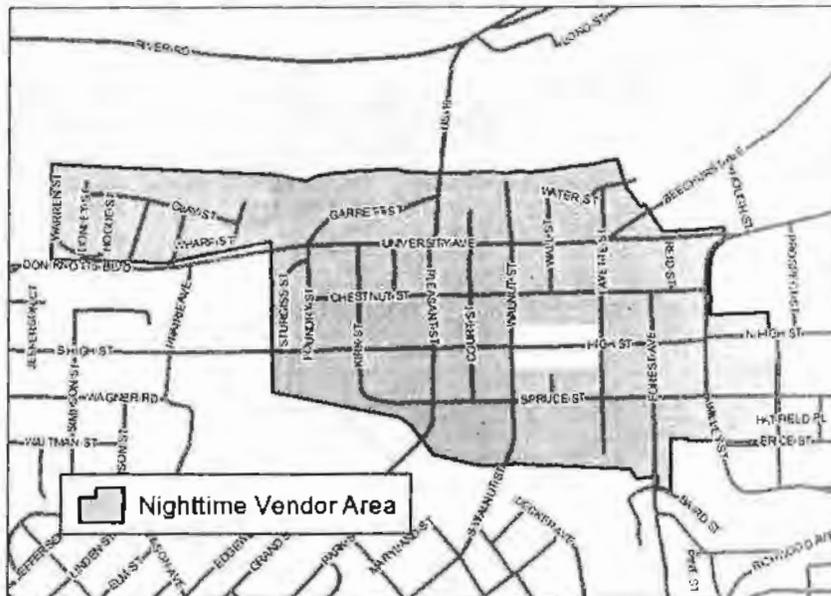
 CITY CLERK

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 905.02 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE BY ADDRESSING THE SALE OF PRODUCE, FOOD, GOODS, WARES AND OTHER MERCHANDISE UPON SIDEWALKS OF THE CITY.

The City of Morgantown hereby ordains that subsection 905.02 of its Streets, Utilities, and Public Services Code is amended as follows (new matter underlined, deleted matter struck through):

905.02 (d) No person shall be allowed to display or sell any produce, food, goods, wares or other merchandise between the hours of 11:00 p.m. and 6:00 a.m. on any public sidewalk within the Downtown Business District of the City, as shown on the map contained herein, without allowing a minimum of four feet of width of accessible sidewalk for pedestrian movement. No such vendor shall be allowed to locate on any public sidewalk within the 300 Block of High Street, as shown on the map contained herein, within the hours of 11:00 p.m. to 6:00 a.m. The sidewalk vendor shall be required to remove all litter or garbage within the public right-of-way and resulting from the vendor's sales, for a distance of fifty (50) feet of its vending location. The vendor shall remove all such litter or garbage from the public right-of-way before moving from the vending location on such night.

All such vendors shall be required to comply with all applicable State, Federal and City Codes, including the West Virginia State Fire Code. Violators of this subsection shall be subject to a fine of five hundred dollars (\$500.00). ~~Persons regulated by this code section shall be allowed to apply for the assignment of a vendor parking space pursuant to Section 361.09 of the Morgantown Traffic Code.~~



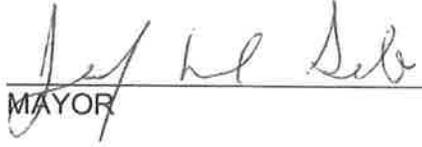
This Ordinance shall be effective January 1, 2014.

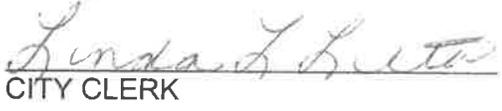
FIRST READING: December 3, 2013

ADOPTED: December 17, 2013

FILED: December 18, 2013

RECORDED: December 18, 2013


MAYOR


CITY CLERK