



The City of Morgantown

389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
www.morgantownwv.gov

Office of the City Clerk

AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
City Hall - Council Chambers
March 3, 2020
7:00 p.m.

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **PLEDGE TO THE FLAG:**
4. **APPROVAL OF MINUTES:** February 18, 2020, Special Meeting minutes; February 18, 2020, Regular Meeting minutes; February 25, 2020, Special Meeting minutes; and February 25, 2020, Committee of the Whole Meeting minutes.
5. **CORRESPONDENCE:**
6. **PUBLIC HEARINGS:**
 - A. **AN ORDINANCE AMENDING THE BOUNDARIES OF CERTAIN ZONING OVERLAY DISTRICTS INCLUDED ON THE CITY OF MORGANTOWN OFFICIAL ZONING MAP BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBITS HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN**
7. **UNFINISHED BUSINESS:**
 - A. Consideration of **APPROVAL** of (**SECOND READING**) of **AN ORDINANCE AMENDING THE BOUNDARIES OF CERTAIN ZONING OVERLAY DISTRICTS INCLUDED ON THE CITY OF MORGANTOWN OFFICIAL ZONING MAP BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBITS HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN**
(First reading February 4, 2020)
 - B. **BOARDS & 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 of **APPROVAL** of (**FIRST READING**) of **AN ORDINANCE AUTHORIZING AN EASEMENT TO MONPOWER AT THE MORGANTOWN MUNICIPAL AIRPORT**
- B. Consideration of **APPROVAL** of (**FIRST READING**) of **AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2020-2021**
- C. Discussion of **CAPITAL ESCROW FUND and FIVE-YEAR CAPITAL IMPROVEMENT PLAN**
- D. Consideration of **APPROVAL** of **A RESOLUTION AMENDING THE DIVERSITY, EQUITY, AND INCLUSION PLAN**

12. CITY MANAGER’S REPORT:

Information:

- 1. Morgantown Planning Commission – Annual Report 2019
- 2. Update – Vacant Building Registration Program
- 3. Update – Improvements to HRM Amphitheater and Riverfront Park

New Business:

- 1. Recommended Nuisance Abatement Declaration Against Problem Property Owner- 625 Pennsylvania, 324 Dewey Street and 619 Brockway Ave

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

- 16. EXECUTIVE SESSION:** Pursuant to West Virginia State Code Section 6-9A-4 (b) (9) to discuss matters related to potential litigation.

17. ADJOURNMENT:

For accommodations please contact us at (304) 284-7439

City of Morgantown

SPECIAL MEETING February 25, 2020

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, February 25, 2020, at 6:00 p.m.

PRESENT: Mayor William A. Kawecki, Council Members Zack Cruze, Dave Harshbarger, and Barry Wendell. Ron Dulaney was absent. Deputy Mayor Rachel Fetty, and Jenny Selin arrived after the Executive Session began.

The meeting was called to order by Mayor Kawecki.

NEW BUSINESS:

Consideration of BID Call 2020-04 – Award the Contract for Forest Avenue Demolitions

City Manager explained, after discussion, motion by Harshbarger, second by Wendell, to accept the BID Call 2020-04 to Parrotta Paving Co. in the amount of \$78,000.00. Motion carried 4-0 with Deputy Mayor Fetty, Jenny Selin, and Ron Dulaney absent.

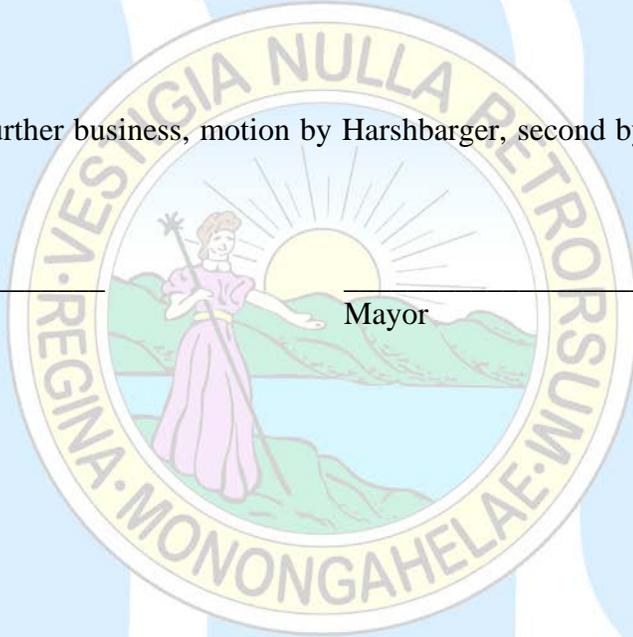
EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) motion by Harshbarger, second by Cruze, to go into Executive Session to discuss personnel matters. Motion carried by acclamation. Mayor and City Council Members present. Time: 6:05 p.m.

ADJOURNMENT:

There being no further business, motion by Harshbarger, second by Wendell, to adjourn the meeting. Time: 6:55 p.m.

City Clerk

Mayor



City of Morgantown

COMMITTEE OF THE WHOLE MEETING February 25, 2020

The Committee of the Whole Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, February 25, 2020, at 7:15 p.m.

PRESENT: City Manager Paul Brake, Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, Mayor William A. Kawecki, Deputy Mayor Rachel Fetty, Council Members Zack Cruze, Jenny Selin, Dave Harshbarger, and Barry Wendell. Ron Dulaney was absent.

The meeting was called to order by Deputy Mayor Fetty.

PRESENTATIONS:

1. Morgantown Municipal Green Team Annual Report 2019 – Jim Kotcon

Morgantown Municipal Green Team Chair Jim Kotcon presented council with the Green Team's 2019 Annual Report.

2. Modification to Diversity Plan – Don Spencer – on behalf of Human Rights Commission

Don Spencer and Jan Derry, on behalf of the Morgantown Human Rights Commission, presented council with modifications to the proposed Diversity Plan which were made to address concerns from council regarding the plan.

3. Nuisance Properties – Adelheid Schaupp & Liira Raines

Adelheid Schaupp, a resident of the Greenmont Neighborhood, and Barbara Parsons, a business owner in the Greenmont Neighborhood, presented council with a proposed ordinance for nuisance properties which would provide the city with a mechanism to hold absentee and neglectful property owners accountable for allowing their properties to endanger the health and safety of the community.

Liira Raines, representing Our Future West Virginia, and Pastor Bob Roberts of First Christian Church presented council with information in opposition to the proposed nuisance properties ordinance. She encouraged council to use current ordinances to address nuisance properties.

Police Chief Ed Preston spoke to council about the issues with vacant, abandoned and neglected properties that the Morgantown Police Department deals with on a daily basis.

PUBLIC PORTION:

Deputy Mayor Fetty opened the public portion and asked if there was anyone wishing to speak.

Charkera Ervin, PO Box 883, Bluefield, WV 24701, spoke to council in opposition to the proposed nuisance properties ordinance.

Kevin Ellis, 228 Morris Street, spoke to council in support of the proposed nuisance properties ordinance.

Laura Jones, 4598 Compressor Street Road, Bruceton Mills, WV 26525, spoke to council about her concerns regarding vacant and abandoned properties and the proposed nuisance properties ordinance.

Alexis McMillen, 425 Madigan Avenue, spoke to council in opposition of the proposed nuisance properties ordinance.

Mollie Kennedy, 888 Vandalia Road, spoke in opposition of the proposed nuisance properties ordinance.

Vickie Crowder, 540 Elmina Street, Vice President of the Greenmont Neighborhood Association, spoke to council in support of the new ordinance addressing issues with negligent property owners.

Matthew Cross, 524 Milford Street, spoke to council in support of a way to address the negligent property owners.

Constance Southerly, business owner in the Greenmont Neighborhood, spoke to council about issues with drug use and squatters, and how it is negatively affecting her business and the need to address additional issues in the city.

Jim Rector, 664 West Virginia Avenue, spoke to council in support of the proposed nuisance property ordinance.

City of Morgantown

Michael Haase, 262 Overdale Street, spoke to council in support of the proposed nuisance property ordinance.

Bill King, 600 Hobson Street, spoke to council in support of the proposed nuisance property ordinance.

Nicole Diaz, representative for the WV Brownfield, Abandoned, Dilapidated Building Program (BAD), spoke to council about the BAD Buildings Program and how it could help the city tackle its abandoned and dilapidated buildings.

There being no one else wishing to speak, Deputy Mayor Fetty closed the Public Portion.

ITEMS FOR DISCUSSION:

1. Modification to Diversity Plan

The Diversity Plan with the modifications was moved to the March 3, 2020, Regular City Council Meeting Agenda.

2. Nuisance Properties

Council asked the City Manager to schedule a future meeting to present council information on current city ordinances regarding nuisance properties and negligent property owners.

3. Ordinance authorizing an Easement to Mon Power and the Morgantown Municipal Airport

City Manager Paul Brake explained that this is a nonexclusive right-of-way easement in reference to the Mileground project. This item was moved to the March 3, 2020, Regular City Council Meeting Agenda.

4. Letter Opposing State Legislation Limiting Municipal Regulations of deadly weapons and Authorizing Firearms to be carried on University Campuses

This is a letter that will be sent to the State Legislature in opposition to legislation limiting municipal regulation of deadly weapons and authorizing firearms to be carried on university campuses.

5. January 2020 Monthly General Fund Finance Report and Detailed Budget Report

City Manager Paul Brake mentioned that city council recently received the proposed 2020-2021 Annual Budget. The first reading will be March 3, 2020, Regular City Council meeting and the second reading will be March 17, 2020, Regular City Council meeting. There will be a City Council Budget Workshop on March 10, 2020, 7:00 p.m.

ADJOURNMENT:

There being no further business, motion by Cruze, second by Harshbarger, to adjourn the meeting. Time: 11:05 p.m. (Barry Wendell exited the Committee of the Whole Meeting at 10:45 p.m.)

City Clerk

Mayor

AN ORDINANCE AMENDING THE BOUNDARIES OF CERTAIN ZONING OVERLAY DISTRICTS INCLUDED ON THE CITY OF MORGANTOWN OFFICIAL ZONING MAP BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBITS HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN.

WHEREAS, The Monongalia County Assessor's Office has made significant public investment to convert tax parcel mapping and cadastral data management from a paper format to a Geographic Information System (GIS), which has significantly enhanced quality and accuracy as well as the public's access to and utilization of this spatial data through web-based services; and,

WHEREAS, Modernizing the City of Morgantown Official Zoning Map using current GIS best practices is timely to:

1. Reflect the Monongalia County Assessor's digitized tax parcel boundaries.
2. Publish and maintain the City of Morgantown's zoning district spatial data more efficiently and effectively and offer access to the general public through web-based services; and,

WHEREAS, Morgantown Ordinance 2019-29 was enacted on December 3, 2019, which repealed and replaced the City of Morgantown Official Zoning Map with updated zoning district boundaries to advance said modernization objectives; and,

WHEREAS, Section 1331.01 of the City of Morgantown Planning and Zoning Code lists zoning overlay districts for portions of the City to be shown on City of Morgantown Official Zoning Map; and,

WHEREAS, the boundaries for the Sunnyside Central Overlay District (SCOD), the Sunnyside South Overlay District (SSOD), the Beechurst Corridor Overlay District (BCOD), and the B-4 Neighborhood Preservation Overlay District (B-4NPOD) must likewise be amended and included on the City of Morgantown Official Zoning Map; and,

WHEREAS, The Morgantown Planning Commission, following proper public notice, held a public hearing on January 9, 2020 in City Council Chambers and no public comments were offered orally or submitted in writing; and,

WHEREAS, Following said public hearing, the Morgantown Planning Commission voted unanimously to recommend to City Council that the City of Morgantown Official Zoning

Map be amended to include the modified boundaries for the four (4) subject zoning overlay districts as illustrated on the exhibits hereto attached; and,

WHEREAS, West Virginia State Code § 8A-7-3(h) provides that City Council shall certify and clearly identify an effective date for subsequent versions of the zoning district map; and,

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the City of Morgantown Official Zoning Map shall be amended to include the modified boundaries for the Sunnyside Central Overlay District (SCOD), the Sunnyside South Overlay District (SSOD), and the Beechurst Corridor Overlay District (BCOD) as illustrated on Exhibit 1 hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein.
2. That the City of Morgantown Official Zoning Map shall also be amended to include the modified boundaries for the B-4 Neighborhood Preservation Overlay District (B-4NPOD), as illustrated on Exhibit 2 hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein.
3. That the version of the Morgantown Official Zoning Map, which is hereto attached and declared to be a part of this ordinance as if the same were fully set forth herein, that includes the modified boundaries of the Sunnyside Central Overlay District (SCOD), the Sunnyside South Overlay District (SSOD), and the Beechurst Corridor Overlay District (BCOD) as illustrated on Exhibit 1 and of the B-4 Neighborhood Preservation Overlay District (B-4NPOD) as illustrated on Exhibit 2 is certified to be true and accurate and shall be clearly identified with the effective date of this Ordinance's adoption.

THE CITY OF MORGANTOWN FURTHER ORDAINS Section 1331.01 of the Morgantown Planning and Zoning Code is amended as follows (deleted matter struck through; new matter underlined):

Article 1331

Establishment of Zoning District and Zoning Map

1331.01 ESTABLISHMENT OF ZONING DISTRICTS

(A) The City is hereby classified and divided into the following zoning districts ~~zones (also referred to as districts)~~:

Abbreviation	Description
R-1.....	Single Family Residence
R-1A	Single-Family Residence

R-2.....	Single_ and Two-Family Residences
R-3.....	Multi-Family Residences
PRO.....	Professional, Residential and Office
B-1.....	Neighborhood Business
B-2.....	Service Business
B-4.....	General Business
B-5.....	Shopping Center
OI.....	Office and Institutional
I-1	Industrial
PUD	Planned Unit Development

(B) In addition to the ~~zones~~ zoning districts listed above, portions of the City may be classified according to the following overlay zoning districts ~~zones (also referred to as overlay districts)~~:

Abbreviation	Description
ISOD.....	Interstate Sign Overlay District
<u>Airport Overlay District</u>	
SCOD.....	Sunnyside Central Overlay District
SSOD	Sunnyside South Overlay District
BCOD.....	Beechurst Corridor Overlay District
B-4NPOD	B-4 Neighborhood Preservation Overlay District

(C) ~~The zone and overlay zone boundaries are shown on the Official Zoning Map. The zoning district and overlay zoning district boundaries are shown on the Official Zoning Map, which shall be construed to include the Interstate Sign Overlay District (ISOD) as described in Article 1359 of the City Code and the Airport Overlay District as described in Article 1360 of the City Code with the dimensions described in such referenced Articles and related exhibits.~~

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

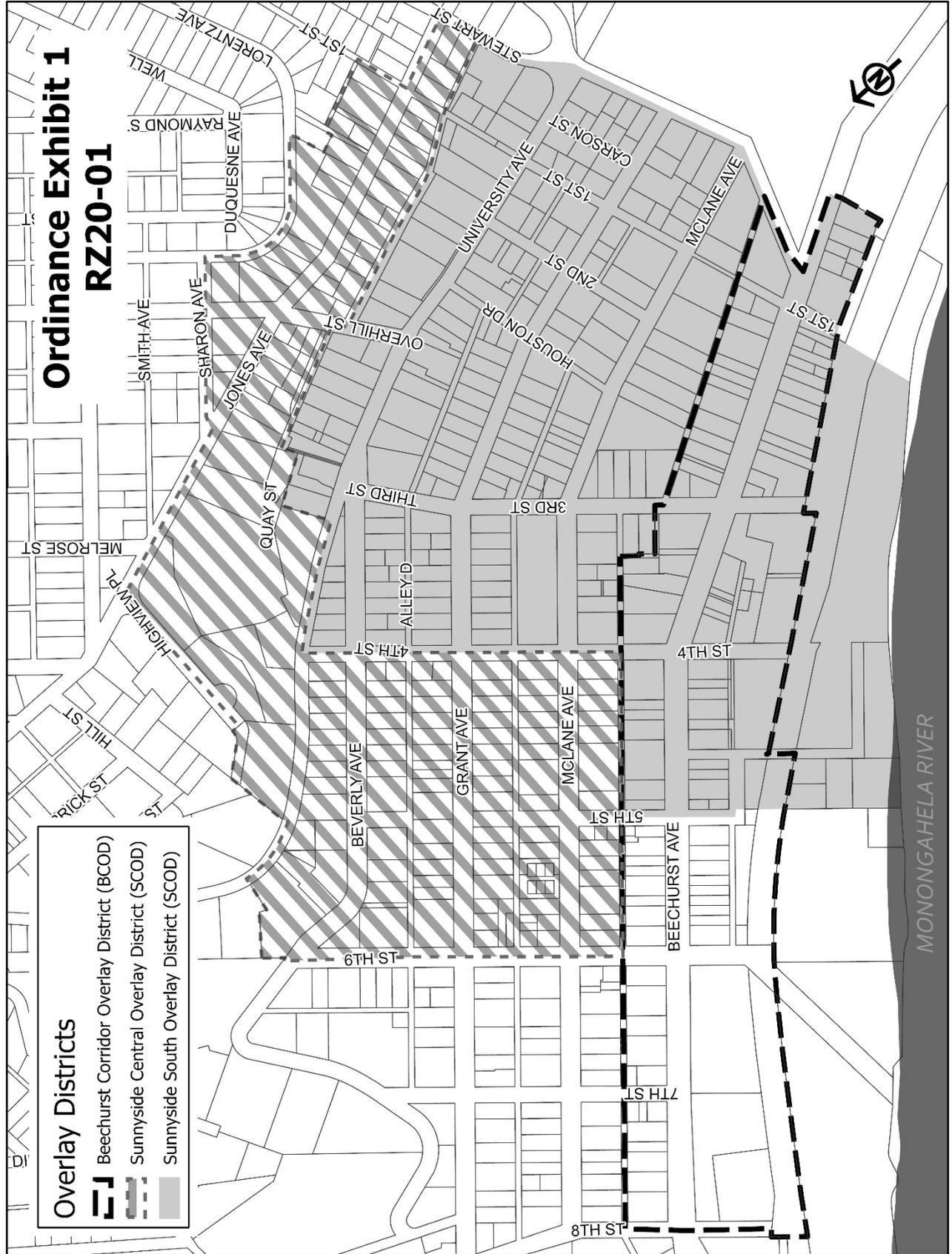
ADOPTED:

FILED:

RECORDED:

City Clerk

Ordinance Exhibit 1 RZ20-01



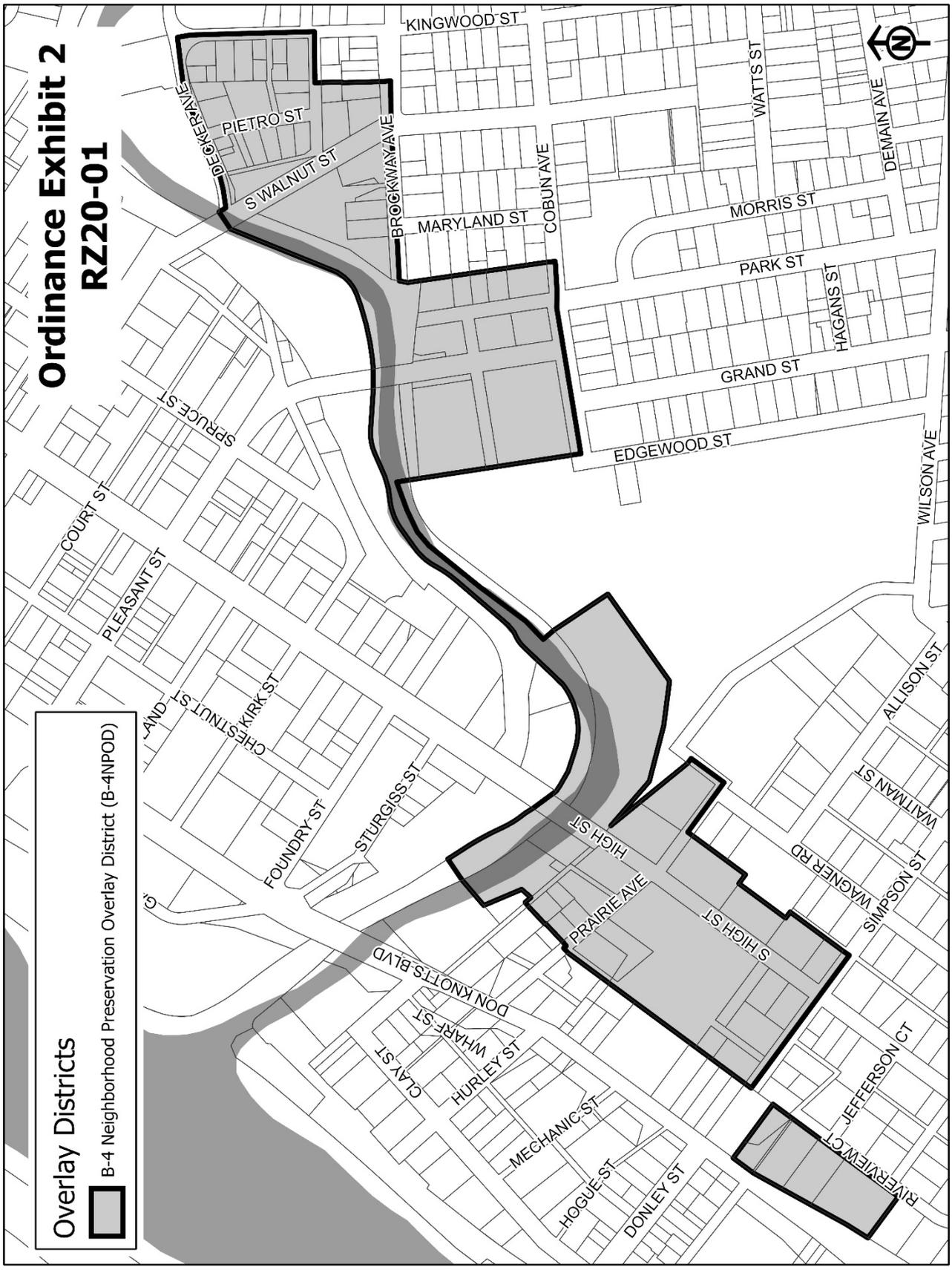
Overlay Districts

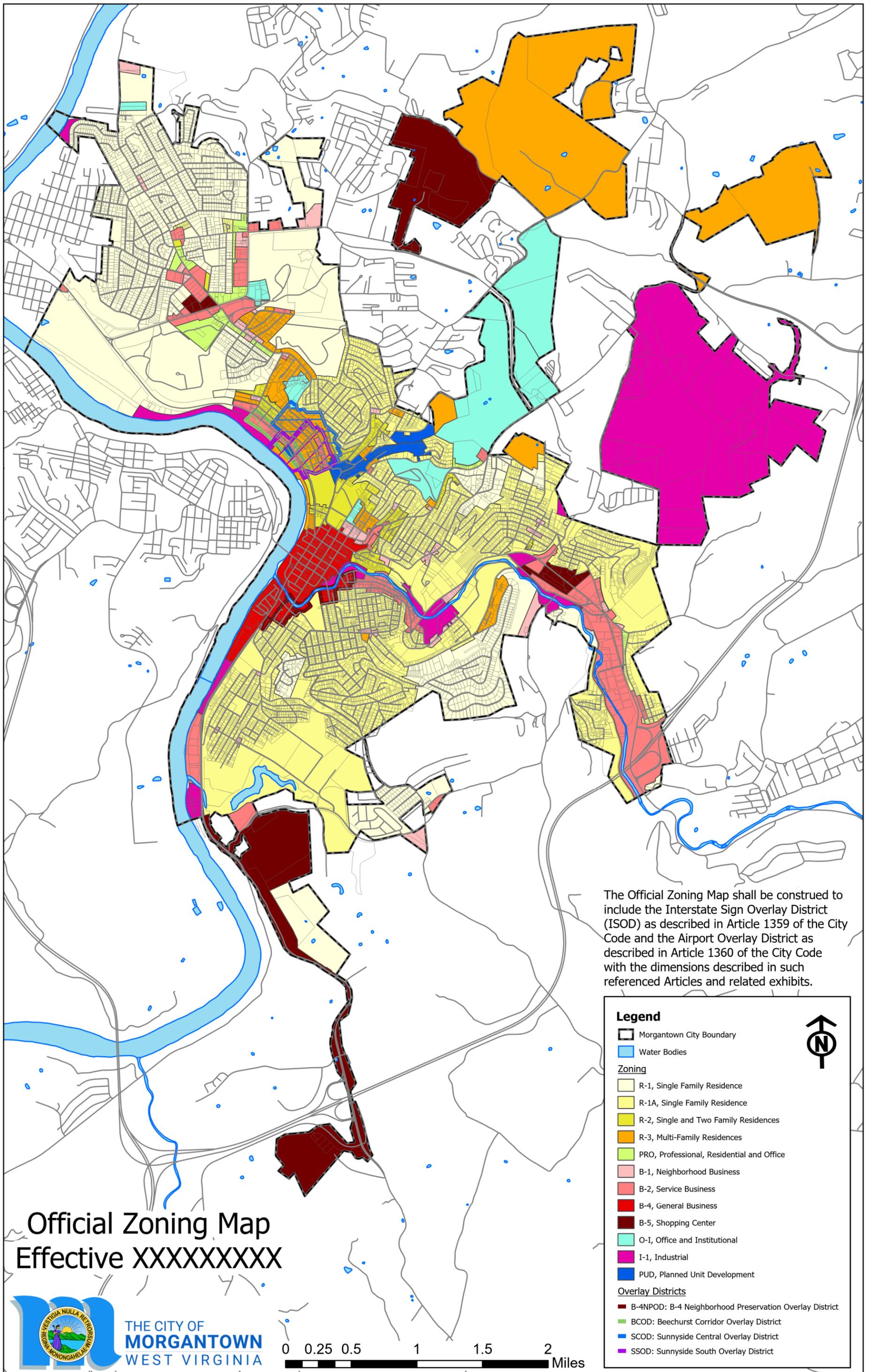
-  Beechurst Corridor Overlay District (BCOD)
-  Sunnyside Central Overlay District (SCOD)
-  Sunnyside South Overlay District (SCOD)

Ordinance Exhibit 2 RZ20-01

Overlay Districts

-  B-4 Neighborhood Preservation Overlay District (B-4NPOD)





Official Zoning Map Effective XXXXXXXXX



THE CITY OF
MORGANTOWN
WEST VIRGINIA

0 0.25 0.5 1 1.5 2 Miles

**AN ORDINANCE AUTHORIZING AN EASEMENT TO MONPOWER AT THE
MORGANTOWN MUNICIPAL AIRPORT**

The City of Morgantown hereby ordains that the City Manager is authorized to execute the attached easement agreement, which is incorporated by reference into this Ordinance, together with any ancillary documents necessary to the easement.

This ordinance is effective upon adoption.

First Reading:

Mayor

Second Reading:

Adopted:

Clerk

Filed:

RIGHT-OF-WAY AND EASEMENT AGREEMENT

THIS RIGHT-OF-WAY AND EASEMENT AGREEMENT, made and executed this ____ day of _____, 2020, by and between THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, party of the first party, GRANTOR, and MONONGAHELA POWER COMPANY, an Ohio corporation duly authorized to conduct business in the state of West Virginia, party of the second part, GRANTEE.

WITNESSETH: That for and in consideration of the payment of **Eleven Thousand Three Hundred Ninety-four dollars and zero cents (\$2,278.80)**, cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration hereinafter detailed, GRANTOR does now hereby grant and convey unto the GRANTEE, its successors and/or assigns, a non-exclusive right-of-way and easement for the laying, relaying, constructing, reconstructing, placing, replacing, repairing, operating, maintaining, and removing the following:

- (1) approximately **One Thousand Two Hundred Sixty-six feet (1266')** of subsurface 1.5-inch high-density polyethylene conduit housing electric distribution lines,
- (2) A **Thirteen-foot by Seven-foot** subsurface vault,
- (3) A single aboveground pole, not to exceed **39** feet in height, in the location identified in the FAA 1A Survey Certification and subject to all conditions in the Determination of No Hazard to Air Navigation included in **Exhibit 1** to this Agreement, or as authorized by application approved by GRANTOR and under FAA form 7460-1 and in adherence to the Grant Assurances required under Federal Aviation order 5190.6b, or the successor forms or orders thereto.
- (4) Related facilities that are necessary and appurtenant to the facilities identified in the foregoing paragraphs (1) to (3) such as conductor, transformers, anchors, guys, and appurtenances related to the electric facilities, provided that such facilities are placed underground or are authorized by a Determination of No Hazard to Air Navigation issued by FAA.

in and upon the part of the property of Grantor described herein and lying and being within the Sixth Ward of the City of Morgantown, Monongalia County, West Virginia., and shown on Tax Map 32A, Parcel 1, being a part of the property conveyed to The City of Morgantown in a deed of record with the Office of the Clerk of Monongalia County at Deed Book 364, page 469 (the "Property").

The right-of-way and easement shall encompass the following area (the "Easement Area"):

15' Permanent Utility Easement

Beginning at an existing Mon Power utility pole bearing number H3-379 which bears, North 21 degrees 54 minutes 50 seconds West, a distance of 16.63 feet from a gate post found in the lands of N/F City of Morgantown (Tax Map 32A Parcel 1 Deed Book 364 Page 469);
Thence, through said N/F City of Morgantown (Parcel 1) for thirteen (13) lines, North 35 degrees 41 minutes 45 seconds East, a distance of 19.96 feet to a proposed utility pole;
Thence, North 65 degrees 28 minutes 50 seconds East, a distance of 16.73 feet to a point;
Thence, North 52 degrees 57 minutes 17 seconds East, a distance of 12.70 feet to a point;
Thence, North 41 degrees 14 minutes 39 seconds East, a distance of 10.95 feet to a point;
Thence, North 22 degrees 10 minutes 30 seconds East, a distance of 27.34 feet to a point;
Thence, North 04 degrees 06 minutes 16 seconds East, a distance of 227.72 feet to a point;

Thence, North 08 degrees 22 minutes 49 seconds East, a distance of 107.99 feet to a point;
Thence, North 09 degrees 12 minutes 03 seconds East, a distance of 58.40 feet to a point;
Thence, North 19 degrees 33 minutes 32 seconds East, a distance of 7.50 feet to a point;
Thence, North 19 degrees 32 minutes 38 seconds East, passing through a Proposed Underground Electric pull box at a distance of 7.50 feet for a total distance 19.96 feet to a point, said proposed permanent utility easement width for this call is 15.00 feet left and 7.50 feet right for a total width of 22.50 feet;
Thence, North 19 degrees 31 minutes 44 seconds East, a distance of 90.61 feet to a point;
Thence, North 22 degrees 45 minutes 27 seconds East, a distance of 99.73 feet to a point;
Thence, North 28 degrees 49 minutes 41 seconds East, a distance of 8.43 feet to a point on the CL of a Proposed 10' Permanent Utility Easement;
Thence, leaving said CL of Proposed 10' Permanent Utility Easement and continuing through said N/F City of Morgantown (Parcel 1) for six (6) lines, North 28 degrees 52 minutes 23 seconds East, a distance of 88.04 feet to a point;
Thence, North 32 degrees 02 minutes 40 seconds East, a distance of 28.45 feet to a point;
Thence, North 42 degrees 34 minutes 25 seconds East, a distance of 17.62 feet to a point;
Thence, North 51 degrees 03 minutes 10 seconds East, a distance of 15.04 feet to a point;
Thence, North 58 degrees 15 minutes 53 seconds East, a distance of 23.33 feet to a point;
Thence, North 59 degrees 45 minutes 20 seconds East, a distance of 320.22 to the Point of Terminus.

The Permanent Utility Easement shall be 15.00 feet in width, 7.50 feet on either side of the above-described centerline unless otherwise noted having a total area of 0.42 acres more or less, as shown on an exhibit and made a part of this description.

10' Permanent Utility Easement

Beginning at a point on a Proposed 15' Permanent Utility Easement which bears, North 14 degrees 06 minutes 06 seconds East, a distance of 698.39 feet from a gate post found in the lands of N/F City of Morgantown (Tax Map 32A Parcel 1 Deed Book 364 Page 469);
Thence, leaving said Proposed 15' Permanent Utility Easement and through said N/F City of Morgantown (Parcel 1), South 61 degrees 07 minutes 51 seconds East, a distance of 70.37 feet to the Point of Terminus.

The Permanent Utility Easement shall be 10.00 feet in width, 5.00 feet on either side of the above-described centerline having a total area of 629 square feet more or less, as shown on an exhibit and made a part of this description.

The location of said rights-of-way and easements are more particularly shown upon the drawing and description attached as **Exhibit 1** to this Agreement. There is also granted such reasonable temporary easements for construction and burial that may be needed by the GRANTEE, which temporary easements shall not interfere with airport operations and shall extend no further than thirty (30) feet on either side of the Easement Area

For the consideration aforesaid, GRANTOR does now also hereby grant and convey unto the GRANTEE, its contractors, licensees, lessees, sublessees, successors and/or assigns, the right of ingress, egress, and regress to and from the Easement Area for the purposes described in this Agreement and subject to the conditions of this Agreement.

The facility(ies) and/or structure(s) shall be constructed, maintained, and repaired at GRANTEE's sole cost and expense.

The rights granted in this Agreement, and all entry upon the Easement Area and any work to construct, install, maintain, and/or repair the facility(ies) and/or structure(s) (the "Work"), shall be subject to the following conditions:

(a) all Work shall be performed by GRANTEE, or its contractors, licensees, lessees, sublessees, successors and/or assigns, as expeditiously as possible in accordance with good construction practices and so as to minimize interference with the use of the GRANTOR's property;

(b) any surface or subsurface damage to paved areas or other improvements in the GRANTOR's property caused in whole or in part by GRANTEE, or its contractors, licensees, lessees, sublessees, successors and/or assigns, in connection with the Work shall be promptly repaired by Grantee to a condition equal to that existing before any such Work or actions were undertaken, or as directed by the City Engineer; and

(c) Whenever entry onto GRANTOR's property is required for construction, maintenance, or repairs, GRANTEE, or its contractors, licensees, lessees, sublessees, successors and/or assigns, shall obtain approval from an authorized representative of GRANTOR prior to entry, and shall conduct such entry only at such times as permitted by Grantor, provided that GRANTOR shall exercise its best efforts to ensure prompt approval of entry and approval shall not be unreasonably withheld;

(d) GRANTOR will not be responsible for repair or replacement of any item or material placed in the property pursuant to this Agreement, or of any item relying upon materials or items placed in the property;

(e) In the event the property or work of GRANTEE would compromise the safety of life or property upon or adjacent to GRANTOR's property, at the direction of the City Engineer, GRANTEE shall promptly repair the condition compromising safety and restore the surface or subsurface damage to GRANTOR's property to a condition equal to that existing before any such Work or actions were undertaken.

(f) GRANTOR retains the right to fill, excavate, erect structures upon, and otherwise alter the ground and elevation thereof above GRANTEE's facilities placed pursuant to this easement and right-of-way agreement, and GRANTOR shall not be responsible for any costs incurred by GRANTEE as a result of such activities. Each and every obligation of GRANTEE to repair or restore property shall include the duty to restore the property to the elevation, contour, and condition of the property as it existed immediately prior to GRANTEE's Work, regardless of whether those conditions were the conditions in existence on the date of this Agreement;

(g) GRANTEE will place, replace, repair, maintain, and otherwise access all facilities authorized by this right-of-way and easement agreement by directional boring and will not perform excavation to access such facilities, subject only to the following exceptions:

- (1) placement of the aboveground pole and placement or repair of lines or wires that may be attached thereto;
- (2) placement or repair of the subsurface vault;

(3) upon prior written approval of GRANTOR to access facilities by excavation or other means.

(h) If requested by GRANTOR, GRANTEE shall relocate said facilities to a mutually agreeable location on GRANTOR's lands, at GRANTEE's expense, when determined necessary by GRANTOR in connection with maintenance or improvements to GRANTOR's property. If GRANTOR requires that relocation will occur outside the Easement Area, the parties will enter into a separate agreement providing for dedication of the new easement area and abandonment of the easement where facilities will no longer be located.(i) GRANTEE shall name GRANTOR as an additional insured on its insurance policy covering the Work and shall provide evidence of the same upon demand by Grantor.

GRANTEE and its successor and assigns do hereby agree to defend, indemnify, hold harmless, and release the City from any and all claims, demands, lawsuits, or liability in any way related to the use of the right-of-way and easement granted in this Agreement, including without limitation the conduct of the Work and the function of any structure(s) placed in the easement area, except for claims based only upon the negligence of GRANTOR, others acting on GRANTOR's behalf, or causes outside of the control of Grantee.

(j) Upon either the removal of the subsurface structure(s) placed in the easement area or the cessation of use of such structure(s) for a period of 6 months, the easement to GRANTEE and its successors and assigns shall terminate, and no additional or other use of the easement area will be permitted; provided, however, that the defense and indemnity obligations of GRANTEE and its successors and assigns shall survive the termination of the easement.

This right-of-way and easement is subject to all exceptions, reservations, conditions, restrictions, easements, protective and restrictive covenants, and rights-of-way of record in the Office of the Clerk of Monongalia County, West Virginia or capable of observation affecting the Property. This right-of-way and easement is subject to all rules and regulations of, and obligations to, the Federal Aviation Administration, including without limiting the generality of the foregoing the "Master Agreement on Terms and Conditions of Accepting Airport Improvement Program Grants" issued by the Federal Aviation Administration, as it may be amended, revised, renamed, or restated.

This Agreement shall be binding upon the parties and their respective successors and/or assigns. The rights of way and easements granted herein shall be appurtenant to and run with the land thereby benefited and burdened.

This Agreement may be executed in multiple counterparts, each of which shall, for all purposes, be deemed an original and all of which, taken together, shall constitute one and the same agreement.

DECLARATION OF CONSIDERATION

Under the penalties of fine and imprisonment as provided by law, the undersigned hereby declares that the transfer involved in the document to which this Declaration is appended is a transfer to or from the State of West Virginia, or to or from any of its instrumentalities, agencies or political subdivisions, and therefore is not subject to West Virginia excise tax and is exempt under the provisions of Chapter 11, Article 22, Section 1 of the West Virginia Code, 1931, as amended.

WITNESS the following signature and seal:

THE CITY OF MORGANTOWN, West Virginia,
a municipal corporation

By: _____
Paul J. Brake, ICMA-CM, C. Ec. D.
Its: City Manager

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, TO-WIT:

The undersigned, a Notary Public in and for the County and State aforesaid, does hereby CERTIFY that Paul Brake, The City Manager of City of Morgantown, West Virginia, a municipal corporation, whose name is signed to the foregoing agreement, has this day sworn to, affirmed, subscribed and acknowledged the same before me in said County, as the free act and deed of said corporation, upon authority duly granted.

Given under my hand this _____ day of _____, 2020.

My commission expires: _____.

{SEAL}

Notary Public

Prepared without title examination on behalf of Grantor by Ryan Simonton, Kay Casto & Chaney, PLLC, 1085 Van Voorhis Rd., Suite 100, Morgantown, WV 26505.

EXHIBIT 1

Easement Area and Detail



DESCRIPTION OF EASEMENTS
showing
PROPOSED PERMANENT UTILITY EASEMENTS
for
FIRST ENERGY CORPORATION

A CERTAIN EASEMENT SITUATE ALONG UNITED STATES ROUTE 119, MORGANTOWN 6TH WARD DISTRICT, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

15' Permanent Utility Easement

Beginning at a an existing Mon Power utility pole bearing number H3-379 which bears, North 21 degrees 54 minutes 50 seconds West, a distance of 16.63 feet from a gate post found in the lands of N/F City of Morgantown (Tax Map 32A Parcel 1 Deed Book 364 Page 469);

Thence, through said N/F City of Morgantown (Parcel 1) for thirteen (13) lines, North 35 degrees 41 minutes 45 seconds East, a distance of 19.96 feet to a proposed utility pole;

Thence, North 65 degrees 28 minutes 50 seconds East, a distance of 16.73 feet to a point;

Thence, North 52 degrees 57 minutes 17 seconds East, a distance of 12.70 feet to a point;

Thence, North 41 degrees 14 minutes 39 seconds East, a distance of 10.95 feet to a point;

Thence, North 22 degrees 10 minutes 30 seconds East, a distance of 27.34 feet to a point;

Thence, North 04 degrees 06 minutes 16 seconds East, a distance of 227.72 feet to a point;

Thence, North 08 degrees 22 minutes 49 seconds East, a distance of 107.99 feet to a point;

Thence, North 09 degrees 12 minutes 03 seconds East, a distance of 58.40 feet to a point;

Thence, North 19 degrees 33 minutes 32 seconds East, a distance of 7.50 feet to a point;

Thence, North 19 degrees 32 minutes 38 seconds East, passing through a Proposed Underground Electric pull box at a distance of 7.50 feet for a total distance 19.96 feet to a point, said proposed permanent utility easement width for this call is 15.00 feet left and 7.50 feet right for a total width of 22.50 feet;

Thence, North 19 degrees 31 minutes 44 seconds East, a distance of 90.61 feet to a point;

Thence, North 22 degrees 45 minutes 27 seconds East, a distance of 99.73 feet to a point;

Thence, North 28 degrees 49 minutes 41 seconds East, a distance of 8.43 feet to a point on the CL of a Proposed 10' Permanent Utility Easement;

Thence, leaving said CL of Proposed 10' Permanent Utility Easement and continuing through said N/F City of Morgantown (Parcel 1) for six (6) lines, North 28 degrees 52 minutes 23 seconds East, a distance of 88.04 feet to a point;

Thence, North 32 degrees 02 minutes 40 seconds East, a distance of 28.45 feet to a point;

Thence, North 42 degrees 34 minutes 25 seconds East, a distance of 17.62 feet to a point;

Thence, North 51 degrees 03 minutes 10 seconds East, a distance of 15.04 feet to a point;

Thence, North 58 degrees 15 minutes 53 seconds East, a distance of 23.33 feet to a point;

Thence, North 59 degrees 45 minutes 20 seconds East, a distance of 320.22 to the Point of Terminus.

The Permanent Utility Easement shall be 15.00 feet in width, 7.50 feet on either side of the above-described centerline unless otherwise noted having a total area of 0.42 acres more or less, as shown on a exhibit and made a part of this description.

10' Permanent Utility Easement

Beginning at a point on a Proposed 15' Permanent Utility Easement which bears, North 14 degrees 06 minutes 06 seconds East, a distance of 698.39 feet from a gate post found in the lands of N/F City of Morgantown (Tax Map 32A Parcel 1 Deed Book 364 Page 469);

Thence, leaving said Proposed 15' Permanent Utility Easement and through said N/F City of Morgantown (Parcel 1), South 61 degrees 07 minutes 51 seconds East, a distance of 70.37 feet to the Point of Terminus.

The Permanent Utility Easement shall be 10.00 feet in width, 5.00 feet on either side of the above-described centerline having a total area of 629 square feet more or less, as shown on a exhibit and made a part of this description.

FAA 1A SURVEY CERTIFICATION

Applicant: First Energy Corporation

Site Address: 230-76 Co Rd 857
Morgantown, WV 26505

Structure Type: Proposed Pole
 Existing Pole
 Roof Top
 Water Tank
 Other _____

Geographic Location

NAD83 Latitude: 39° 38' 59.60" North
NAD83 Longitude: 79° 55' 14.91" West
NAVD88 Elevation: 1233.08 feet @ ground

Pole Details

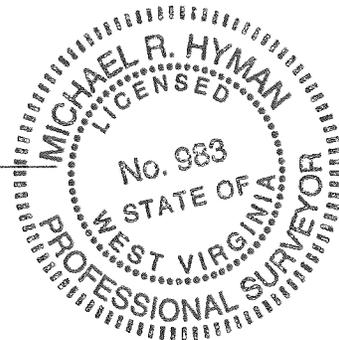
Proposed Pole:

Feature	Height of Pole	Elevation (AMSL)
Top of Pole	39'	1272.08'

Certification: I certify that the geographic location of the proposed pole shown above was determined using GPS VRS observations and is accurate to within \pm 20.0' horizontal and \pm 3.0' vertical.

Signature:


 Michael R. Hyman, PS 983



Thrasher Group Project: 101-050-7040
Date Field Work: April 18, 2019

**AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF
MORGANTOWN FOR THE FISCAL YEAR 2020-2021**

The Common Council of the City of Morgantown, West Virginia hereby ordains:

SECTION I:

That the following budget be and the same is hereby adopted for the City of Morgantown for the FY 2020-2021.

General Fund Revenues

Balance as of July 1, 2020	\$ 1,180,000
Taxes	26,323,812
Licenses and Permits	410,000
Intergovernmental	446,500
Charges for Services	10,016,000
Interfund Charges	66,800
Fines and Forfeiture	500,000
Miscellaneous	<u>415,700</u>
<u>Total General Fund Revenues</u>	\$ 39,358,812

Coal Severance Fund Revenues

Balance as of July 1, 2020	\$ 5,500
Coal Severance	80,000
Miscellaneous	<u>300</u>
<u>Total Coal Severance Fund Revenues</u>	\$ 85,800

TOTAL REVENUES - GENERAL & COAL SEVERANCE \$ 39,444,612

General Fund/Department Expenditures

Mayor and City Council	\$ 67,720
City Manager	996,368
Finance	1,157,921
City Clerk	232,884
Municipal Court	311,174
City Attorney	460,000
Engineering	611,463
Personnel	408,130
Code Enforcement	1,392,349
Planning and Zoning	439,703
Elections	31,661
Information Technology	551,547
City Hall & Buildings	789,813
Police	9,374,945
Fire	6,561,867
Animal Control	31,077
Street	2,891,949
Signs & Signals	804,287
Equipment Maintenance	634,686
Garbage Department	1,530,000
Urban Landscape	313,893
Contributions	569,279
Operating Transfers Out	8,889,710
Contingency	306,386
<u>Total General Fund Expenditures</u>	<u>\$ 39,358,812</u>

Coal Severance Fund Expenditures

Contributions to Other Funds	\$	80,300
Contingencies		<u>5,500</u>
<u>Total Coal Severance Fund Expenditures</u>	\$	85,800

<u>TOTAL EXPENDITURES FOR</u>		
<u>GENERAL & COAL SEVERANCE FUNDS</u>	\$	39,444,612

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

City of Morgantown

General Fund Revenue Budget - Summary

Budget Year 2021

Account Description	FY18 Actuals	FY19 Actuals	FY20 Actuals at 12/31/19	FY20 Amended Budget	2021 Department Requested
Taxes	\$ 23,868,094	\$ 23,413,902	\$ 12,496,911	\$ 23,761,380	\$ 26,323,812
Fines and Forfeitures	669,411	477,523	166,690	500,000	500,000
Licenses and Permits	341,058	396,516	221,698	397,000	410,000
Charges for Services	8,052,343	9,286,654	6,410,792	9,278,100	10,016,000
Miscellaneous	482,719	609,632	130,272	467,840	415,700
Intergovernmental	420,203	2,087,349	253,042	974,600	446,500
Interfund Charges	35,600	30,000	-	66,800	66,800
Balance 7/1	5,821,211	3,500,813	-	3,400,000	1,180,000
General Fund Revenue Totals	\$ 39,690,639	\$ 39,802,389	\$ 19,679,405	\$ 38,845,720	\$ 39,358,812

City of Morgantown

General Fund Expenditure Budget

Budget Year 2021

Account Description	FY18 Actuals	FY19 Actuals	FY20 Actuals at 12/31/19	FY20 Amended Budget	2021 Department Requested
Mayor	\$ 11,335	\$ 10,212	\$ 5,120	\$ 11,488	\$ 11,282
Council	58,276	48,014	27,136	53,018	56,438
City Manager	591,892	757,161	411,449	942,928	996,368
Finance	959,767	970,690	587,846	1,092,586	1,157,921
City Clerk	219,383	193,215	71,510	178,499	232,884
Municipal Court	266,933	261,958	148,622	310,613	311,174
City Attorney	417,232	372,135	728,972	1,155,000	460,000
Engineering	470,147	445,514	211,737	548,204	611,463
Human Resources	121,459	187,761	159,166	398,710	408,130
Contributions	438,978	536,725	244,101	519,279	569,279
Code Enforcement	1,089,415	1,105,129	605,358	1,226,609	1,392,349
Planning & Zoning	280,690	316,622	148,742	417,800	439,703
Elections	-	31,307	-	-	31,661
Information Technology	311,014	298,786	169,613	365,010	551,547
City Hall	539,721	659,608	274,419	698,285	789,813
Transfers	11,151,543	8,293,083	3,223,009	8,922,768	8,889,710
Contingencies	-	-	-	381,384	306,386
Police Department	8,730,444	8,993,807	5,111,086	9,190,187	9,374,945
Fire Department	5,824,182	6,429,235	3,720,528	6,562,007	6,561,867
Animal Control	28,120	29,294	15,086	30,172	31,077
Street Department	2,605,300	2,623,863	1,391,597	2,857,090	2,891,949
Signs & Signals	692,159	731,849	304,033	812,284	804,287
Equipment Maintenance	735,570	658,517	322,391	632,722	634,686
Solid Waste	239,893	1,515,896	525,392	1,287,000	1,530,000
Urban Landscape	173,599	241,827	112,810	252,077	313,893
General Fund Expenditure Totals	\$ 35,957,052	\$ 35,712,208	\$ 18,519,723	\$ 38,845,720	\$ 39,358,812

City of Morgantown

Capital Escrow Fund Budget

Budget Year 2021

Account Description	FY18 Actuals	FY19 Actuals	FY20 Actuals at 12/31/19	FY20 Amended Budget	2021 Department Requested	Remaining and 2021 Dept Request
Revenue						
Other Grants - General		7,500	-	80,000	-	80,000
Contrib Other Funds B&O Tax-Construction	3,040,000	1,300,000	550,000	2,300,000	2,746,000	4,496,000
Contrib Other Funds Municipal Service Fee	2,911,500	2,345,250	500,000	2,385,000	2,300,000	4,185,000
Contrib Other Funds Municipal Sales & Use Tax					827,062	827,062
Other Grants - Hazel Ruby McQuain Charitable Trust	2,000,000	-	-	2,300,000	-	2,300,000
Interest Earned - Investments	44,136	138,187	54,190	125,000	45,000	115,810
Reimbursements - Public Utilities			49,807	49,807	-	-
Building Comm - Proceeds from Sale of Bonds					5,086,000	5,086,000
Miscellaneous Other	-	34,367	15,000	15,000	5,000	5,000
Miscellaneous Prior Year Balance	-	-	-	9,681,033	-	7,679,538
Miscellaneous Event Center	62,875	62,875	-	62,875	62,875	125,750
Total Capital Escrow Revenue	8,058,511	3,888,179	1,168,997	16,998,715	11,071,937	24,900,160
Expenditures						
City Manager						
Contracted Services General			11,539	46,360	-	34,821
Contracted Services Consultant Study	2,833	5,667	-	21,500	-	21,500
Contracted Services City Branding	-	-	-	14,500	-	14,500
Contracted Services Deer Management	-	-	-	7,880	-	7,880
Total City Manager:	2,833	5,667	11,539	90,240	-	78,701
Engineering						
Contracted Services Records Management	-	-	-	50,501	-	50,501
Contracted Services GIS Project	20,000	-	63,128	85,000	-	21,872
Contracted Services Historic Landmarks	224	10,016	(6,017)	3,009	-	9,026
Contracted Services Infrastructure Agreements	-	54,801	-	245,199	-	245,199
Contracted Services Forest Ave Home Demolitions				150,000	-	150,000
Professional Services - Environmental Services	17,877	13,301	-	76,192	-	76,192
Capital Outlay Other Projects	544,343	1,350	-	29,507	-	29,507
Capital Outlay Sidewalks	23,233	1,113	3,754	25,654	-	21,900
Capital Outlay Hazel Ruby McQuain Park		118,050			-	-
Capital Outlay Caperton Trail	-	-	-	10,000	-	10,000
Capital Outlay Recreation Trail Match	42,679	-	9,000	54,862	50,600	96,462
Capital Outlay Downtown Tree & Bumpout	28,125	24,675	-	4,522	-	4,522
Capital Outlay Sabraton Improvements	3,528	-	-	36,195	-	36,195
Capital Outlay Bike Lanes	-	-	-	27,500	-	27,500
Capital Outlay Fuel Tanks	-	-	-	200,000	-	200,000
Capital Outlay - PSB Roof		65,135	648,587	894,865	-	246,278
Capital Outlay Jacobs Street Slip Repair		160,810			-	-
Capital Outlay Equip-Vehicles					12,000	12,000
Total Engineering:	680,009	449,251	718,452	1,893,006	62,600	1,237,154
Human Resources						
Training & Education - Tuition Reimbursement Program	27,930	22,013	6,349	20,193	20,000	33,844
Total Human Resources:	27,930	22,013	6,349	20,193	20,000	33,844
Contributions						
Contrib Govt Entities - Other	9,500	23,123	-	6,877	-	6,877
Contrib Govt Entities - Sunnyside Redevelopment	100,000	100,000	100,000	100,000	100,000	100,000
Contrib Govt Entities - Board of Education	-	50,000			-	-

City of Morgantown
Capital Escrow Fund Budget
Budget Year 2021

Account Description	FY18 Actuals	FY19 Actuals	FY20 Actuals at 12/31/19	FY20 Amended Budget	2021 Department Requested	Remaining and 2021 Dept Request
Contrib Govt Entities - Land Reuse and Preservation Assoc					10,000	10,000
Other Contrib - Other	2,500	-	-	18,095	-	18,095
Other Contrib - Morgantown Health Right			-	10,000	10,000	20,000
Other Contrib - Connecting Link	9,405				-	-
Other Contrib - Bartlett House	15,000	20,000	6,826	20,000	25,000	38,174
Other Contrib - Morgantown Housing Authority			-	17,000	3,000	20,000
Other Contrib - Human Rights Commission		1,913	-	4,900	2,050	6,950
Other Contrib - Community Housing Action					10,000	10,000
Other Contrib - Morgantown Housing Authority	10,000	20,000	-	13,000	-	13,000
Other Contrib - Safe Communities Initiative	6,580	43,824	5,819	25,000	-	19,181
Other Contrib - Main Street	59,000	89,000	42,534	109,000	109,000	175,466
Other Contrib - Arts Monongalia	3,000	-			-	-
Other Contrib - Mon Health Department	16,000	16,000	16,000	16,000	17,000	17,000
Other Contrib - Mgtm Area Economic Partners	15,000	15,000	-	15,000	-	15,000
Other Contrib - Mon River Trail Conservancy	20,000	20,000	5,000	40,000	151,000	186,000
Other Contrib - Celebration America	2,000	2,000			10,000	10,000
Other Contrib - Botanic Gardens	17,225	28,910	26,210	26,210	30,000	30,000
Other Contrib - Community Trust	10,000				-	-
Other Contrib - MLK Day	1,500	1,618	-	1,850	1,850	3,700
Other Contrib - Your Community Foundation	45,000	100,000	90,000	100,000	125,000	135,000
Other Contrib - Upper Mon River Association		2,500	2,500	2,500	4,000	4,000
Other Contrib - Morgantown. Area Paddlers		-	-	7,000	-	7,000
Other Contrib - WVU School of Public Health		6,972	4,916	12,184	12,184	19,452
Other Contributions - Green Team		500	100	50,000	-	49,900
Other Contrib - Mgtm Health & Wellness			4,250	10,000	-	5,750
Other Contrib - Mgtm Pedestrian Safety Board			-	40,000	-	40,000
Other Contrib - Downtown Initiative					15,000	15,000
Other Contrib - Mgtm Riverfront Revitalization					30,000	30,000
Other Contrib - M-SNAP					1,000	1,000
Other Contrib - Mon. Co. Humane Society					4,500	4,500
Total Contributions:	341,710	541,360	304,155	644,616	670,584	1,011,045
Code Enforcement						
Contracted Services Demolition Fund	151	-	-	83,214	-	83,214
Capital Outlay Equip - Vehicles		8,510	12,293	41,490	30,000	59,197
Total Code Enforcement:	151	8,510	12,293	124,704	30,000	142,411
Planning & Zoning						
Contracted Services Special Dev Services Program	13,503	41,019	11,751	10,687	-	(1,064)
Contracted Services Downtown Plan	71,996	-	-	68,933	-	68,933
Contracted Services Comprehensive Plan	18,368	-	3,364	107,274	80,000	183,910
Contracted Services Rewrite Subdivision Code		-	-	75,000	-	75,000
Capital Outlay Equip-Vehicles					4,600	4,600
Total Planning & Zoning:	103,867	41,019	15,115	261,894	84,600	331,379
Information Technology						
Capital Outlay Equip - Computer Software	190,202	21,935	14,974	20,106	-	5,132
Capital Outlay Equip - Computer Equipment	384	224,715	3,872	105,285	132,250	233,663
Total Information Technology:	190,586	246,650	18,846	125,391	132,250	238,795

City of Morgantown

Capital Escrow Fund Budget

Budget Year 2021

Account Description	FY18 Actuals	FY19 Actuals	FY20 Actuals at 12/31/19	FY20 Amended Budget	2021 Department Requested	Remaining and 2021 Dept Request
City Hall						
Repairs and Maintenance Sinking Fund					100,000	100,000
Capital Outlay Building - City Hall Renovations	123,314	579,242	162,022	370,740	1,661,000	1,869,718
Capital Outlay-Public Safety Building					1,002,000	1,002,000
Capital Outlay-430 Spruce Street					146,000	146,000
Capital Outlay - Other		15,000			-	-
Total City Hall:	123,314	594,242	162,022	370,740	2,909,000	3,117,718
Transfers						
Contribution Other Fund Other	9,819	14,888	5,000	5,454	-	454
Contribution Other Fund Airport Fund	8,200	129,456	72,139	180,384	-	108,245
Contrib Govt Entities - Bike Board	655	-	-	10,237	-	10,237
Total Transfers:	18,674	144,344	77,139	196,075	-	118,936
Woodburn						
Capital Outlay Building - Woodburn	-	70,000	70,540	165,000	1,000,000	1,094,460
Total Woodburn:	-	70,000	70,540	165,000	1,000,000	1,094,460
Transfers						
Contribution - Building Commission Lease Payment					440,000	440,000
Total Transfers:	-	-	-	-	440,000	440,000
Contingencies						
Other Contributions - Other	-	-	-	520,021	234,118	754,139
Total Contingencies:	-	-	-	520,021	234,118	754,139
Police Department						
Capital Outly Building-Police Gun Range					50,000	50,000
Capital Outlay Equip - Equipment			-	87,500	-	87,500
Capital Outlay Equip - MSF Equipment	178,108	379,936	239,715	490,000	276,000	526,285
Total Police Department:	178,108	379,936	239,715	577,500	326,000	663,785
Fire Department						
Capital Outlay Building - FD Building Repairs	24,922	16,778	16,631	91,945	108,000	183,314
Capital Outlay Building - Norwood Station			-	45,000	330,000	375,000
Capital Outlay Building - Training Facility					50,000	50,000
Capital Outlay Equip - Equipment	96,826	18,423	1,152	523,164	275,000	797,012
Capital Outlay Equip - Vehicles	-	-	-	736,392	20,000	756,392
Total Fire Department:	121,748	35,201	17,783	1,396,501	783,000	2,161,718
Street Department						
Capital Outlay Land-Slip Repairs				150,000	150,000	300,000
Capital Outlay Building - FDC Docks	-	-	-	50,000	-	50,000
Capital Outlay Building - City Garage				25,000	-	25,000
Capital Outlay - Paving - MSF	1,573,118	1,572,858	934,618	2,315,195	1,794,000	3,174,577
Capital Outlay Neighborhood Signs	-	1,670	-	8,670	-	8,670
Capital Outlay Traffic Calming	-	-	2,306	33,526	-	31,220
Capital Outlay Mountaineer Plaza	(3,006)				-	-
Capital Outlay-8th Street Trailhead				84,500	100,000	184,500
Capital Outlay Energy Conservation Effort		12,028	-	472	-	472
Capital Outlay Street Lights - MonPower		-	-	10,000	-	10,000
Capital Outlay-Green and Arch Streetlight Replacement					100,000	100,000
Capital Outlay-Willy St & Richwood Improv.					75,000	75,000

City of Morgantown

Capital Escrow Fund Budget

Budget Year 2021

Account Description	FY18 Actuals	FY19 Actuals	FY20 Actuals at 12/31/19	FY20 Amended Budget	2021 Department Requested	Remaining and 2021 Dept Request
Capital Outlay-Beechurst & 1st Intersection						
Improv					55,000	55,000
Capital Outlay-Rawley Lane					70,000	70,000
Capital Outlay-Eastern-Flagel Trail Connector					100,000	100,000
Capital Outlay-Avalon-Parkway Connector					50,000	50,000
Capital Outlay Equip - Equipment	65,592	-	-	8,402	-	8,402
Capital Outlay Equip - Vehicles	30,539	60,244			-	-
Capital Outlay Equip - MSF Equipment	418,302	36,699	3,000	506,199	230,000	733,199
Total Street Department:	2,084,545	1,683,499	939,924	3,191,964	2,724,000	4,976,040
Airport						
Contracted Services-Tree Removal					150,000	150,000
Capital Outlay Land-Ingroud fuel tank removal					30,000	30,000
Capital Outlay Building - Buildings			-	60,000	-	60,000
Capital Outlay Runway Extension		3,000	-	328,000	-	328,000
Capital Outlay-North End sidewalk replacment					30,000	30,000
Capital Outlay - Airport Access Road	-	-	-	50,000	10,000	60,000
Capital Outlay Runway Extension Protection Zone	-	-	-	1,000,000	-	1,000,000
Capital Outlay T-Hangar Project Loan	-	-	-	-	-	-
Capital Outlay T-Hangar Project Contingency	86,499	61,534			-	-
Capital Outlay Runway Ext Land Acquisition			-	500,000	-	500,000
Capital Outlay Equip - Equipment			88,702	96,800	167,585	175,683
Capital Outlay Equip-Scully System for Fuel Farm and Trucks					31,700	31,700
Total Airport:	86,499	64,534	88,702	2,034,800	419,285	2,365,383
Grants						
Capital Outlay Other Projects		7,500			-	-
Capital Outlay TEA Bridge	163,605	(52,822)			-	-
Capital Outlay - TEA21	-	-	-	185,000	-	185,000
Capital Outlay Foundry Street Lighting		-	-	8,580	-	8,580
Capital Outlay - Pedestrian Project			-	20,000	-	20,000
Total Grants:	163,605	(45,322)	-	213,580	-	213,580
BOPARC						
Capital Outlay - BOPARC Upgrades	60,000	277,173	195,541	452,000	411,000	667,459
Capital Outlay Dorsey Knob Slip	88,736				-	-
Contrib Govt Entities - BOPARC Amphitheatre Programming	300	20,000			-	-
Total BOPARC:	149,036	297,173	195,541	452,000	411,000	667,459
MET Theatre						
Capital Outlay - MET Theatre	46,337	162,548	80,715	253,788	75,000	248,073
Capital Outlay-Roof Requested Grant Match					55,000	55,000
Capital Outlay-HVAC System					200,000	200,000
Total MET Theatre:	46,337	162,548	80,715	253,788	330,000	503,073
Urban Landscape						
Capital Outlay Building - Urban Landscape Center					310,000	310,000
Capital Outlay Equip-Vehicles					5,000	5,000
Contrib Govt Entities - Urban Forestry	18,585	12,069	3,412	14,525	28,000	39,113
Contrib Govt Entities - Urban Landscape	-	-	-	91,677	2,500	94,177
Total Urban Landscape:	18,585	12,069	3,412	106,202	345,500	448,290

City of Morgantown
Capital Escrow Fund Budget
Budget Year 2021

Account Description	FY18 Actuals	FY19 Actuals	FY20 Actuals at 12/31/19	FY20 Amended Budget	2021 Department Requested	Remaining and 2021 Dept Request
Hazel Ruby McQuain Riverfront Park Repairs & Maintenance - HRM Park Maintenance Fund		150,000	150,000	150,000	150,000	150,000
Capital Outlay Hazel Ruby McQuain Park		89,500	58,250	4,210,500	-	4,152,250
Total Hazel Ruby McQuain Riverfront Park:	-	239,500	208,250	4,360,500	150,000	4,302,250
Total Capital Escrow Expenditures	4,337,537	4,952,194	3,170,492	16,998,715	11,071,937	24,900,160

CAPITAL IMPROVEMENT PROGRAM SUMMARY

	Previously Committed Funding	Fiscal Year						Total
		2020-2021	2021-2022	2022-2023	2023-2024	2024-2025		
EXPENDITURES								
Police	314,000	326,000	498,000	341,000	276,000	276,000	1,717,000	
Fire	1,273,000	783,000	2,690,000	3,395,000	6,095,000	520,000	13,483,000	
Streets	1,913,000	2,724,000	4,434,000	2,359,000	2,284,000	2,284,000	14,085,000	
Airport	-	409,285	1,513,150	771,200	720,000	1,825,000	5,238,635	
Airport Improvement	1,828,000	5,520,905	9,250,560	13,013,096	12,497,000	13,750,099	53,031,660	
Urban Landscape	80,000	315,000	45,000	25,000	40,000	5,000	430,000	
Arts - MET, Hazel Ruby McQuain Amphitheater	2,615,734	630,000	300,000	450,000	500,000	450,000	2,330,000	
Public Facilities and Administration	501,300	5,093,850	1,027,750	928,900	790,750	802,150	8,643,400	
Total Improvements	8,525,034	15,802,040	19,758,460	21,283,196	23,202,750	18,912,249	98,958,695	
REVENUES AND OTHER SOURCES								
Municipal Service Fee revenue	1,479,000	2,300,000	2,300,000	2,300,000	2,300,000	2,300,000	11,500,000	
Capital escrow funds	4,438,000	2,670,135	6,847,900	5,895,100	8,330,750	3,787,150	27,531,035	
Other funds	136,300	5,161,000	785,000	75,000	75,000	75,000	6,171,000	
Grants and other outside funding	2,471,734	5,670,905	9,825,560	13,013,096	12,497,000	12,750,099	53,756,660	
Total Funding	8,525,034	15,802,040	19,758,460	21,283,196	23,202,750	18,912,249	98,958,695	



RESOLUTION AMENDING DIVERSITY, EQUITY, AND INCLUSION PLAN

The City of Morgantown hereby resolves that the enclosed “Strategic Plan for Diversity, Equity, and Inclusion” prepared by the Morgantown Human Rights Commission is amended by the City and shall be used as a plan for implementing diversity, equity, and inclusion initiatives among the City’s employees and volunteers and in the community as a whole.

The City of Morgantown further resolves that the dedicated volunteers of the Morgantown Human Rights Commission are commended for their preparation of the Strategic Plan for Diversity, Equity, and Inclusion.

Adopted this ____ day of March, 2020.

Mayor

City Clerk

City of Morgantown

**STRATEGIC PLAN FOR DIVERSITY, EQUITY, AND
INCLUSION**

FOR

**CITY WORKFORCE, VOLUNTEER POLICY ADVISORS, AND COMMUNITY
MEMBERS**

Prepared by

Morgantown Human Rights Commission



For the

Morgantown City Council

and the

Morgantown Community

**389 Spruce Street
Morgantown, West Virginia**

October 1, 2019



ACKNOWLEDGMENTS

MAYOR AND CITY COUNCIL

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Deputy Mayor Rachel L. Fetty
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Ron Dulaney, Jr
Dave Harshbarger
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Barry Lee Wendell

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WVU DIVISION OF DIVERSITY, EQUITY, AND INCLUSION

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EXECUTIVE SUMMARY

The City of Morgantown Strategic Plan for Diversity, Equity and Inclusion is a plan prepared through the three-year efforts of the City of Morgantown Human Rights Commission to help generate a foundation for constructive diversity and equity in city employee and volunteer personnel which 1) will be closely proportionate to the city's overall population as well as 2) support creative, effective, respected partnerships in conducting the work of local government.

Based on the use of best practice studies of other municipalities and other related research, this plan identifies strategic elements which have been found to be most essential in 1) promoting the benefits of diversity, equity, and inclusivity in city employment, 2) overcoming actual or perceived discrimination, and 3) affirming demonstrated benefits of a diverse workplace.

Persons are empowered when treated with equity and justice while working together as a team to provide purposeful, quality, consumer-oriented services to meet the needs of the public. In Part Four, specific "Diversity Management Practices" are selected to be the strategic elements in this plan. Part Five, the final section of the plan, presents specific changes and practices for Morgantown which are recommended for the city employee workforce and in its volunteer policy advisors.

PART ONE: PREFACE

Communities across the country are changing rapidly in terms of population diversities. Census data projections indicate that by 2050 there will no pronounced racial or ethnic majority in the nation. The City of Morgantown has already experienced a higher percentage of diversity in its population than has the State of West Virginia as a whole. This higher diversity has been a result of its cultural heritage, the presence of West Virginia University faculty and students from a wide range of international and national locations, and the presence of large medical and engineering education and service complexes.

In order for Morgantown to continue to grow economically and educationally, it will be important for the city to continue to attract persons and resources with experience relating to living in multiple locations. The city also must continue to grow in its ability to integrate its population diversity. Being an inclusive city is an important element in having Morgantown grow with the times and to be considered "a good place to live."

It is useful to consider that people have lived collectively since the beginning of history not only for mutual protection but also for economic and cultural sharing. The stories in all religions include the importance of relating humanely and fairly with "strangers." Today, through our development as a nation and as a planet, we realize that "strangers" can mean persons with differences in terms of gender, age, race, color, sexual orientation, mental or physical functioning, and education as well as religion, culture, geographical orientation, nationality, economic status, family status, attitudes, values, political persuasion, experience as a veteran, diet, technology, etc.

Constructive relationships with "strangers" are not only important in cities and communities but also in organizations. Today's corporations of all sizes have come to realize that respecting and



working toward inclusive diversity using standards of equity is essential in terms of a company's connections with its marketplace, employee motivation, employee innovation, employee recruitment and retention, and the continuous quality improvement of its workforce productivity and marketplace credibility.(y) All of these elements are critical to the enhancement of organizational proficiency. Organizations with workforce demographics which match the people they serve have been compared to outperform organization who do not. (dd, ee)

According to noted urbanist Richard Florida, “cities with greater diversity are more innovative, creative and dynamic, and have a better quality of life. The pursuit of diversity should not be a politically correct strategy or a public relations gimmick, but rather a strategy to maintain profitability and sustainability.” (w, L) These observations relate to city departments as well as entire communities. Group thought, or “herd” thinking, can be a continuation of confining tradition. On the other hand, one good idea can mean revitalizing success for everyone. (ump)

Some of the steps taken by local government in the past to address diversity involved leading school integration in West Virginia in 1955. The City of Morgantown has continued to take public steps toward integration in various forms since the civil rights era. After the integration of the WVU athletic teams came the decision of the City Council to integrate the city recreation facilities in 1963. The election of a woman to City Council in 1971 was followed by the election of the first woman mayor in 1973, the election of the first black woman as mayor in 1991, the establishment of a Human Rights Commission in 2001, and reconstitution and redirection the Human Rights Commission to work toward building an inclusive city in 2012.

In reviewing the progress in integrating the Morgantown workforce as a whole, it is helpful to determine what factors contribute most to establishing and maintaining diversity in personnel. The integration of diversity in city workforces has varied considerably throughout the country. Studies on how local governments are responding to a need for evolution toward inclusivity are beginning to emerge. Notable examples have focused on the establishment various forms of **diversity management practices** in organizations and the factors which influence the progress toward diversity in various communities. The benefits of diversity according to R. Thomas, regardless of how diversity is defined, can accrue to an organization or a community if it is encouraged, supported and managed properly. Wyatt-Nicol and Antwi-Boasiako summarize Thomas as follows:

Managing diversity simply calls for the manager to ensure that cultural and political realities do not advantage or disadvantage anyone because of irrelevant considerations. ... Diversity management also emphasizes organizational performance through recruitment, retention and developmental strategies beyond the framework of Equal Employment Opportunity and Affirmative Action. Organizations seek to address underrepresentation and maintain compliance with the law through affirmative action plans. In contrast, organizations seek to increase productivity and performance through diversity management. (bb)

Establishing a mission statement and goals for addressing diversity as well as enacting diversity management practices are found in social research to be essential for community progress. Working toward diversity representation and equality in treatment of personnel, however, is not enough. Experience has demonstrated that following the “letter of the law” in Affirmative Action



directives must be followed by deliberate efforts to build inclusive engagement. There needs to be attention given to nurturing and protecting individuals in all groups. The needs in a city workforce of diverse employees and volunteers are no different. **Diversity and equity and inclusion:** all three elements are critical, interrelated components to successful strategy in achieving and sustaining effective diversity.

This three-point strategy is vital for each component in City leadership. In a counting within the past decade, Morgantown has approximately 255 City employees working in 15 budgeted core departments. In addition, there are 322 employees in 3 free standing City departments: Board of Parks and Recreation, Morgantown Utility Board, and Municipal Parking Authority. (See Appendix B.) How does the diversity in city employees compare with the City population diversity numbers? Are the numbers of employees closely proportionate to the diversity in demographic numbers reported for the City in the U.S. Census?

Appendix A presents a profiling of Morgantown’s 2010 U.S. Census population. Census data, however, does not always profile all of significant personal differences in a community. Even so, what follows is an example of differences only relating to race and ethnic minorities with 2015 information demonstrating how City of Morgantown employees reflect or fall short in proportionately reflecting the City 2010 population’s diversity.

Percentages of Racial and Ethnic Minorities in City Employment and in the City Population			
Demographic	City Employees % at 242 (2015)	City Population % at 29,660 (2010)	City Employees % under (over) City Population
White	97%	89.7%	(7.3%)
Black or African American	2%	4.1%	2.1%
Amer. Indian or Alaska Native	0	.01%	.01%
Asian	0.4%	3.4%	3.0%
Native Hawaiian/ Pacific Is.	0	0.1%	0.1%
Two or More Races	0	2.0%	2.0%
Hispanic or Latinx	0	2.6%	2.6%

Employees are only part of the City’s workforce. Volunteers are selected from the citizenry to advise on decision making and policy formation. There are 29 boards, commissions and authorities which work in partnership with the City’s governing body, administrators, and departments. In a recent count there were 274 citizen volunteer members participating in support of the City’s operations. The number of volunteers working with the city exceeds the number of employees. Both groups of personnel are integral to the City government’s effectiveness in serving the public. Working toward diversity in both employees and volunteers is critical to the City’s present and future proficiency. (v)

PART TWO: DEFINITIONS AND CONCEPTUAL FRAMEWORK FOR THE DEI PLAN

With the reconstitution of the Morgantown Human Rights Commission (herein often referred to as “the Commission”) in 2012, additional terms and definitions were added to the city’s Ordinance on Human Rights. The most notable new term was “*inclusive city*”—a term which undergirds the



work of the Commission and represents the expressed values and vision of the city as represented by City Council action re-authorizing the Commission's work. This ordinance provides a foundation for this Strategic Plan for Diversity, Equity and Inclusion, the terminology utilized, and the strategies selected.

Article 153, Section 153.02 of the Morgantown City Code now reads as follows:

“Inclusive City” and “Inclusive Community” as used in this ordinance, 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.

In creating this plan, the Commission identified and, in some cases, adapted definitions from several sources listed in the bibliography. Terms essential to understanding this strategic plan's goals and outcomes are **diversity, equity and inclusion**.

In an organization or a community, **diversity** is a term which relates to differences as manifested by individuals or groups of individuals. When diversity is used to identify persons according to common characteristics, it is commonly associated with race, color, ethnic or national origin. In reality diversity also relates to many other factors—not least of all age, gender and gender identity, sexual orientation, abilities, disability, education, religion, body type/shape, ancestry, family status, economic status, experience as a veteran, and other matters of background, orientation, or life experience. (y, bb)

In groups of persons such as a city department or board or commission, persons with differing underrepresented characteristics can contribute to group diversity. As within a research process where evaluating different experience or practices can usually yield a better understanding of an issue, so can a diverse group usually generate a more comprehensive, proficient response in group problem-solving.

Equity is sharing with individuals or groups the resources and benefits in an organization based on what the need is determined to be. The resources in an organization for its workforce include access to selection for a job, orientation to support job performance, fair compensation, fair access to benefits, and respect. (v)

For volunteers, having information about participation opportunities, access to open selection procedures, orientation and training, fair communication and respect are essential. It is important to note that the concept of equity is not the same as the principle of equality. In the latter there is an equal distribution of resources for all.

Inclusion is a process in which individuals are included as full members of a group in terms of its social network and team performance. Inclusion is a process by which persons can be fully engaged in the work life which benefits both employee satisfaction and the effective proficiency of the



organization. This need relates to the service of volunteers as well as employees.

Four terms essential to implementation of this strategic plan are **equitability in the workplace, cultural competence, organizational effectiveness/proficiency, and diversity management practices.**

Equitability in the workplace is a safe condition in which there is freedom to work without harassment, discrimination, or incidents involving sexism, racism, or other profiling. Protection for those who express these concerns is essential for building or rebuilding trust. Nurturing change in an organizational culture when there is bias and/or abuse is a pre-condition for promoting, cultivating, and strengthening diversity. (v)

Cultural competence/sensitivity is the ability to both understand and relate to persons of different cultures or conditions in the United States and to persons from other countries. It is based on a service provider's ability to have:

- 1) the awareness to identify the difference which may present a barrier to the person's ability to receive essential communication or services;
- 2) the attitude which allows the service provider to take seriously the person's need for additional assistance;
- 3) the knowledge to broker additional assistance; and
- 4) the skills to follow-up in an appropriate way. (p, u, bb) (*See Cultural Proficiency Continuum in Appendix F.*)

Organizational effectiveness /proficiency is produced by different organizations in different ways but the common factors usually involve having a sense of direction, use of resources with efficiency, performance of some tasks with high skills, concentration, and willingness to innovate. (cc) Municipal organizations can be considered to have the same needs, but as local service organizations, the need for cultural proficiency and the ability to relate to culture and diversity can be critical sources of strength and effectiveness. To be an effective, proficient municipal organization today, there needs to be an inclusive and equitable workplace with diversity at all levels, engagement and partnership with the community, and nurturing of collaborative partnerships and alliances. (v)

Diversity Management Practices are methods which an organization can adopt to be responsive to long-term diversity as well as to more recent changes in community populations. Planning and managing in ways which create proportionate representation in a city's workforce proactively requires specific actions to be taken by an organization to achieve the benefit of diversity. (n, o,bb)

PART THREE: VISION FOR MORGANTOWN AND RELATED NEEDS FOR CULTURAL COMPETENCE

“We want the City of Morgantown the way it is, only better.” (d)

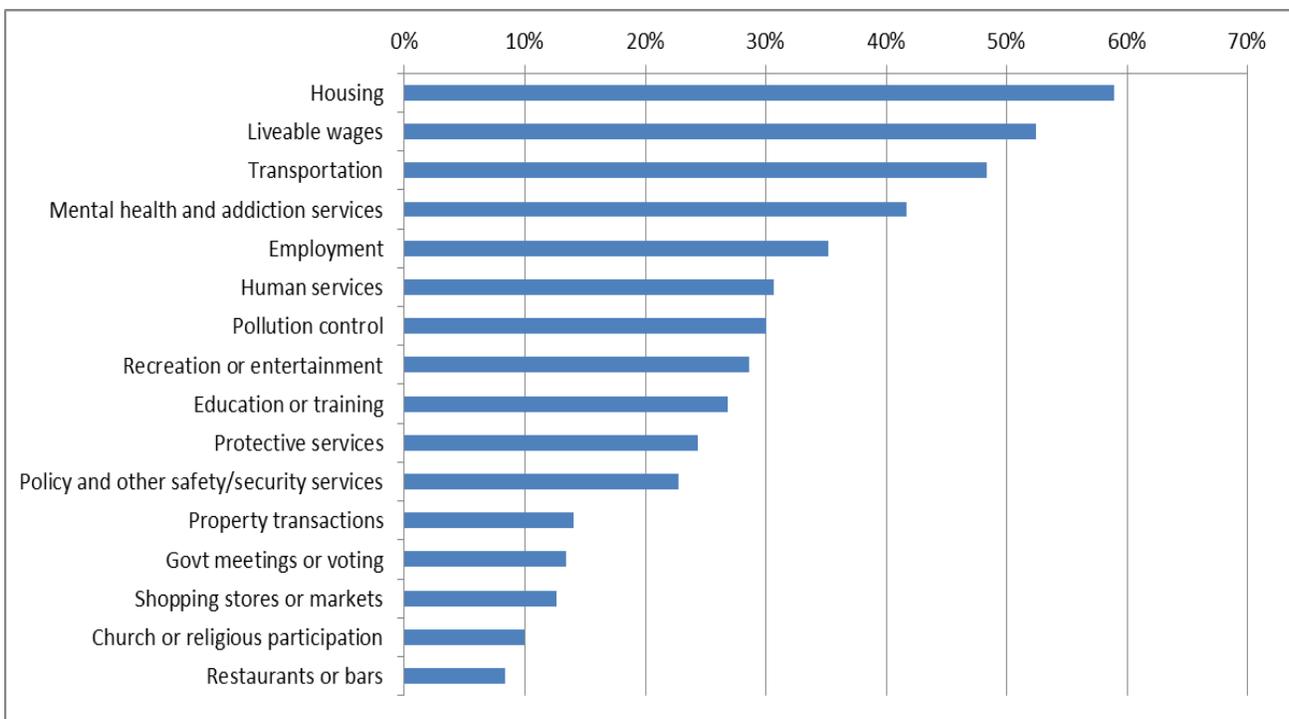
The City of Morgantown is a city with many advantages in terms of its local institutions and services as well as in having a progressive, hopeful outlook by its city leadership for its future. West Virginia University is growing in performance, facilities, and national stature. The hospitals



and health services improve each year, and the industries and commerce continue to demonstrate both stability and growth potential. Neighborhoods have made organizational progress in the recent decade. Many international families call Morgantown home, and the friendliness in the community is widely appreciated. The people’s diversity, character, knowledge, strength, creativity, generosity, and sense of fairness are assets on which to build.

There is more, however, that can be done to continue to build inclusivity and a viable economic base for all as well as a healthful sustainability in Morgantown’s future. Residents as well as persons having to commute long distances to work in Morgantown still experience serious inequalities due to limited housing options and supply. They are also challenged by the lack of availability of livable wage economic opportunities, restricted schedules in public transit, lack of adequate mental health and drug treatment services, inaccessible and minimally maintained public infrastructure—all of which affect public employees and their families and the governance which the city provides. (See Appendix D.) The chart which follows lists the priorities of unmet needs reported by 657 respondents in the 2014 Morgantown Human Rights Need Survey:

Percentage of Respondents Reporting Areas in which Morgantown Needs Improvement to become a More Inclusive City



“It is noteworthy that a significant number of respondents (at least 40%) selected each of the activities. Over half of respondents selected more education about how citizens can be more inclusive in business, community activities, and other areas; more community activities to highlight the diverse characteristics of Morgantown citizens and their positive contributions; more education in schools about Morgantown’s diversity; more jobs with livable wages; and more accessible and affordable housing. Another activity selected by 46% of respondents was more education about laws against discrimination, followed by more enforcement of laws against



discrimination (41.1%) and more publicity about Morgantown’s efforts to become an inclusive community (40.0%).” (See Executive Summary of Human Rights Need Survey in Appendix D.)

In order to progress toward making the city “better”, city leadership must understand and address priority needs of the city as well as needs in city governance. Volunteers in city advisory roles—as well as city staff—need to understand the needs of the community and the nature of the inherent partnership among citizens, elected officials, city volunteer advisors, and city staff. This partnership, when strong, works to help empower employees to provide quality, customer-oriented services to meet the needs of the public.

Sustained responsive staff services is largely determined by the “team” spirit and collaborative relationships within the staff. The proficiency in service occurs when there is a customer-orientation in service delivery regardless of the diversity in each individual being served. For staff to be driven by values of customer-orientation requires that there be a base of mutual respect and support for each staff person in the service unit and organization as a whole. This requires strategic attention being given to both cultural competency/senility training as well as diversity management and non-discriminatory equity.

PART FOUR: DIVERSITY MANAGEMENT PRACTICES

Diversity Management Practices enable a city to plan for achieving diversity and to manage means by which the total workforce and volunteer advisors can more likely reflect the benefits of diversity in the workplace and proportionate representation of a city’s population.

Critical factors in the design of a Plan for DEI are the component practices by which the program can be operationalized day to day and year to year. Nationwide, all local municipal government plans for generating and supporting diversity have not been uniform. Studies have classified variations in use of diversity management practices (DMPs) by municipalities and counties in ways to recruit/hire diverse workforces, retain them, and enhance environmental performance. There also have been DMPs identified which are applicable to generating and supporting the participation of community volunteers on municipal authorities, commissions, and boards as well.

This section of the Plan for DEI provides **an overview of the twelve diversity management practices** selected by the Human Rights Commission for adoption in City of Morgantown operations. It is based primarily, but not exclusively, on the research and a report of Hur and Strickland prepared at Appalachian State University located at Boone, NC (o, n) as well as on a study by Wyatt-Nichol at the University of Baltimore School of Public Affairs in Baltimore, MD and Antwi-Boasiako at the Stephen F. Austin University Department of Government at SFA Station Nacogdoches, TX. (n, bb)

1. Non-Discrimination in Employee Personnel Practices

An essential foundation for diversity, equity and inclusion for city employees is establishing the assurance that there is a standard of non-discrimination adopted specifically for employees by the city. Employees must be able to have the assurance that they will be protected from being treated differently than other persons and safeguarded with “the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on actual or perceived race,



religion, color, national origin, ancestry, sex, sexual orientation, gender identity, age, blindness, disability, familial status or veteran status.” (*Article 153 in City Code*)

2. Diversity Mission

Having a mission statement on diversity established by a city council provides a foundation for city management and administration recognition that diversity is a priority in all city personnel practices and decision-making. A mission statement generates a purposeful sense of direction for the city—internally as well as externally. Persons being considered for appointment or for hiring can be provided with the city mission statement and can know that psycho-social and cultural differences will be respected and valued.

3. Diversity Plan

A diversity plan provides a means for the diversity mission to be understood, adopted, measured and amended. Generating diversity in a workforce of volunteers and employees can take several years and must be manageable and sustainable.

4. Diversity Plan Management and Accountability

Depending on the form of city government, the implementation and oversight of a plan for diversity needs to be the responsibility of the chief executive who can delegate specific responsibilities for management of a plan to the director of human resources for city employees and to a city clerk or other person responsible for management of plan components relating to volunteer personnel.

For the city’s diversity mission to succeed with its workforce and volunteers, responsible managers and department administrators must be committed and accountable for making diversity in both employees and volunteers a priority and also provide frequent support through communications with staff, volunteers, and the public at large.

At the close of each fiscal year, the city executive, or his/her designee, needs to prepare a report on the diversity status of all employees and volunteers, share the report with a human rights commission or personnel board for review and comment, and then submit the report with comments to the city council.

5. Diversity Training

The director of human resource could be in a position to initiate equitability and diversity training for departments after initial training by a diversity program facilitator. Through new employee orientation and frequent training occurring no less than annually, employees will be able to understand and value more readily staff diversity and its benefits. Such training can be integrated with other training related to human resources and cultural competence/sensitivity. On-going training in diversity, along with mentoring and internship initiatives, can provide a foundation for achieving higher levels of diversity awareness, overcoming unconscious biases, education on organizational benefits, advanced sensitivity to issues, personnel retention, and inclusivity.



In the management of volunteer personnel selected by City Council to serve on boards, commissions and authorities, understanding the city's diversity mission will be important preparation for citizen volunteers' participation in decision-making and advisory service roles. Establishment of new volunteer orientation sessions will be essential for meeting this plan's goals.

6. Recruiting, Screening, and Hiring Staff from Diverse Minorities

The need for outreach distribution of employment and volunteer position openings can best be addressed by using multiple means of social media in efforts to inform highly diverse groups of potentially qualified candidates. Diversity recruiting needs to include local newspapers but also Facebook, blogs, and emailing to minority organizational contacts, newsletter editors, employment offices, selected internet sites, professional organizations—as well as postings in public buildings, businesses and locations frequented by minority populations, and more as may be needed.

Established procedures for screening of top applicants needs to involve reference checks and include the participation of a director of human resources or other designated administrative staff representative in addition to the department head involved in filling the position. Final confidential screening only by the human resources director should include background checks.

7. Community Engagement in City Government Diversity

City Council's process for filling a vacancy on an authority, board or commission should be an open process which allows time for processing recommendations from City Council members and individuals as well as the respective authority, board or commission involved. There also needs to be outreach engagement with neighborhood associations as well as other organizations representing or advocating for diversity interests in the community. Each candidate needs to confirm interest in serving by applying online, by postal delivery, or in person to the city clerk or volunteer manager who shall impartially administer the interviews and record the selection outcomes. (*See Appendix C for current Morgantown volunteer application form.*)

Annual or periodic communication with outreach organizations needs to involve evaluation of outreach effectiveness and organization communication preferences.

To assure transparency, interviews of candidates for volunteer positions need publish on agendas and otherwise be open to the community. City council members need to be informed on the diversity status of current membership of the authority, board or commission before decision-making processes on selection of a volunteer begin.

8. Formal Mentoring to Minority Employees

Recruiting diversity in personnel is only part of the challenge in addressing lack of diversity. Essential to progress is supporting retention through coaching and mentoring of minority employees to familiarize them with the city's norms and expectations while supporting them in their abilities to make use of their unique perspectives. Such support and attention can promote high productivity, better overall workforce performance, and higher organization proficiency.



9. Minority Internship Program

Internship programs help students and other prospective job candidates learn from a prototypical structured learning environment as well as provide an opportunity to test out new skills. For workplace personnel, it allows established employees to become familiar with persons who may be different but not part of their work force. Both have the potential for a stimulating and more inclusive work and learning experience. The overall experience can provide an excellent means for connecting minority job candidates with future city employment as opportunities permit.

10. Diversity Management Review by Human Rights Commission

Even though the city executive is the primary director to oversee the implementation of a city's plan for diversity, a city's human rights commission is in a position to help monitor the status of a plan's implementation. The city's annual reporting of comparative personnel statistics for both workforce employees by department and selected city volunteers makes it possible for the Commission to help monitor progress in Plan implementation and in personnel diversity and to report on its review annually to the city council at the close of each fiscal year.

11. EEO/Affirmative Action Plan/Non-Discrimination

A city's plan for diversity offers a process by which goals and objectives of an EEO/Affirmative Action Plan relating to personnel can be implemented and achieved. In the event that an EEO/Affirmative Action Plan should not be required by federal or state law, the city's Plan for DEI remains a means by which the city can sustain its process for working toward increased organization inclusivity and proficiency through generation and protection of diversity in both employees and volunteer participation.

In West Virginia the State Human Rights Commission is the designated EEO Commission and can be a primary resource for processing charges by employees or applicants because of employment discrimination relating to race, color, religion, sex, pregnancy, national origin, age (40 and older), disability, or genetic information. The EEOC often tries to settle claims with the help of a mediator. Sometimes, the EEOC takes cases to court. The EEOC does not charge a fee to investigate, mediate or litigate charges. The EEOC also educates employers, employees and the public about job discrimination. Supplemental nondiscrimination protections relating to sexual orientation, gender identity and veteran status are available through the City Human Rights Commission. (*See Article 153 of the Morgantown City Code.*)

12. Comparable Statistics Monitoring and Reporting.

Utilizing the city's demographic representations of various ethnic groups reported in Census data is an established means for estimating progress toward proportional representations in a city's personnel. Communities and institutions which do not utilize personnel in a manner which reflect proportional representation are more open to criticism in crisis. Studies purport that when municipalities reflect the demographic representation of the communities they serve, they will be more responsive to the public and perform better. (n, o, bb, etc.)

The comparable internal statistics on workforce and volunteer personnel by the City of Morgantown need to be evaluated by race (black, Hispanic, Native American, Asian, white,



other/unknown), age and generational diversity (40+, under 40), gender (male, female, transgender, non-binary), and disability based on self-disclosure.

When statistical standards are not applicable—such as with measurement of gender identity information, the availability of city policies which comply with national equity standards can be reported. (*For example, see National Center for Transgender Equality website.*) On policy matters related to gender identity, the implementation of standards specified in the Municipal Equality Index conducted by the national Human Rights Campaign can be included with annual municipal statistical reports.

PART FIVE: STRATEGIES FOR IMPLEMENTING THE DIVERSITY MANAGEMENT PRACTICES

This Section identifies 32 actions which will strategically enable improvement of diversity, equity and inclusion in the City of Morgantown’s employment and volunteer workforces. The numbering of the strategic action steps corresponds to the numbers of the Diversity Management Practices selected and presented in Part Four.

1.1 Adoption of Non-Discrimination Ordinance Relating to City Employment

To promote employee equity and inclusion, and to manage diversity in the workplace, the City will make employment decisions – including imposing work conditions; granting privileges; determining pay, benefits, bonuses, and time off; advertising positions; recruiting; hiring; retirement; termination of employment; decreasing or restricting benefits; or agreements respecting the conditions of separation from employment – in a manner designed to promote equity and ensure nondiscrimination with respect to the protected classifications identified in Article 153 of the City Code and any other protected classifications established by Equal Employment Opportunity laws.

The City will use the data from the annual review of the diversity status in volunteer representation and workforce as a consideration when filling vacancies to facilitate its commitment to a fair, equitable and diverse workforce that represents the diversity within the City.

Under employment discrimination laws, the City will protect employees in actions involving diversity such as harassment, retaliation, employment advertisements, and promotions.

All such issues as well as a need for authorized appeal procedures are essential to a municipal corporate foundation for non-discrimination standards and employee leadership training.

1.2 Annual Salary, Benefit, Bonus, and Time-Off Audit

Each fiscal year, the City Human Resources Director shall review all salary, benefit, bonus and time benefits for each employee to assure employment system equity while respecting employee diversity and/or reasonable specific health needs of a spouse or legal domestic partner.



2.1 Adoption of a City Mission Statement

A city's mission statement needs to include an articulation of the city's commitment to diversity, equity, and inclusion. A statement generated by the City Human Rights Commission which follows is an example of such a statement:

“Our mission is to value and serve the entire diverse community of Morgantown by providing responsive, effective, and cost-efficient mandated services supplemented by resourceful, collaborative initiatives to enhance the quality, prosperity, health and safety in life for all—today, tomorrow, and further in the future.”

City Council must adopt a mission statement with opportunities for public input in order for it to have broad-based usefulness.

3.1 Adoption of a Diversity Plan

Having a diversity plan can support consistent application of diversity management initiatives and increase the potential for both protective and productive outcomes. Procedures and standards relating to both employees and volunteers working for the City allows the City to more effectively maintain goal-directed services, take advantage of diversity in present and future personnel, provide legal protections from discrimination, and generate and support an even more proficient, satisfying, and valued service experience for all involved.

3.2 Statement of Purpose for the Diversity, Equity, and Inclusion Plan

The purpose of the City of Morgantown Strategic Plan for Diversity, Equity and Inclusion (Plan for DEI) is to create a diverse volunteer assemblage and a respected community of employees in the City's workforces consistent with the diversity in the City's population baselines determined by Census data. The plan's mission is:

- 1) to demonstrate diversity and inclusivity in City employment and volunteer participation in the City;
- 2) overcome actual discrimination on the basis of race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, age, blindness, disability, familial status or veteran status which can limit opportunities for individuals and the potential proficiency of the City; and
- 3) to affirm the demonstrated benefits of a diverse workplace where empowered persons are treated with equity and justice while working together to provide quality, customer-oriented services to meet the needs of the public.

The City Council must adopt a plan for diversity, equity and inclusion in order for it to be a foundation for priority policies for the City.

3.2 Goal Statements for Plan for DEI

The goals for this Plan for DEI are as follows:

1. To promote and sustain employee and volunteer personnel management practices in Morgantown City Government to strategically generate and support greater diversity, equity and inclusivity in City personnel.



2. To develop personnel measurement procedures to provide for annual assessment and reporting on personnel diversification in relation to census information and another adopted baseline information.
3. To promote inclusive engagement of city residents in the work of the City through outreach, education, reporting, and advocacy.

It is to address these goals that the following additional Diversity Management Practices are recommended.

4.1 City Manager to Lead Diversity Program

The implementation and oversight of the Plan for DEI in Morgantown needs to be activated by the City Council assigning responsibility for the program to the City Manager, who could in turn delegate specific responsibilities for management of the Plan to the Director of Human Resources for city employees and to the City Clerk for management of Plan components relating to volunteer personnel. The responsibility for ultimate oversight of the program would remain with the City Manager who would supervise the preparation of an annual report at the end of each fiscal year.

4.2 Information for Public Reporting

The offices responsible for volunteer service coordination and the human resources office for city employees shall collect and retain information necessary for the completion of the City Manager's annual report as specified in this Plan.

4.3 Administrative Transitions

After a year of DEI Plan implementation, the Director of Human Resources and the City Clerk would survey the members of the Morgantown City Council to determine recommended courses of action relating to DEI continuity when administrative transitions occur.

5.1 Training Program on Diversity and Orientation to Cultural Competence/Sensitivity Skills

After the Plan for DEI is adopted by City Council, it is recommended that the city engage diversity/cultural competence facilitators to provide basic orientation of city employees to the DEI program and City diversity classifications. The facilitators would prepare to meet first with the City Manager(s), the Human Resource Director, the City Councilors, department heads with the Human Resource Director, and then provide orientation to diversity and basic cultural competence/sensitivity training for aggregations of city employees.

The facilitator would then meet with the City Clerk, Mayor and City Manager to help plan orientation sessions for newly appointed volunteer members of authorities, boards, and commissions and after swearing the new advisors, to provide orientation to the City's mission statement, the City's protected classifications, its goals of diversity in personnel and in-service delivery, and other pertinent information.

The City Council will need to authorize expenditure of funds for contracts for multiple sessions with diversity/cultural competence and bias awareness facilitators as needed.



5.2 Training Coordination

Establish the Human Resources Department as the designated training coordination center for all city staff training including training for diversity, equity, and inclusion concepts and skills. Establish the City Clerk's Office as the designated training coordination center for the training and orientation relating to diversity and cultural competence /sensitivity for all newly appointed members of authorities, boards, and commissions. Incorporate training responsibilities in job descriptions of leadership personnel involved.

5.3 Training Outcomes

Establish quantitative and qualitative measures of training program related to City DEI Goals.

5.4 City Council Training

Provide volunteer training session on diversity and cultural competency/sensitivity to all City Council members every two years when new council members are selected.

5.5 Online Complaint/Compliment Portal

Modify as possible the online complaint portal for each city department to include also a capability for receiving compliments and inform the public of that capability on the City web site.

6.1 Social Media Outreach on All Posted Vacancies

Establish and sustain the practice of the Human Resources Office working with the City Communications Coordinator to use online and printed media outreach to inform neighborhood and special interest populations on externally posted city employment vacancies. Examples of outreach recipient organizations for personnel recruitment and annual reporting will include neighborhood associations and the Neighborhood Coordinating Council; minority liaison organizations; social justice and minority advocacy organizations; and interested service, education and religious organizations wishing to receive regular distribution of information. Individuals may request access to distributed information annually. The status of the City's outreach list for employment outreach will be reviewed annually by the Human Rights Commission and the City Manager's Office.

7.1 Community Engagement in City Government Diversity

City Council's process for filling a vacancy on an authority, board or commission shall be an open process which allows time for processing recommendations from City Council members and individuals as well as the respective authority, board or commission involved. The City Clerk in coordination with the City Communications Coordinator shall be responsible for conducting online and media outreach to City residents relating to city volunteer vacancies on authorities, boards, and commissions. to neighborhood associations as well as to other organizations representing or advocating for diversity interests in the community. According to City policies, unless otherwise specified, all appointed candidates are to be residents of the City of Morgantown.

Examples of outreach recipient organizations for recruitment of diversity for volunteer positions are neighborhood associations and the Neighborhood Coordinating Council; minority liaison



organizations; interested service clubs, professional development associations, social justice and minority advocacy entities, and religious organizations requesting regular distribution of volunteer vacancy information relating to City related authorities, boards and commission. The status of outreach list for volunteer candidates will be reviewed annually by the Human Rights Commission and the City Manager's Office.

7.2 Annual Review of Outreach Communication

Annual or periodic communication with outreach organizations shall include evaluations of outreach effectiveness and organization communication preferences.

7.3 Outreach Workshop on Authorities, Boards and Commissions

With the leadership of the Mayor or Deputy Mayor with the City Clerk and the participation of some volunteers on authorities, boards, and/or commissions, the City shall conduct outreach to neighborhoods and other interested entities to provide information and discussion for members of the general public who may be interested in learning more about City volunteer advisory opportunities.

7.4 Face-to-Face Meetings

City Councilors and volunteer representatives will be encouraged by the Mayor, the Deputy Mayor, and the City Clerk to convene face-to-face meetings with interested prospects or candidates for volunteer positions in City governance from a wide range of organizations, neighborhoods, hospitals, industries, chambers, occupations, industries, etc.

An alternative means for generating face-to-face meetings with prospects or candidates interested in volunteer service to the City might be to conduct a "Citizens' City Government Academy" in which a series of classes on topics relating to city governance in Morgantown could be offered to interested local citizens. *(See Appendix G for a draft format for a Citizens' City Government Academy.)*

7.5 Review of Diverse Neighborhood Representation

During the first quarter of each fiscal year, the Human Rights Commission shall work with the Mayor, Deputy Mayor and City Clerk to review the diversity status in volunteer representation, to make recommendations, and to reinforce efforts to have City authorities, boards, and commissions represent a diversity of Morgantown residents.

7.6 Applications for Volunteer Positions on Authorities, Boards and Commissions

To confirm and record interest in specific volunteer positions within the city governance, each candidate shall submit an application online, by postal delivery or in person to the City Clerk who shall impartially administer the interviews and record the selection outcomes. Applications shall be considered active for 12 months after which interested candidates must renew their applications at their own initiatives.



7.7 Transparency of Interview and Selection Procedures

To support transparency, names of prospective candidates to be interviewed for volunteer positions on authorities, boards and commissions will be posted on Council special meeting agendas in accordance with provisions for special meetings as required by the WV Open Governmental Meetings Act. Interviews are considered to be personnel matters and conducted in Executive Sessions. However, candidates may request an open interview a week in advance. The City Council members will strive to assure that appointments to authorities, boards and commissions represent the diversity of the community. Community members are valued stakeholders in this process. Interested stakeholders are encouraged to reach out to their City Council representative to express support or concerns about a perspective candidate for volunteer positions prior to the advertised scheduled interviews.

7.8 Conflict of Interest

In order to protect the public interest, any voting member of an authority, board or commission with a conflict of interest relating to a binding legal decision shall withdraw from the decision-making process related thereto due to potential personal interest, prejudice or partiality.

7.9 Length of Service

The City Council shall review length of service of members of authorities, boards and commissions reapplying for reappointment and encourage the involvement of new members when deemed practicable. Reappointment of an existing member is not automatic. New membership has the potential of increasing community involvement in City government. To achieve a goal of increasing community involvement, the Council may consider steps such as establishing term limits, adding members, recommending use of ad hoc committees and volunteers. According to BoardSource.org, the most common (72%) term structure for non-profit board terms is two consecutive three-year terms.

7.10 Appointments Not Biased by Race, Age, Gender or Gender Identity nor Other Human Rights Ordinance Classifications

In appointing volunteers to authorities, boards and commissions, the City Council shall not discriminate. Neither shall there be discrimination on the basis of age, race, color, culture, abilities/disabilities, sexual orientation, gender, gender identity, family or veteran status as well as the technical needs specific to an authority, board, or commission.

8.1 Formal Mentoring to Minority Employees

Whenever a person with minority background is employed, the personnel director may offer to link the new minority person with an existing minority mentor for six months to help establish support productive integration and to promote employee retention.

9.1 Internship Program and Minorities

When students serve internships with the City, the director of personnel will select intern personnel based on qualifications without discrimination. Should qualifications be judged to be equal, the personnel director will give priority to the applicant, if any, which is part of an under-represented minority in the City staff. The director of personnel will take steps to introduce the intern to other



minority persons on the City's workforce to reduce experiences of isolation and to promote a comprehensive welcome for the intern.

10.1 Diversity Management Review by the Human Rights Commission.

The Human Rights Commission shall review the City Manager's information for public reports and all pertinent demographics to assess the city's progress in complying with the goals of the Plan for Diversity, Equity, and Inclusion. It shall report its findings to the City Council by the August Committee of the Whole and may recommend strategies and targets to be considered for the year ahead.

11.1 EEO/Affirmative Action/Non-Discrimination

Information on the EEOC, Affirmative Action requirements and the City Non-Discrimination Ordinance will be included in diversity training provided by the City's personnel office.

12.1 Annual Workforce Demographic Reports

The DEI Plan focuses on the generation of annual reports at the end of the fiscal year under the direction of the City Manager to identify, profile and track diversity in both City employment and in volunteer participation on authorities, boards, and commissions. These reports will key on data from each City Department and each authority, board, and commission pertaining to race, gender, age, and disability and the subcategories provided in paragraph 12 in Part Four on pages 10-11. Where practicable, this data will be compared with the Census Data percentages for the City of Morgantown to determine comparative proportionality. The reports shall be transmitted to the Human Rights Commission for review, comment, recommendations which will be submitted to the City Manager and then to the City Council for public review at the September Committee of the Whole meeting.

It is important that successes in achieving diversity be acknowledged publicly to encourage other organizations in the city to adopt standards of equity. (y, r, bb)

It must be noted, that in accordance with guidelines of the federal Office of Management and Budget, race and gender data is collected by the Census Bureau and through the American Community Survey is based on self-identification. Accordingly, all employees are free to self-identify personal data or not-to-participate in the disclosure of personal information on age, gender, gender identity, sexual orientation, disabilities or any other classification. It is notable, however, that the purpose of this Plan and its collective annual disclosure is to strengthen acceptance of representative diversity both within the City government and in the community as a whole.

13.1 Related Strategies to be Implemented at a Later Time

There are issues which will need to be addressed as the City's Plan for Diversity, Equity and Inclusion is launched, utilized and evaluated. Many of the adjustments will need to be made by the Human Resources and City Clerk's offices with the guidance and authorization of the City Manager. Some policy changes may need to be addressed by the City Council.



It is essential, however, that as the Plan’s program evolves, it incorporates input from employees on its assessment as well as on its emerging goals, strategies and targets. Employees more engaged in the process will be more engaged in the program’s outcome. The overall performance outcome of the DEI Plan program may be enhanced by the establishment of an interdepartmental committee to advise on identification of modifications and alternatives in evaluations, efficiencies, competencies, responsibilities, training, relating to diversity management improvements.

Similar input from policy volunteers working with authorities, boards and commissions may contribute to a gradual enhancement of volunteer experience for persons serving as members of the City’s advisory and decision-making entities as well.

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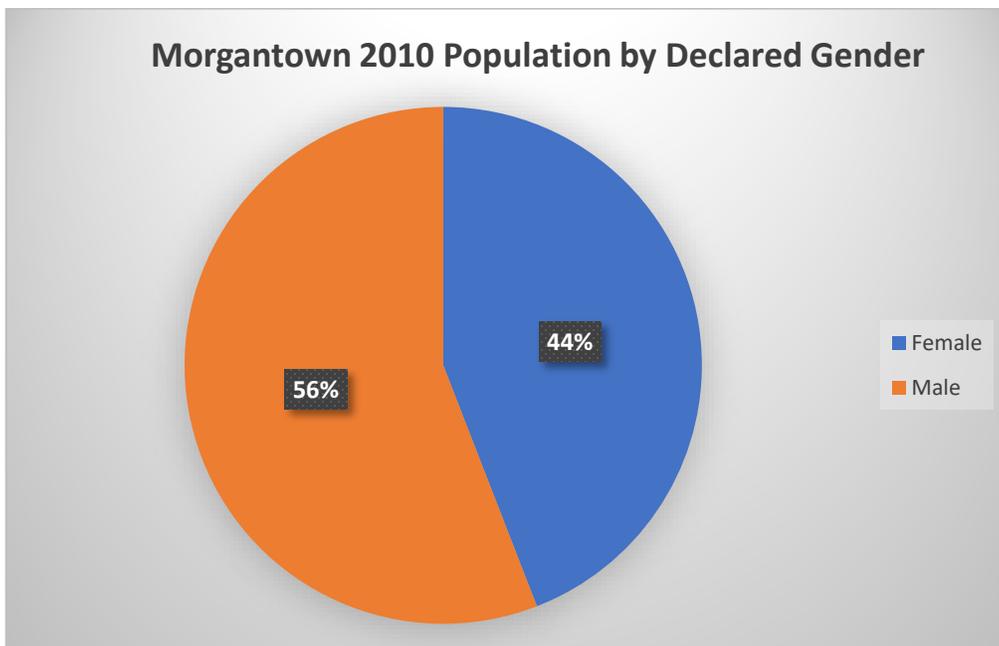
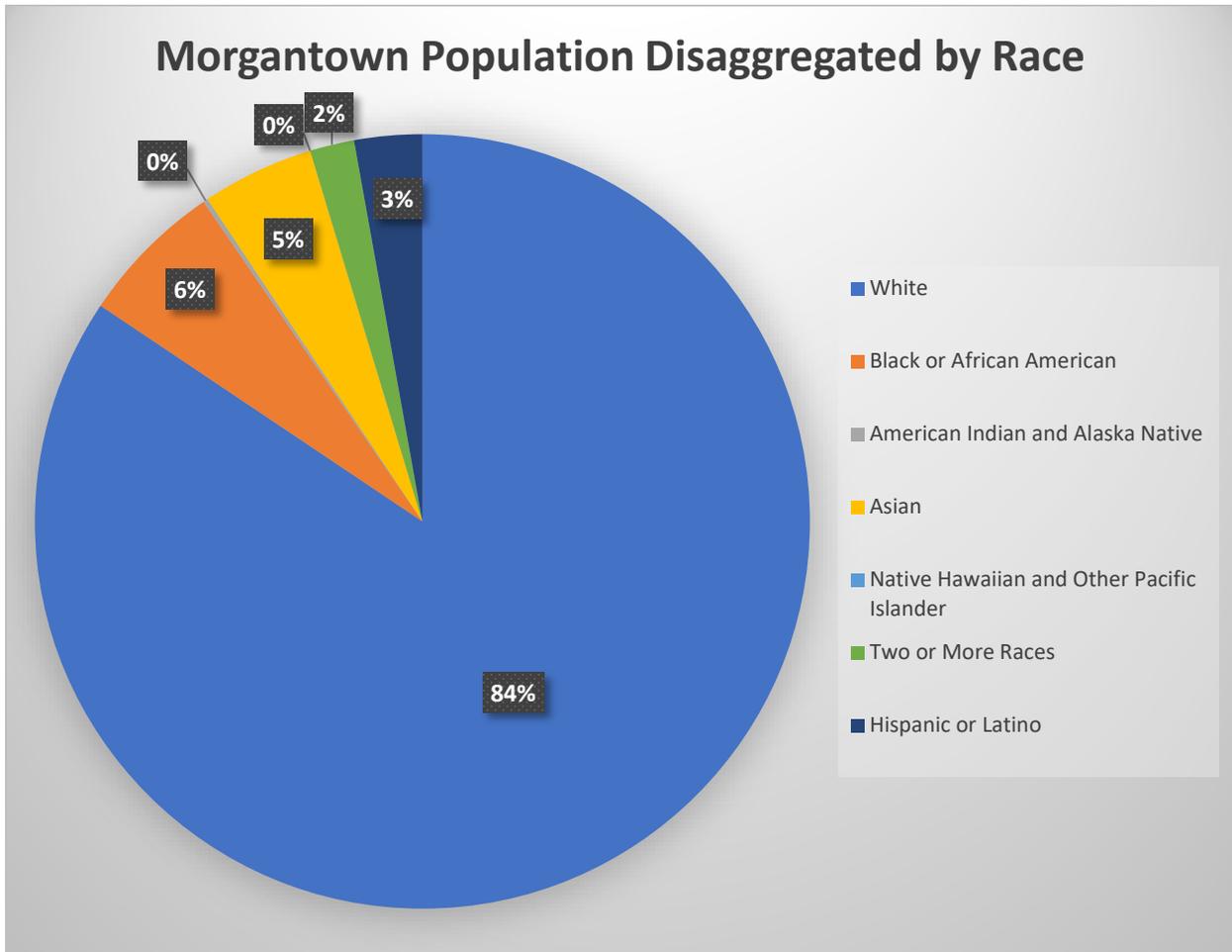
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APPENDIX A: MORGANTOWN SELECTED CENSUS PROFILES

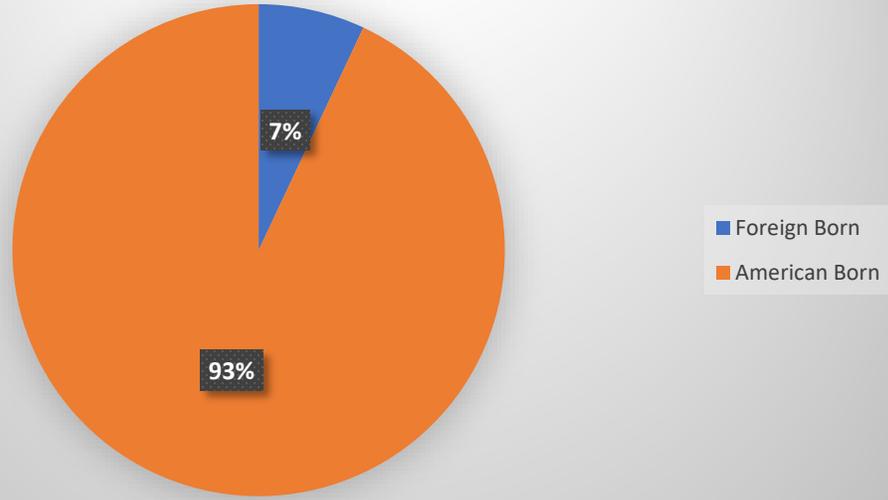
U.S. Census Information relating to Morgantown and Monongalia County

1. Total Population Disaggregated by Race, White Alone/Non-White. 1960 to 2010
2. Total Population 2010 by (Declared) Gender
3. 2010 Foreign Born Region of Origin/Morgantown
4. City of Morgantown 2010 Population by Age, White and Non-White
5. Total Population 2010 by Disability Status
6. Monongalia County 2010 Population by Age
7. Morgantown 2010 Poverty Rate

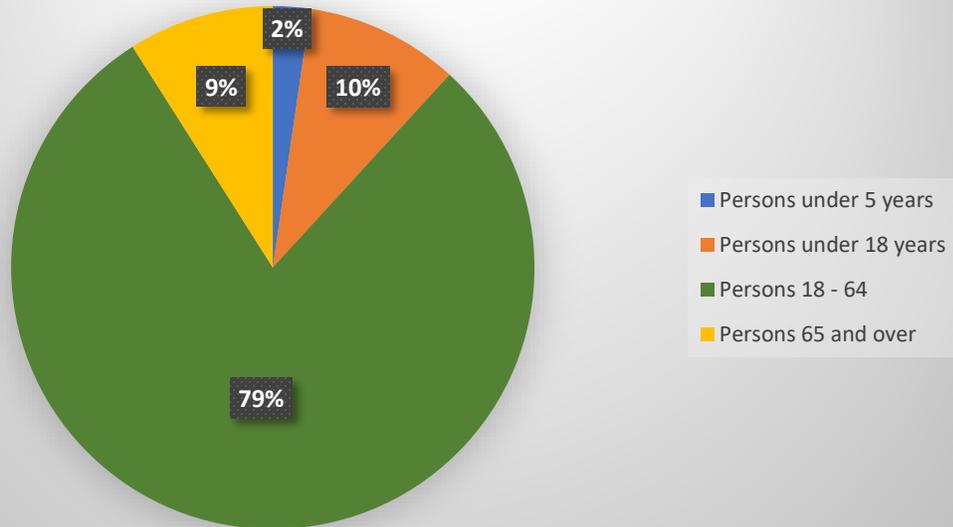




Morgantown 2010 Region of Origin

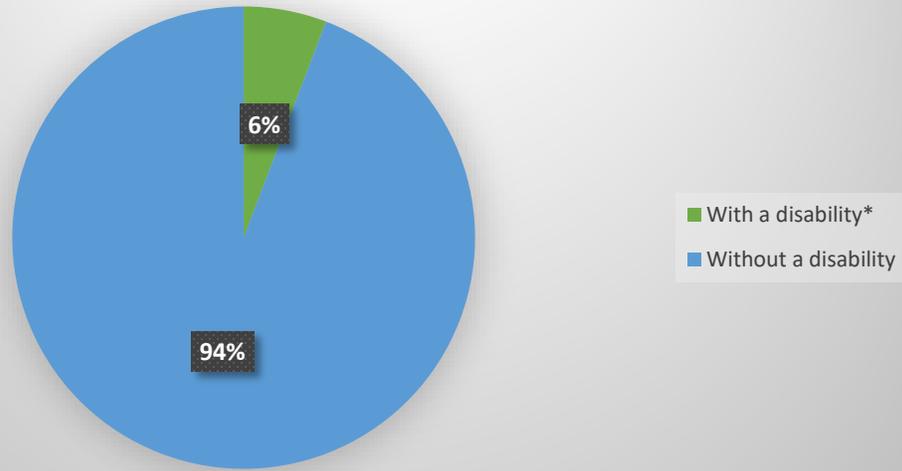


Morgantown 2010 Population by Age



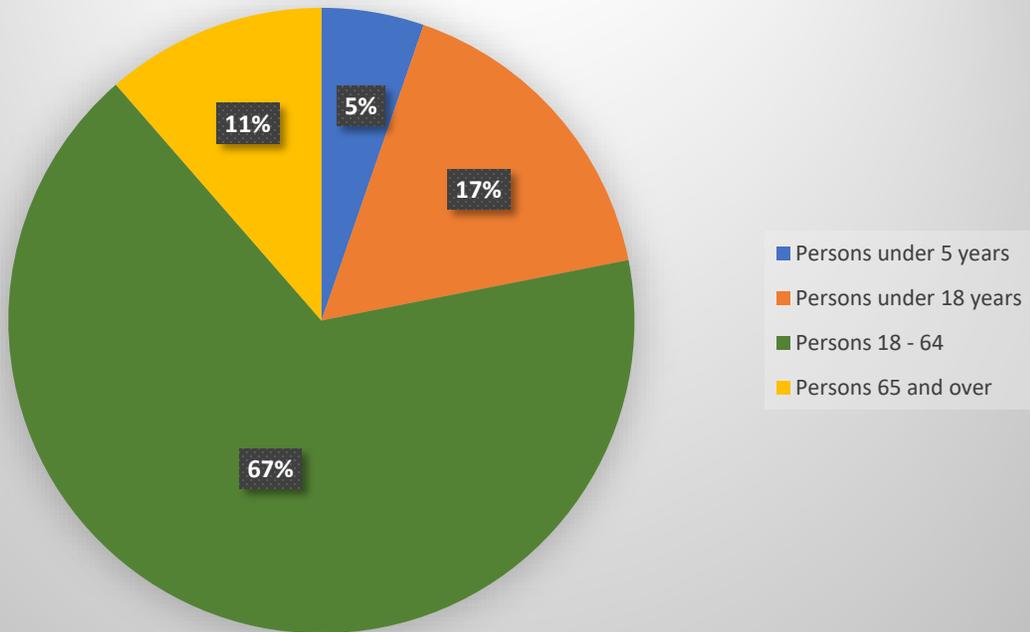


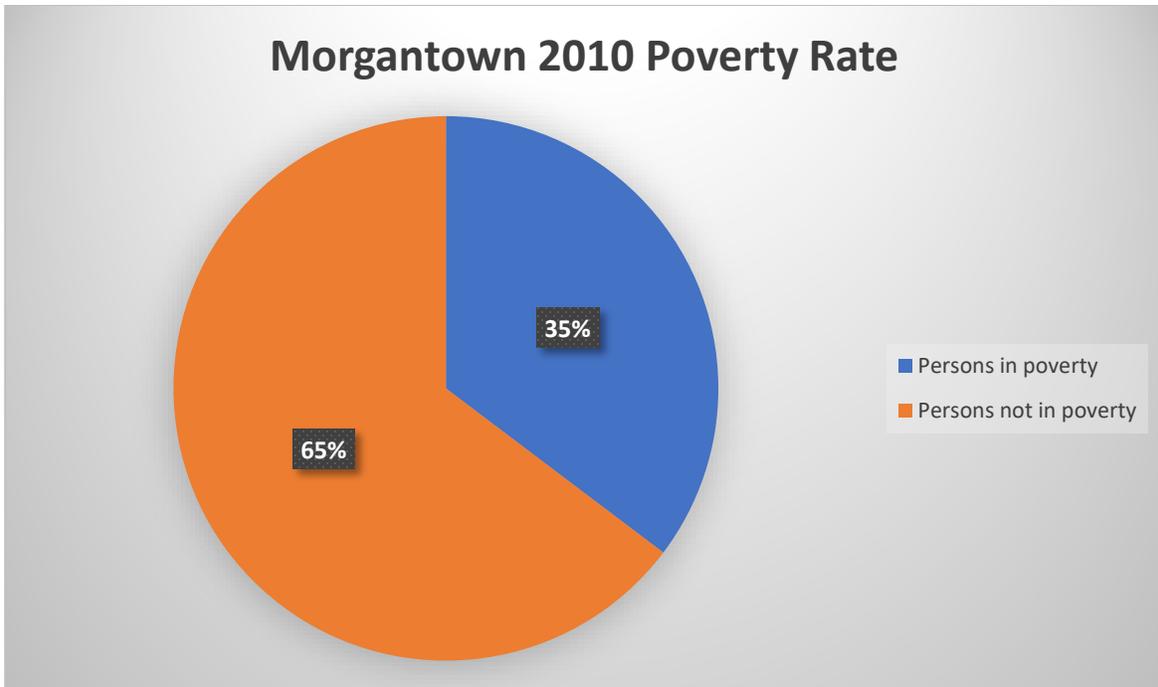
Morgantown 2010 Population by Disability Status



*Under 65 2012-2016

Monongalia County 2010 Population by Age







APPENDIX B: LISTING OF MORGANTOWN AUTHORITIES, BOARDS, COMMISSIONS, AND DEPARTMENTS

Listing of City of Morgantown Authorities, Boards, Commissions, and Departments

June – 2010 (partially updated))

City Departments – 255 Employees

Airport
City Attorneys
City Clerk – Elections, Meetings and Records, Applications for Appointments
City Hall – Administration, Public Information Services, Maintenance
Code Enforcement
Engineering
Finance
Fire – 48 paid firefighters; 3 stations; ISO Class 3
Human Resources
Information Technology
Municipal Court
Planning – Zoning Code updated in 2007
Police – 67 trained and sworn officers
Public Works – Including Street Department, Signs and Signals
Urban Landscaping

Free Standing Departments – 322 Full-time and Part-Time Employees

BOPARC – Recreation, Parks, Theatre, Trails
Morgantown Utility Board – Water, Sanitary Sewer, Storm Water Management
Parking Authority – Parking Garages, Parking Lots, On-Street Parking

Collaborative/Contracted/Supported Services (18 organizations)

Bartlett House Homeless Shelter – County ae al
City-County Transit Authority – w/ University support
Fairmont-Morgantown Housing Authority
Greater Morgantown Convention and Visitors Bureau – w/ County
Greater Morgantown Metropolitan Planning Organization – County, 4 Communities
Library – Central library in City plus Aull Center; 4 branches outside of City – with County, State
Main Street Morgantown – w/ County
Mon River Trails Conservancy – w/ County
Monongalia County Animal Control
Monongalia County Development Authority
Monongalia County Health Department
Monongalia County Solid Waste Authority
Morgantown Area Economic Partnership – County
Region VI PDC – Area Municipalities, Six Counties
Republic Waste Services – Fairmont - Private
Sunnyside-Up Neighborhood Revitalization – w/ University support
Teen Court - w/County, Courts (inactive)



West Virginia Botanical Garden – Located on City property
Your Community Foundation – A Community Trust w/ City Art Fund

Volunteer Boards, Commissions, Committees and Authorities – 274 Volunteer Positions
(29 organizations listed in alphabetical order)

- | | |
|--|---|
| Airport Advisory Committee b | Neighborhood Coordinating Council d
(Includes 9 Neighborhood Associations) |
| Board of Zoning Appeals a | Parking Authority a |
| Board of Park and Recreation Commissioners a | Pedestrian Safety Board c (Traffic Commission) e |
| Building Code Appeals Board a | Personnel Board c |
| Community Design Team a,b,c,e | Planning Commission a |
| Fire Civil Service Commission a | Police Civil Service Commission a |
| Historic Landmarks Commission a | Rental Housing Advisory Commission a |
| Human Rights Commission a | Sister City Commission a |
| Library Board of Directors a | Traffic Commission a |
| Metropolitan Theatre Commission a | Urban Landscape Commission a |
| Morgantown Building Commission a | Urban Tree Board c (Urb. Land. Commission) e |
| Morgantown Utility Board a | Ward and Boundary Commission a |
| Municipal Bicycle Board c (Traffic Commission) | Wellness Commission a |
| Museum Commission a | Woodburn Commission a |
| Municipal Green Team b,e | |

- a= Council Appointed
- b= City Manager Appointed
- c= Commission Appointed/Approved
- d= Neighborhood Association Appointed
- e= Open Membership

Inactive/Deactivated Commissions

Solid Waste Advisory Committee
Youth Commission



APPENDIX C: CURRENT APPLICATION FORM FOR VOLUNTEER POSITIONS

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: _____ WORK/CELL PHONE: _____

ADDRESS: _____ HOME PHONE: _____

ZIP: _____

EMAILADDRESS: _____

CITY RESIDENT? YES ___ NO ___ YEARS OF CITY RESIDENCY ___ WARD ___

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

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

JOB TITLE or JOB DESCRIPTION: _____

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"/> FMT/MGT HOUSING AUTHORITY | <input type="checkbox"/> POLICE CIVIL SERVICE |
| <input type="checkbox"/> FIRE CIVIL SERVICE | <input type="checkbox"/> SISTER CITIES COMMISSION |
| <input type="checkbox"/> HISTORIC LANDMARKS | <input 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"/> WELLNESS COMMISSION |
| <input type="checkbox"/> WOODBURN 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: 11/17



APPENDIX D: EXECUTIVE SUMMARY OF HUMAN RIGHTS NEED SURVEY OF 2014

2014 Morgantown Human Rights Needs Survey

(Excerpts of a summary report prepared by the Morgantown Human Rights Commission)

September 15, 2014

What is the Morgantown Human Rights Needs Survey?

The City of Morgantown Human Rights Commission (HRC) sponsored and conducted a mixed-mode community survey of Morgantown, WV residents to identify current community human rights needs and to solicit community input on ways to make Morgantown a more inclusive city. Conducted between January and June 2014, the survey was distributed by Commission members to various interest and diversity groups, neighborhood organizations, service clubs, West Virginia University faculty and students, as well as senior citizens of Morgantown. It was made available at public special events, on the City website, and by individual appointments with a Human Rights Commissioner held at the public library. The survey was administered by HRC members and volunteers from partnering organizations and was administered in the form of a web or paper survey. Large print and Braille formats were available. A total of 657 Morgantown residents responded to the community survey.

It is important to note that the survey was not intended or designed to be a scientific research study but rather a community process to systematically gather opinions to inform the HRC, City Council, and other interested organizations. The information is being used by the HRC to develop a community action plan for making Morgantown a more inclusive city.

Recommendations for making Morgantown a more inclusive city: Respondents were asked to select five top areas (among a list of 16) in which Morgantown should improve to be a more inclusive city (Q5). Key areas identified by respondents included housing (58.9%), livable wages (52.4%), transportation (48.4%), and mental health and addictive services (41.7%). Almost a third of respondents also selected employment (35.2%); human services such as food, clothing and shelter (30.7%); and better pollution control (30.1%). Least important to respondents were dining establishments or bars and church or religious participation (each less than 10.0%).

A complete copy of the 2014 Morgantown Human Rights Need Survey is available on line at the City website. Search “Morgantown WV Human Rights”



APPENDIX E: LIST OF BENEFITS FOR CITY EMPLOYEES

City of Morgantown Civil Service Employee Benefits



SUMMARY OF BENEFITS FOR CIVIL SERVICE EMPLOYEES

<u>BENEFIT</u>	<u>When Eligible</u>	<u>Cost</u>
Holidays – 12 holidays plus election days.	First day of employment	City
Vacation – Accrue 11 days in first year for full time employees. Pro-rated for part-time employees.	First day of employment	City
Sick Leave – 18 days per year. 10 of those days may be used for family illness.	First day of employment	City
Health Insurance – Low premiums, large provider network. \$2,000 deductible; plan pays 80% until employee has paid \$500. Reasonable and customary paid at 100% after that point.	First of month following start date	Shared
HRA Health Reimbursement Account – City contributes \$1,500 per year. That can be used for anything that insurance covers (i.e., deductibles, co-pays etc.).	First of month following start date	City
Pension – Opportunity to retire at age 50.	With 20 years of service	Shared
Longevity Pay – Appreciating your length of employment.	Third year of service	City
Dental Insurance – \$1,000 coverage. Allows 2 cleanings per year that are covered at 100%. Extractions, fillings are covered at 80%, dentures, crowns, bridges, covered at 50%.	First of month following start date	Shared
Flex Spending – Can contribute up to \$1,500 a year. Used for anything the insurance does not cover (vision over \$400 or dental work over \$1,000).	Voluntary benefit	Shared
Long Term Disability – After being absent for 90 days.	First of month following start date	City
Hazard Pay – Additional compensation based on scheduled shift.	First day of employment	City
Shift Differential – Afternoon and Evening Shifts.	First day of employment	City
Retention Pay – Recognizing you for staying with the City.	10 years of service	City
Uniform Assistance Program /Cleaning	First day of employment	City
Ongoing Educational Opportunities	First day of employment	City



City of Morgantown Non-Civil Service Employee Benefits



SUMMARY OF BENEFITS FOR NON-CIVIL SERVICE EMPLOYEES

<u>Benefit</u>	<u>When Eligible?</u>	<u>Cost?</u>
Holidays – Eligible for 10 plus election days.	First day of employment	City
Vacation – Pro-rated based upon employment. Accrue 15 days in first year.	Start accruing first day of employment	City
Sick Leave – 18 days per year and 10 may be used for family illness.	Start accruing during the first month when employee is working on the 10 th .	City
Health Insurance - Low premiums, large provider network. \$2,000 deductible and plan pays 80% until employee has paid \$500. Reasonable and customary paid at 100% after that point.	First of month following start date.	Shared
HRA Health Reimbursement Account - City contributes \$1500 per year. That can be used for anything that insurance covers (i.e., deductibles, co-pays etc.).	First of month following start date	City
Pension – Employee contributes 6%.	Vested after 10 years	Shared
Longevity Pay	Third year of service	City
Dental Insurance - \$1000 coverage. Allows 2 cleanings per year that are covered at 100%. Extractions, fillings are covered at 80%, dentures, crowns, bridges, covered at 50%.	First of month following start date	Shared
Vision Insurance - Plan pays for 80% up to \$400 that covers an eye exam, glasses, and contacts.	First of month following start date	Shared
Flex Spending - Can contribute up to \$1500 a year. Used for anything the insurance does not cover (vision over \$400 or dental work over \$1,000).	Voluntary benefit	Shared
Long Term Disability – After being absent for 90 days.	First of month following start date	City
Life Insurance - \$50,000.	First of month following start date	City



APPENDIX F: CULTURAL PROFICIENCY CONTINUUM

Cultural Proficiency Continuum (ways of seeing and responding to differences)



A. Cultural destructiveness – See the difference, stomp it out:

- The elimination of other people’s cultures

B. Cultural incapacity – See the difference, make it wrong:

- Belief in the superiority of one’s culture and behavior that disempowers another’s culture

C. Cultural blindness – See the difference, act like you don’t:

- Acting as if the cultural differences you see do not matter or recognizing that there are differences among and between cultures

D. Cultural pre-competence – See the difference, respond inadequately:

- Aware of the limitations of one’s skills or organization’s practices when interacting with other cultural groups

E. Cultural competence- See the difference, understand:

- The difference that difference makes: Interacting with other cultural groups using five essential elements of cultural proficiency as the standard for individual behavior and school practices

F. Cultural proficiency – See the difference and respond positively and affirmingly:

- Esteeming culture, knowing how to learn about individual and organizational culture, and interacting effectively in a variety of cultural environments

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APPENDIX G: CITIZENS CITY GOVERNMENT ACADEMY FORMAT

City of Morgantown Citizens City Government Academy (Possible Course Prototype)

Purpose:

To provide a public education opportunity to support a more informed citizenry which can participate more effectively in local government service, projects and decision making.

Program Format:

Twelve weekly three-hour sessions could be offered beginning in September and January. The sessions could be scheduled on Thursday evenings 6:00 – 9:00 p.m.

The WVU Department of Public Administration could explore ways in which the course may be taken for either academic credit or continuing education credit.

Organization:

The Academy will be administered by _____ (Name) _____ in conjunction with an advisory board consisting of the Mayor and/or appointed City Council member(s), representatives of the City Administration and neighborhood associations, and, if possible, a faculty representative of the WVU Department of Public administration.

Teaching Faculty:

Presenters at each session would be City staff /representatives or panels with elected officials related to the topics involved. Presentations//panels could be arranged with WVU faculty as topics and timing permit.

Admission, Enrollment, and Program Completion:

Admission would be open to residents, students, or business owners. Persons must be sixteen years of age and older. Enrollment would be limited to 30 persons due to size of facilities and management of course materials. A certificate could be awarded to those completing the program and a course evaluation. Persons would be asked to commit themselves to attending a minimum of eight sessions. An honors certificate could be awarded to those who meet higher standards for attendance, participation and presentation.

Expense:

No tuition cost for general admission students. If the Citizens City Government Academy is offered for academic credit, participants taking course for credit would be required to pay WVU academic program fees.



Application:

All individuals interested should apply online or pickup an application at the City Clerk’s Office at the City Hall at 389 Spruce Street. Applications will also be available at the Morgantown Municipal Library.

Course Prospectus:

- Session 1: Form of Government: The Charter, Organization, City Council, and Intergovernmental Responsibilities and Relations**
- Session 2: City Code; Authorities, Boards and Commissions**
- Session 3: Taxation and City Finances**
- Session 4: Planning and Zoning**
- Session 5: Hometown Security: MECCA, Police, Fire and EMS, Traffic Court**
- Session 6: Housing, Code Enforcement, Preservation**
- Session 7: Parking and Pedestrians**
- Session 8: Transportation Jurisdictions, Alternatives and Planning**
- Session 9: Public Works and Public Utilities**
- Session 10: Green Space, Parks and Recreation**
- Session 11: Public Process and Citizen Participation; Human Rights**
- Session 12: Neighborhood Associations and Neighborhood Coordinating Council**

Contact Information:

For further information contact...

(Name)
City of Morgantown
389 Spruce Street
Morgantown, WV 2650
Email: _____
Phone: 304-284-XXXX



APPENDIX H: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) DEFINITION OF HARASSMENT

Harassment

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

Prevention is the best tool to eliminate harassment in the workplace. Employers are encouraged to take appropriate steps to prevent and correct unlawful harassment. They should clearly communicate to employees that unwelcome harassing conduct will not be tolerated. They can do this by establishing an effective complaint or grievance process, providing anti-harassment training to their managers and employees, and taking immediate and appropriate action when an employee complains. Employers should strive to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

Employer Liability for Harassment

The employer is automatically liable for harassment by a supervisor that results in a negative employment action such as termination, failure to promote or hire, and loss of wages. If the supervisor's harassment results in a hostile work environment, the employer can avoid liability only if it can prove that: 1) it reasonably tried to prevent and promptly correct the harassing



behavior; and 2) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer.

The employer will be liable for harassment by non-supervisory employees or non-employees over whom it has control (e.g., independent contractors or customers on the premises), if it knew, or should have known about the harassment and failed to take prompt and appropriate corrective action.

When investigating allegations of harassment, the EEOC looks at the entire record: including the nature of the conduct, and the context in which the alleged incidents occurred. A determination of whether harassment is severe or pervasive enough to be illegal is made on a case-by-case basis.

If you believe that the harassment you are experiencing or witnessing is of a specifically sexual nature, you may want to see EEOC's information on sexual harassment.

Source: <https://www.eeoc.gov/laws/types/harassment.cfm>



APPENDIX I: LIST OF ORDINANCES REQUIRED TO IMPLEMENT THE PLAN FOR DIVERSITY, EQUITY, AND INCLUSION

List of Ordinances Required to Implement the Plan for Diversity, Equity, and Inclusion

RESOLUTION ADOPTING DIVERSITY, EQUITY, AND INCLUSION PLAN

The City of Morgantown hereby resolves that the enclosed “Strategic Plan for Diversity, Equity, and Inclusion” prepared by the Morgantown Human Rights Commission is adopted by the City and shall be used as a plan for implementing diversity, equity, and inclusion initiatives among the City’s employees and volunteers and in the community as a whole.

The City of Morgantown further resolves that the dedicated volunteers of the Morgantown Human Rights Commission are commended for their preparation of the Strategic Plan for Diversity, Equity, and Inclusion.

ORDINANCES

Article 111.

Policies and Procedures.

111.03. Diversity Policy.

(a) Legislative Findings and Purpose. The City Council of the City of Morgantown finds that having a mission statement on diversity established by City Council provides a foundation for city management and administration recognition that diversity is a priority in all city personnel practices and decision-making. The City Council further finds that a mission statement generates a purposeful sense of direction for the City—internally as well as externally. The City Council further finds that a mission statement will inform applicants for appointment or for hiring that psycho-social and cultural differences will be respected and valued.

(b) Diversity Mission Statement. The following mission statement is adopted by the City: “Our mission is to value and serve the entire diverse community of Morgantown by providing responsive, effective, and cost-efficient mandated services supplemented by resourceful, collaborative initiatives to enhance the quality, prosperity, health and safety in life for all—today, tomorrow, and further in the future.”

(d) Adoption of Policies. The Strategic Plan for Diversity, Equity, and Inclusion adopted by the City Council on October 1, 2019, shall operate as a policy of the City guiding the implementation of initiatives reflecting the City’s Diversity Mission Statement. The provisions of the Strategic Plan for Diversity, Equity, and Inclusion shall be non-binding guidance unless separately adopted by action of City Council.



APPENDIX J: PROJECTED DISTRIBUTION PROFILES FOR RESPONSIBILITIES IN IMPLEMENTATION OF DEI PLAN

City Manager

4.1 City Manager to Lead Diversity Program

TWO CORE RESPONSIBILITIES OF THE CITY MANAGER are the oversight of the implementation of the Plan for Diversity, Equity and Inclusion through, first, the delegation of responsibility for incorporation of diversity, equity and inclusion standards in City personnel services and the reporting annually on City employee diversity profiles and training initiatives completed during each fiscal year. These responsibilities are expected to be delegated to the Director for Human Resources.

The second delegation is for the use and promotion of diversity outreach recruitment and orientation protocols in the management of City volunteers appointed by the City Council. It is expected that these responsibilities will be delegated to the City Clerk. In order to prepare an annual report on volunteer diversity, it is presumed that City Clerk office will maintain a digitized record on diversity information received voluntarily from volunteer candidates either on application forms or as voluntarily disclosed during orientation sessions.

12.2 Annual Demographic Report

Upon a schedule determined by the City Manager, the Director of City Human Resources and the City Clerk shall submit numerical reports on the diversity of employees (by department) and volunteers (by board, commission or authority)—along with descriptions of training or orientations provided—to the office of the City Manager. The City Manager's office will be responsible for compiling the information for an ANNUAL DIVERSITY REPORT and add comparative information on race, declared gender, region of origin, age and disability for distribution to the Human Rights Commission and the Neighborhood Coordinating Council for review and comment. The report with review and comments received shall be submitted to the City Council for public review at a Council meeting during the month of September.

5.2 Training Hubs

DESIGNATE the Human Resources Department for all staff training including training for diversity, equity and inclusion concepts and skills. Establish the Office of the City Clerk as a training hub for volunteer orientation and training including orientation relating to diversity and cultural competence/sensitivity for all newly appointed advisory volunteers.

5.1 Initial Training on Diversity and Orientation to Cultural Competence/Sensitivity Skills

CONTRACT/ENGAGE with a cultural competence facilitator to provide basic orientation of city employees to the DEI Program. After meeting with the City Manager(s), the Director of Human Resources, department heads with the Director of Human Resources, the facilitator would provide an orientation to diversity and basic cultural competence/sensitivity training for aggregations of city employees. Thereafter, the facilitator would meet with the City Clerk, Mayor and City Manager to help plan



orientation sessions for newly appointed volunteer advisors for authorities, boards, and commissions.

5.4 City Council Training

EVERY TWO YEARS or when new City Council members are selected, the City Manager shall have the responsibility for organizing orientation and training on diversity and cultural competency/sensitivity related to the Diversity, Equity and Inclusion Plan and to procedures utilized in orienting and training new employees and volunteers.

5.5 Online Complaint/Compliment Portal

The Office of the City Manager shall have ONGOING responsibility for supervising the availability of contact with the City administration for complaints/Compliments utilizing the City website home page.

City Attorney

1.1 Adoption of Non-Discrimination Ordinance Relating to City Employment

DRAFT DOCUMENT for Presentation to City Council.

3.1 Adoption of a Plan for DEI

DEVELOP AN ORDINANCE which provides authorization for an approved but amendable plan for diversity, equity and inclusion to be used in the personnel management for City employees and Council appointed volunteers.

City Clerk

5.1 Initial Training on Diversity and Orientation to Cultural Competency/Sensitivity Skills

PARTICIPATE and plan orientation sessions for newly appointed city volunteers.

5.2 Training Hubs

Office of the City Clerk will be designated as a training hub for volunteer orientation and training including orientation relating to diversity and cultural competence/sensitivity for all newly appointed advisory volunteers.

7.3 Outreach Workshop on Authorities, Boards, and Commissions

In cooperation with the Mayor and deputy Mayor, the City Clerk shall assist in organizing an ANNUAL OUTREACH WORKSHOP—or other process—to inform the general public on City volunteer advisory opportunities.

7.4 Face-to-Face Meetings

ENCOURAGE face-to-face meeting by City Councilors with prospects or candidates for volunteer positions in City governance from a wide range of organizations, neighborhoods, hospitals, industries, chambers, occupations, etc.

7.6 Applications for Volunteer Positions on Authorities, Boards and Commissions

IMPARTIALLY ADMINISTER APPLICATION PROCEDURES—online, postal delivery, and walk-in—for candidates interested volunteer positions in city governance, record selection outcomes with volunteered diversity data, and retain active applications of non-accepted candidates for no less than 12 months.



4.2 Information for Public Reporting

OFFICE OF THE CITY CLERK shall collect and retain information voluntarily provided as necessary for the completion of the City Manager's ANNUAL REPORT as specified in the approved Plan for DEI.

7.7 Transparency of Interview and Selection Procedures

7.9 Term Limits

INTERVIEWS of each candidate for volunteer positions shall be open to all persons with the exception of other candidates competing in the same selection process. The City Clerk shall provide advance information to the City Council on 1) the current diversity status of the authority, board or commission to which an appointment is to be made, 2) the number of terms served by each candidate being considered.

City Human Resources Director

2.1 Annual Salary, Benefit, Bonus, and Time-Off Audit

Each fiscal year the City Human Resources shall review all salary, benefit, bonus and time benefits for each employee to assure employment system equity regardless of employee diversity or specific health needs of a spouse or legal domestic partner. ONGOING.

4.2 Information for Public Reporting

The Human Resources Department shall collect and retain information voluntarily provided as necessary for the completion of the City Manager's ANNUAL DIVERSITY REPORT as specified in the approved Plan for DEI (12.2).

5.2 Training Hubs

The Human Resources Department will be designated as a training hub for all staff training including training for diversity, equity and inclusion concepts and skills.

5.1 Initial Training on Diversity and Orientation to Cultural Competence/Sensitivity Skills

The City will contract with a cultural competence facilitator to provide basic orientation of city employees to the DEI Program. After meeting with the City Manager(s), the Director of Human Resources, department heads with the Director of Human Resources, the facilitator would provide an orientation to diversity and basic cultural competence/sensitivity training for aggregations of city employees. From this experience, the Director of Human Resources will be prepared to provide orientation for new department heads on City goals and objectives for diversity and to facilitate increased cultural competence/sensitivity skills of employees.

12.2 Annual Demographic Report

AT THE END OF THE FISCAL YEAR the Director of City Human Resources shall submit numerical profile reports on the diversity of employees (by department) along with descriptions of training or orientations provided - to the office of the City Manager. The City Manager's office will be responsible for compiling the information for an ANNUAL DIVERSITY REPORT for distribution to the Human Rights Commission and the Neighborhood Coordinating Council for review and comment. The report with review and



comments received shall be submitted to the City Council for public review at a Council meeting during the month of September.

City Communications Coordinator

6.1 Social Media Outreach on all Posted Vacancies

7.1 Community Engagement in City Government Diversity

WORKING WITH THE CITY CLERK AND HUMAN RESOURCES DIRECTOR, the Communications Coordinator shall assist in establishing and maintaining online and printed media outreach to inform the public – including neighborhood and special interest groups on volunteer openings and externally posted city employment vacancies.

7.2 Annual Review of Outreach Communication

NO LESS THAN ANNUALLY, the Communications Coordination shall offer communication network updates and evaluations on outreach effectiveness.

City Council

3.1 Adoption of a Diversity, Equity and Inclusion Plan

2.1 Adoption of a Mission Statement

ADOPT AN ORDINANCE authorizing use of an approved but amendable Plan for DEI to be used in the management of City employees and Council appointed volunteers.

APPROVE an acceptable Diversity, Equity, and Inclusion Plan for management of City Employees and Council appointed volunteers. This action would involve approval of plan components including a mission statement (2.1), statement of purpose (3.2), goal statements (3.2), city manager leadership (4.1), reporting (4.2 and 12.2), administrative transitions (4.3), training (5.1-3), complaint/compliment management (5.5), outreach on all employment and volunteer posted vacancies (6.1, 7.1-4), community engagement processes (7.1), selection procedures (7.6-7), conflict of interest and term limits (7.8-7.9), and protections relating to gender and minorities (7.10-11.1).

7.4 Face-to-Face Meetings

FACE-TO-FACE MEETINGS BY CITY COUNCILORS with potential candidates for City volunteer position will be *encouraged* by the Mayor, Deputy Mayor and City Clerk. An alternative might be the conduct of a Citizens' City Government Academy or other means for promoting informed interest in service on City boards, commissions or authorities.

12.2 Annual Diversity Report

ANNUALLY REVIEW ANNUAL DIVERSITY REPORT PUBLICALLY IN SEPTEMBER annual administrative reports on the diversity in City employment and volunteer participation after their review by the Human Rights Commission and the Neighborhood Coordinating Council.



Neighborhood Coordinating Council

12.2 Annual Diversity Report

IF NCC SCHEDULING PERMITS, the Neighborhood Coordinating Council shall have an opportunity to review the Annual Diversity Report and to prepare review and comment to be included with the Reports submission to City Council as information at a meeting during the month of September.

Human Rights Commission

10.1 Diversity Management Review by the Human Rights Commission

The Human Rights Commission shall review the City Manager's Annual Diversity Report and all pertinent demographics to assess the city's progress in complying with the goals of the Plan for DEI. It shall report its findings to the City Council before September Council meetings.



APPENDIX K: PRESENTATION ON DIVERSITY IN THE WORKPLACE (PUBLISHED BY MORGANTOWN DOMINION POST)

APPENDIX K: BENEFITS OF DIVERSITY: A PRESENTATION ON DIVERSITY IN THE WORKPLACE
A Center-Page Presentation Published by the Morgantown Dominion Post – January 6, 2019

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— Misunderstood
get free coaching tips at ourofficecoach.com, or follow her on Twitter @officecoach.

DIVERSITY IN THE WORKPLACE | GOOD BUSINESS



Benefits of Diversity

A diverse workplace should reflect the community it serves in regards to age, gender, ethnic groups, religions and other factors. Paying attention to diversity when you hire new employees or create a new team can bring big benefits to your company.

ATTRACTING CONSUMERS

More and more, consumers are recognizing and rewarding diverse companies. Multicultural buying power, Forbes says, grew to \$3.4 trillion in 2014 and is predicted to rise. Consumers like to see a company that recognizes diversity and where they can be served by someone who looks, thinks or talks like themselves.

SERVING NEW POPULATIONS

As the American population

becomes more diverse, so must American business.

Having a diverse workforce can mean having an employee that speaks a consumer's specific language or recognizes a religious holiday. Make it easier for multicultural consumers to spend their money with you.

ATTRACTING TALENT

Just like consumers, job seekers are putting a premium on working with a multicultural team. A 2017

survey by employment website Indeed showed that more than two-thirds — 77 percent — of job seekers in the white-hot tech sector say it's important for a company to have a diverse workforce.

Even if you aren't hiring now, you should be concerned about diversity. A 2014 survey by employment review company Glassdoor shows that 57 percent of employees think their current company should be doing more to increase diversity.

ATTRACTING NEW IDEAS

By hiring from a range of cultures, races, genders and more, companies are bringing in a wide range of new ideas.

Teach managers to foster a company culture of engagement and innovation by encouraging all employees to bring their ideas and experience to the table. Better brainstorming sessions mean a shorter time to a workable solution in your company.

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When office closes do workers get paid?

2-E THE DOMINION POST SUNDAY, JAN. 6, 2019



APPENDIX K: BENEFITS OF DIVERSITY: A PRESENTATION ON DIVERSITY IN THE WORKPLACE
A Center-Page Presentation Published by the Morgantown Dominion Post – January 27, 2019

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DIVERSITY IN THE WORKPLACE | DO MORE



Tips for Increasing Diversity

Hiring managers and human resources managers may need to think outside of their usual boxes when looking for a more diverse workforce. Here are some tips from The Wall Street Journal on increasing diversity.

MAKE A PLAN
Working with your management team, decide on a goal, such as serving a particular population. Then, come up with a workable plan to achieve that goal. You don't want to end up struggling to hire someone with specific language skills when you won't be working with the community with whom they can communicate.
Make sure your hiring strategy conforms to federal, state and local laws

regarding recruiting and employment.
CONNECT WITH COMMUNITIES
Speaking of community, reach out to houses of worship and community groups that serve the populations you'd like to represent in your workforce.
 Oftentimes, leaders there can point you to candidates in places you may not have reached before. While you're there, ask these leaders what your company can do to make itself more

attractive to job seekers and consumers alike.
TAKE A LOOK AT BENEFITS
See that your benefits offerings align with the communities you want to employ and serve. Some changes might be simple — flexible schedules and mothers' rooms for parents — while others, like accommodating religious wear and holidays, might be more difficult. Play up these benefits while you're recruiting.

Could you live on your savings for 23 years?



The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
OFFICE: (304) 284-7405 FAX: (304) 284-7430
www.morgantownwv.gov

Office of the City Manager

City Manager's Report for City Council Meeting on March 3, 2020

Information:

1. Update About the Vacant Building Registration Program

City Council passed an ordinance back in October 2017, modifying the Vacant Structure Code (Article 1718) of the Code of Ordinances. This created a Vacant Building Registration process (and fee structure) that first started in July 2018. A registration statement form is required by owners, or the owner's local agent, to be filed with the city's Code Enforcement Department within 60 days of the building being vacant. While the registration occurs, this does not exonerate the owner from penalties for failure to comply with any other building, housing, or fire code requirements.

The registration requires a payment of fees prescribed according to the duration of the structure being on the Vacant Building Registration list. The fees due upon registration are in the following amounts for each vacant building:

Less than one year	No Fee
At least one year but less than two	\$500.00
At least two years but less than three	1,000.00
At least three years but less than four	2,000.00
At least four years but less than five	3,500.00
At least five years but less than six	4,000.00
Plus, an additional \$1,000 for each year in excess of five years.	

To date, one hundred and nineteen (119) structures are registered. Two were registered in 2019 (pay no fee), and the remaining have been registered since the inception of the program. Included in the report is a map showing the locations (as well as a heat map showing a concentrated number of properties) of all properties registered. The total fees collected is \$49,520.00 for the entire program.

Since the program has been implemented, twenty-one (21) demolition permits were sought for residential structures (during 2018 and 2019). The implementation of the program has been effective in prompting property owners to tear down dilapidated houses.

- 2. Update About Improvements to HRM Amphitheater and Riverfront Park**
Construction work continues at Hazel Ruby McQuain Amphitheater and Riverfront Park, and Walnut Street Landing. We anticipate that all work will be completed on the Amphitheater side by mid-April. Remaining work includes installing light poles, concrete and asphalt work, topsoil and landscaping. Once work is completed, the construction fencing will be moved so that the amphitheater side of the project can be reopened. Work remaining on the Walnut Street Landing will lag by a few weeks, at minimum. The design and construction schedule is being updated to include the Kayak Rental Facility, which will lengthen the construction timeframe. Remaining work includes finishing side utilities, retaining wall, landscaping, kayak launch, sidewalks, concrete and asphalt work, and the construction of the Kayak Rental Facility.

- 3. Morgantown Planning Commission – Annual Report 2019**
Included in the packet is a copy of the 2019 Annual Report from the Planning Commission. This report provides an overview of activities, initiatives and progress of the commission over the past year. No formal action is required – this is presented for informational purposes only.

New Business:

- 1. Recommended Nuisance Abatement Declaration Against Problem Property Owner – 625 Pennsylvania Ave, 324 Dewey Street and 619 Brockway Ave**
Attached to this report you will find three separate memorandums from Police Chief Ed Preston recommending declaring a Public Nuisance pursuant to Morgantown City Code 1149.03. Each document is descriptive in detailing the complaints and police reports that have been filed associated with each of the three addresses. None of the properties are rentals – they are recorded as vacant structures with the Code Enforcement Department.

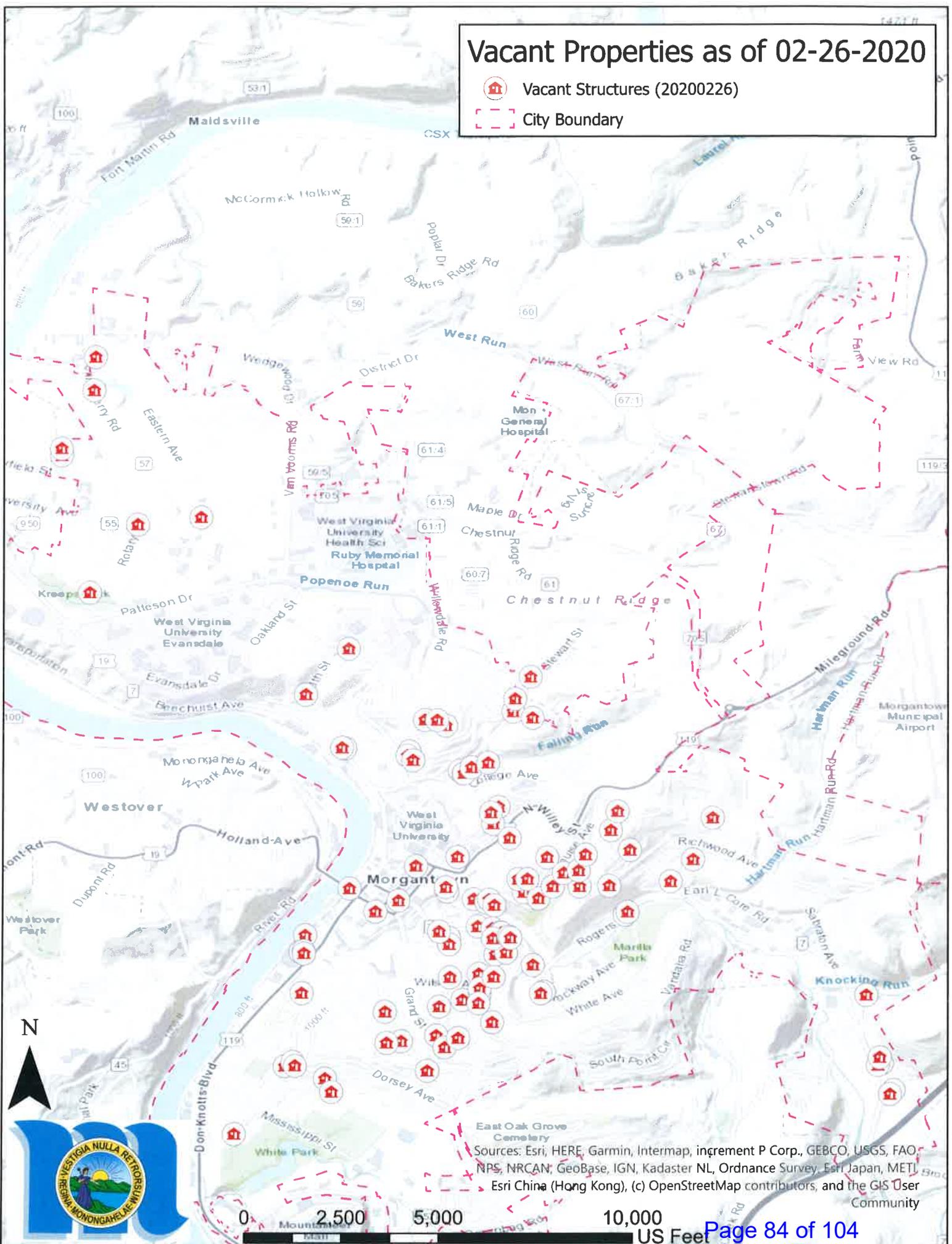
I am presenting to you for consideration, a motion to conduct a public hearing at the next City Council meeting (March 17) to order a nuisance abatement. The code requires that the city provide 10 days-notice to the property owner. Additionally, the City Attorney is recommending that the city file a subsequent petition in Circuit Court for mandamus to compel the owner to comply, and allow the city to take enforcement action if compliance is not made.

Again, I recommend a motion to approve setting the hearing for March 17 and preparation of a resolution to declare these properties as a Public Nuisance.

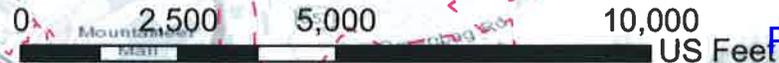
Paul J. Brake, ICMA-CM, CEcD
City Manager, Morgantown, WV

Vacant Properties as of 02-26-2020

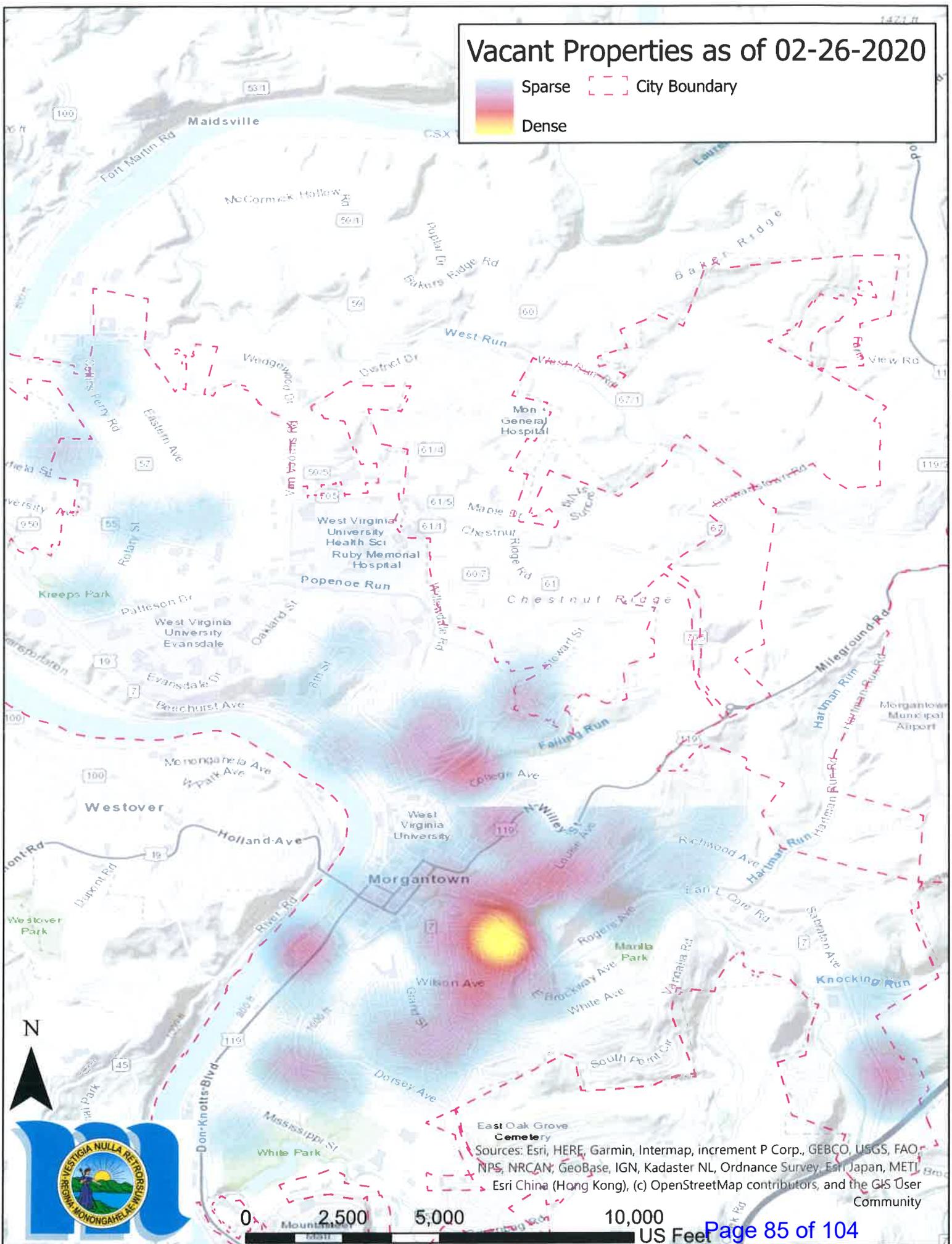
-  Vacant Structures (20200226)
-  City Boundary



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Vacant Properties as of 02-26-2020



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



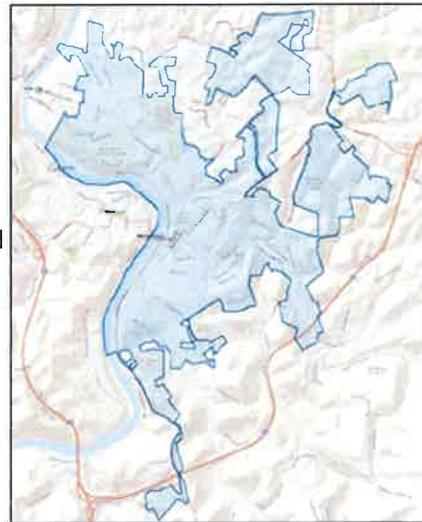
The West Virginia State Code Chapter 8A-2-11 requires Planning Commissions to:

"Make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction."

The Morgantown Planning Commission respectfully submits this 2019 Annual Report to the Morgantown City Council.

Morgantown Land Use Planning Milestones

- 1944 City Council adopted first Zoning Ordinance
- 1959 West Virginia Planning Enabling Act Adopted
- 1961 City's First Comprehensive Plan Adopted
- 1970 Comprehensive Plan Updated
- 1979 First City Planner Hired
- 1999 Comprehensive Plan Update Adopted
- 2006 Planning & Zoning Code Modernized and Codified
- 2010 Downtown Strategic Plan Update Adopted
- 2013 Comprehensive Plan Update Adopted
- 2016 Small Area Plan – Future Study Area No. 17
- 2017 Small Area Plan – Future Study Area No. 2
- 2018 Small Area Plan – Future Study Area No. 18
- 2018 Small Area Plan – Future Study Area No. 16
- 2019 Small Area Plan – Future Study Area No. 5



2019 Planning & Zoning Cases

The following table illustrates the caseload for the Planning Commission and Board of Zoning Appeals during the 2017, 2018, and 2019 calendar years.

PC	BZA	Number of Applications			2019 Actions			
		2017	2018	2019	Pending	Approved	Denied	W/drawn
Site Plans (DSI)		3	2	1		1		
Minor Subdivisions		18	22	17		17		
Major Subdivisions		0	0	0		0		
Map Amendments		3	3	5	1	4		
Text Amendments		12	7	1		1		
Variances		42	44	41		41		
Conditional Uses		10	9	4		4		
Administrative Appeals		3	2	0		0		
TOTAL		91	89	69	1	68		

Citizen Planners

The success of local planning policies, programming, and services depends largely on the commitment and integrity of residents appointed by the Morgantown City Council to serve on various planning-related commissions, boards, and committees. Morgantown is fortunate to enjoy a well-informed public willing to serve in the role of "Citizen Planner." The following table identifies these volunteers and their respective terms as of December 31, 2019.

Citizen Planner	Date of Original Appointment	Current Term	Tenure (in months)
Planning Commission			
Peter DeMasters, President 6 th Ward Representative	03/21/2006	01/01/17 – 12/31/19	164
Carol Pyles, Vice-President 7 th Ward Representative	09/17/2008	01/01/19 – 12/31/21	135
Sam Loretta 1 st Ward Representative	06/20/2006	01/01/18 – 12/31/20	161
Tim Stranko 2 nd Ward Representative	03/21/2007	01/01/18 – 12/31/20	152
William Blosser 3 rd Ward Representative	11/05/2013	01/01/17 – 12/31/19	73
William Petros 4 th Ward Representative	01/19/2010	01/01/19 – 12/31/21	119
Michael Shuman 5 th Ward Representative	08/04/2009	01/01/19 – 12/31/21	124
Ron Dulaney Jr. City Councillor	07/01/2017	City Council term ending 06/30/21	30
AJ Hammond Administration Representative	11/20/19	at the will of City Manager	1
<i>PC Tenure Summary:</i> Total: 959 mos. or 79.9 yrs. Average: 106.6 mos. or 8.9 yrs.			
Board of Zoning Appeals			
Harrison Case	2/21/2017	01/01/17 – 12/31/19	35
Kevin Meehan	10/17/2017	01/01/19 – 12/31/21	27
Chris Benison	12/5/2017	01/01/18 – 12/31/20	24
Heidi Cook	03/20/2018	01/01/18 – 12/31/20	21
Garrett Tomblin	01/9/2019	01/01/19 – 12/31/21	12
<i>BZA Tenure Summary:</i> Total: 119 mos. or 9.9 yrs. Average: 23.8 mos. or 2 yrs. +/-			

The following table identifies attendance trends for the 2017, 2018, and 2019 calendar years. One (1) Planning Commission meeting was canceled in 2019 due to the lack of cases to review and consider.

Citizen Planner	2017		2018		2019		Three-Year Attendance Rate
	Absent	Present	Absent	Present	Absent	Present	
Planning Commission							
Peter DeMasters 6 th Ward Representative	1	10	3	7	1	10	84%
Carol Pyles 7 th Ward Representative	4	7	3	7	4	7	66%
Sam Loretta 1 st Ward Representative	0	11	1	9	0	11	97%
Tim Stranko 2 nd Ward Representative	2	9	2	8	0	11	88%
William Blosser 3 rd Ward Representative	0	11	0	10	0	11	100%
William Petros 4 th Ward Representative	2	9	3	7	1	10	81%
Michael Shuman 5 th Ward Representative	5	6	4	6	0	11	72%
Ronald Dulaney, Jr. City Councilor	1	5	0	10	3	8	72%
AJ Hammond Administration Representative	N/A	N/A	N/A	N/A	0	1	100%
Board of Zoning Appeals							
Harrison Case	1	8	3	8	2	10	81%
Kevin Meehan	0	2	1	10	1	11	92%
Chris Benison	N/A	N/A	0	11	0	12	100%
Heidi Cook	N/A	N/A	0	9	1	11	95%
Garrett Tomblin	N/A	N/A	N/A	N/A	3	8	75%

2019 Building Permits and Construction Value

The following table identifies building permit and construction value (nominal) trends for the 2017, 2018, and 2019 calendar years as tracked and report by the City's Code Enforcement Department.

	2017		2018		2019	
	No. / Value	% Change	No. / Value	% Change	No. / Value	% Change
No. of Building Permits Issued	1,910	22.8%	1,680	-12.0%	1,805	7.0%
Total Construction/Improvement Value	\$36,267,943	9.9%	\$20,644,918	-43.1%	\$30,246,880	47.0%
Total Amount of Building Permit Related Fees Paid to the City	\$206,042	2.5%	\$161,668	-21.5%	\$212,461	31.0%

Planned Unit Developments (PUDs)

As of December 31, 2019, there have been seven (7) Planned Unit Development (PUD) Outline Plans recommended by the Planning Commission and approved by City Council. The following status for each PUD is provided in accordance with Article 1357.03(D)(4)(c) of the Planning and Zoning Code.

The Square at Falling Run, SC Bodner, Westminster House, and Beech View Place Planned Unit Developments were completed. Grand Central Apartments was originally approved in 2007 but rescinded by ordinance in 2010. Habitat for Humanity was originally approved in 2009 but rescinded by ordinance in 2012, and lands subsequently developed as single-family housing. Glen Ridge Apartments was originally approved in 2015 but rescinded by ordinance in 2017. These PUDs were rescinded because development was not initiated prior to respective Outline Plan Approval deadlines. The City of Morgantown has not received an application for a Planned Unit Development since the Glenn Ridges Apartment PUD Outline Plan in August 2015.

2019 Planning Accomplishments and 2020 Planning Work Program

- City of Morgantown 2017-2019 Strategic Plan** – In December 2017, City Council finalized a strategic plan to serve as a road map guiding its vision toward implementing significant, measurable and attainable improvements. The Planning Commission and/or Development Services Department staff have direct or indirect roles in contributing to the following strategic goals and objectives.

Attractive Amenities
Objective 1: Continue to revitalize the riverfront
Promote infill and redevelopment in the Wharf District <i>UPDATE/STATUS – The Planning Division continues to engage potential development interest for the reuse of existing buildings and new construction.</i>

Cooperative Relationships
Objective 1: Leverage and expand intergovernmental relationships
<p>Develop relationships with other political entities for cooperative service delivery</p> <p><i>UPDATE/STATUS – The Planning Division continues to contribute to the Morgantown-Monongalia Metropolitan Planning Organization (MMMPO) through active membership on its Transportation Technical Advisory Committee (TTAC). Additionally, staff attends, as appropriate, meetings of the City’s Housing Advisory Commission and the City’s Bicycle Board.</i></p>
Excellent City Services
Objective 3: Promote collaborative code enforcement
<p>Evaluate appropriate staffing assignments and levels to address code violations</p> <p><i>UPDATE/STATUS – Additional funding was allocated by City Council in the FY2019 City Budget to increase Planning Division staff by one (1) full-time equivalent position in the third quarter of the fiscal year. Recruitment to fill the newly created Zoning Compliance Inspector position will be initiated in February 2020.</i></p>
Quality Development
Objective 1: Promote strategic community development
<p>Provide updates of the comprehensive plan implementation regularly</p> <p><i>UPDATE/STATUS – An administrative zoning text amendment was recommended by the Planning Commission and approved by City Council in JUL 2019 addressing single-family residential design standards related to front-loaded garages. The objective of these text amendments is to ensure new construction maintains an inviting human scale where exterior design emphasizes the dwelling unit rather than what is typically observed as the last attractive element: the garage.</i></p>
Vibrant Downtown
Objective 1: Encourage the continued enhancement and diversity of the downtown area
<p>Utilize the Main Street Market Data Study. Encourage diversity in downtown development, businesses, and activities.</p> <p><i>UPDATE/STATUS – Construction was substantially completed in 2019 at 461 High Street (former Dairy Queen) by SunCap Development offering three (3) new tenant spaces (Chipotle, Chase Bank, and TBD) and new mixed-used dwellings above. Additionally, The Mills Group, a local architecture firm, acquired and made significant progress in substantially renovating the building at 88 High Street (former City Office Equipment).</i></p>
Attainable Housing
Objective 1: Promote quality and diversification of housing
<p>Research tools to increase affordable housing through inclusionary and incentive zoning practices</p> <p><i>UPDATE/STATUS – \$30,000 is budgeted in FY 2019 to engage a firm to identify home ownership and rental housing market gaps and establish related policy and programming recommendations. A firm was selected in 2019 and project completion is expected in Summer 2020.</i></p>

Under the direction of the City Manager’s Office, the Planning Division will continue to develop and undertake implementation strategies in 2020 intended to advance these goals and objectives accordingly.

- **Small Area Studies** – Strategies NH 1.2 and ED 5.7 of the 2013 Comprehensive Plan Update provides for the preparation and implementation of small area studies for 16 “Future Study Areas”, which are identified in Appendix A of the Plan. Planning projects were completed in 2019 for Study Area No. 5 with the report received by the Planning Commission in October 2019. Further zoning map and text amendments related to the study area are anticipated for early 2020.
- **Modernization of Subdivision Regulations** – The Planning Commission and City Council completed the lengthy task of modernizing and codifying the City’s zoning regulations in 2006. The fundamental purpose of this endeavor was to implement progressive land use policies and strategies as well as comply with the State Legislature’s similar effort in 2004 to modernize the State’s Planning Enabling Law. Changes in State Code have created opportunities to streamline the review and approval of subdivision petitions. Incorporating these opportunities in Morgantown’s Planning and Zoning Code requires a major amendment to the City’s subdivision regulations. City Council allocated \$75,000 in FY 2019 to complete this project. A related request for proposals will be published in the first quarter of 2020 Calendar Year, with project completion anticipated within 9 to 12 months.
- **Geographic Information System (GIS)** – The Monongalia County Assessor’s Office maintains a web-based GIS parcel viewer [<https://ags.agdmaps.com/wv/mon/>]. The Planning Division has completed the laborious task of editing the City’s zoning district boundaries to align with the County’s GIS-based parcel mapping boundaries. Amendments to the Official Zoning Map were recommended for approval by the Planning Commission under Case Number RZ19-04 in September 2019 and approved by the City Council under Ordinance 19-29. Further amendments to the Official Zoning Map are anticipated to be enacted in early 2020 to related to Overlay Districts. Additionally, General Fund resources were programmed in 2019 with direction given by the City Manager’s Office to recruit a full-time GIS professional, outsourced technical support, and acquire necessary hardware and software to launch an integrated City GIS. Marvin Davis joined the City of Morgantown as a GIS Analyst in September 2019.
- **Richwood-Willey Intersection Report** – In February 2018, the Planning Commission accepted the Small Area Plan and Recommendations Report for Future Study Area No. 2. A transportation operational study of the Richwood Avenue and Willey Street intersection was recommended, the completion of which by the Morgantown-Monongalia Metropolitan Planning Organization (MMMPO) occurred in June 2019. Discussions with West Virginia Division of Highways and other stakeholders on completion of recommended improvements are ongoing.
- **Morgantown Regional Bike and Pedestrian Transportation Plan** – The City of Morgantown in conjunction with the City of Westover, Monongalia County, MMMPO, West Virginia Department of Transportation, and West Virginia University assisted in the completion of the Morgantown Regional Bike and Pedestrian Transportation Plan, coordinated by Alta Planning and Design and Stantec. The plan document is anticipated to be completed in 2020, with an executive summary provided in November 2019. Initial findings from the executive summary have provided the City of Morgantown with data beneficial in modifying the existing sidewalk construction requirements and methods, with Planning Commission recommendation and Council action occurring in early 2020.

- **2023 Comprehensive Plan Update** – In hopes of building on the collaborative success of the 2013 Comprehensive Plan Update process, City Administration began the process of securing multi-year funding commitments from the Morgantown-Monongalia Metropolitan Planning Organization (MMMPO), the Monongalia County Commission, and neighboring municipalities. This will align with the timing of the MMMPO's next Metropolitan Transportation Plan (MTP) and publication of the 2020 decennial census data. Funding has been requested over three fiscal years in the City's Capital Escrow Account.



Morgantown Police Department

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www.morgantownwv.gov



To: Paul Brake, City Manager

From: Ed Preston, Chief of Police

Copies: Emily Muzzarelli, Assistant City Manager
Ryan Simonton, City Attorney
Mark Caravasos, Fire Chief
Mike Stone, Chief Code Inspector
File

Date: February 25, 2020

Subject: PUBLIC NUISANCE

Pursuant to the Morgantown City Code 1149.04, I am requesting that you initiate actions to declare the property located at 625 Pennsylvania Avenue a Public Nuisance as defined by Morgantown City Code 1149.03.

The property located at 625 Pennsylvania Avenue is residential rental property that is owned by George H, Berthy, 5 Woodland Terrace, Morgantown WV 28561. The property is recorded with the Morgantown Code Enforcement Office as a "Vacant Structure". The following definitions per Morgantown City Code apply directly to this property.

1149.03 DEFINITION; PUBLIC NUISANCE

- (a) A public nuisance is one which affects an indefinite number of persons, or the residents of a particular locality, or people coming within the extent of its range or operation, although the extent of the annoyance or damage inflicted upon individuals may be unequal. Such public nuisance endangers the health, safety and welfare of the community and is dangerous and detrimental to the public health, may violate the laws of the City and/or State as well as obstructs the community from reasonable and comfortable use of property.
- (b) A public nuisance may arise from the unreasonable, unwarrantable or unlawful behavior associated with the property, either real or personal, which hinders the neighboring community and the general public from enjoying the common and public rights enjoyed by the general community in like areas where no such public nuisance exists.

- (c) For purposes of this article a continuing public nuisance is an uninterrupted or periodically recurring public nuisance, not necessarily a constant or unceasing injury, but a nuisance which occurs so often and is so necessarily an incident of the use of property complained of that it can fairly be said to be continuous. Such a nuisance may be of such character that its continuance is necessarily an injury which will continue without change.
- (d) A continuing public nuisance may be found to be a permanent public nuisance when its continuance is necessarily an injury which will continue without change, unless Council takes such action to cease any like nuisance from becoming established and re-occurring at the particular location. It is not enough to show a slight interference to the public welfare and such will not be restrained unless the type of business or manner of operation is injurious to the public health, safety and welfare of the community or has a tendency to promote unlawful behavior or behavior which is considered by the City Administration, including its health and/or safety officials, to be a menace to public order and safety.

This property is one of several owned by the same property owner, George H. Berthy, and is in close proximity to other properties that he owns that are either condemned or vacant, exacerbating the nuisance complaints in this particular neighborhood. Based upon the above definitions relating to public nuisance the following is submitted:

- 2/25/2020 – Officer responded to the location along with Code Enforcement Officers and found the structure occupied and the conditions to be in violation of IPMC Code Section 108.1.3. The structure was cleared, and condemnation orders posted to deter trespassers. The property owner was again notified of the non-compliance by Code Enforcement.
- 2/12/2020 – Officer responded to the location due to neighbors reporting loitering and trespassing on the property that is a registered vacant property. There were signs of habitation at the property, but no one was present on officer's arrival.
- 1/31/2020 – Code Enforcement issued notice for Failure maintain property in Litter Free Condition – Trash, mattresses and debris piled up on the property.
- 4/29/2019 – Officers assisted the Monongalia County Sheriff's Office serve an arrest warrant at this location.
- 3/13/2019 – Code Enforcement issued notice for failure to Maintain Litter Free Condition and was not remedied until 5/28/2019.
- 11/4/2018 – Officer responded to complaints of traffic at the residence blocking the roadway.
- 10/12/2017 – Officers responded to a larceny that occurred from a vehicle that was parked in the yard. The vehicle belonged to someone that didn't reside at the residence but was using the property as a parking area.
- 9/2/2017 – Officers responded to reports of people using drugs inside of vehicles parked in the yard.
- 8/13/2017 – Officers responded to an unconscious and unresponsive person in the yard.

The property is further a nuisance to the community and disturbs the sanctity of the neighborhood further attracting individuals who engage in criminal and nuisance activities on a recurring basis. The following is provided:

- Shawn BARKLEY, Donald R. JOHNSON and Donald L. JOHNSON are associates that have been found loitering and in an intoxicated state at this and other properties in the Greenmont Neighborhood.
 - 9/30/2019 – BARKLEY was arrested for Felony Larceny
 - 2/23/2018 – BARKLEY arrested for Failure to Register as a Sex Offender.
 - 1/14/2018 – BARKLEY was arrested for Obstructing a Police Officer.
 - 4/21/2016 – BARKLEY was arrested for Battery that occurred at 649 Brockway Avenue against Donald R. JOHNSON.
 - 1/26/2015 0 BARKLEy was arrested for Grand Larceny (Motor Vehicle).
- Donald R. JOHNSON
 - 8/19/2017 – Open Container violation
 - 4/22/2017 - Disorderly Conduct and in an argument with Donald L. JOHNSON
 - 4/21/2017 – Disorderly Conduct and in an argument with Shawn BARKLEY, resulting in BARKLEY’s arrest
 - 4/7/2016 0 Transported by EMS due to intoxication when he was found incapacitated in the yard of 625 Pennsylvania Avenue.
 - 3/23/2016 – Arrested for Domestic Battery.
 - 2/2/2016 – Arrested for Domestic Battery.
 - 2/2/2016 – Arrested for Disorderly Conduct.
- Donald L. JOHNSON
 - 8/22/2019 – Cited for Trespassing.

The owner of the property is George H. BERTHY. Mr. BERTHY resides at 5 Woodland Terrace, outside of the municipal limits of Morgantown.

- 2/24/2020 – The Monongalia County Clerk’s Office confirmed that Mr. Berthy lists a P.O Box for his mail but changed his address for voting to 524 Dewey Street, but resides at 5 Woodland Terrace.
- Mr. BERTHY owns a significant number of vacant, abandoned or otherwise condemned property in the Greenmont Neighborhood.
- 8/13/2019 – Charged with multiple traffic violations.
- 1/29/2019 – Charged with Driving on a revoked driver license while officers attempted to serve an outstanding warrant for traffic violations.
- 1/17/2018 – Reported numerous tools stolen from his unoccupied rental unit at 629 Brockway Avenue which was owned by Mr. BERTHY at the time of the incident.
- 9/6/2017 – reported that a game camera was stolen from an unoccupied rental property at 201 Overdale Street. This property was owned by Mr. BERTHY at the time of the incident.
- 7/21/2017 – Officers responded to 619 Brockway Avenue and found the property occupied by Courtney Miller and three small children after the property had been condemned by Code Enforcement. This property was owned by Mr. BERTHY at the time of the incident.
- 4/17/2018 – Officers and Code Enforcement responded to and removed Christopher McGEE, Danielle McGEE and a dog. The residence had been condemned by Code Enforcement and was being used by vagrants and drug addicts as a place to use illegal controlled substances. The property was in complete disarray, used needles and other drug paraphernalia was observe in the residence. The property was boarded up and secured by City Personnel and the dog was surrendered to the Humane Society until an owner claimed it. This property was owned by Mr. BERTHY at the time of the incident.

- 3/24/2015 – Officers responded to 565 Clark Street to assist Thressie HINES who was attempting to relocate due to the building she was renting and apartment from Mr. BERTHY was condemned.

Citations have been issued and the arrests that have been made in an attempt to abate the ongoing criminal and nuisance behavior occurring at this residence, but this has not resulted in a cessation of criminal and nuisance activities.

Mr. BERTHY has been noticed on two separate occasions within the past year regarding continuing and ongoing issues with this property, some of which have been ongoing since 2012, through additional notices by Code Enforcement.

It is recommended, based upon the ongoing nature of the criminal and nuisance activities occurring at 625 Pennsylvania Avenue, that the City of Morgantown place limitations regarding the use of the property.

- Mr. Berthy be required to bring the property in compliance with current Morgantown code and regulations within 30 days of receiving sanction.
- the property be secured in such a manner as to prevent individuals from habitating (“Squatting”), in this residence or using the residence for the purposes using or selling controlled substances and/or contraband.
- In the event that Mr. Berthy is unable to perform either of these tasks, a requirement that a property manager be engaged at Mr. Berthy’s expense in order to comply with these restrictions, otherwise, the city shall take reasonable steps to secure and maintain the security of the property and the cost of those actions be attached to the property.
- Should these actions fail to abate the ongoing problems, Mr. Berthy’s business license to rent property should be revoked until such time as each of his properties are brought up to compliance with Morgantown Municipal Code.



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Mark Caravasos, Fire Chief
Mike Stone, Chief Code Inspector
File

Date: February 25, 2020

Subject: PUBLIC NUISANCE

Pursuant to the Morgantown City Code 1149.04, I am requesting that you initiate actions to declare the property located at 324 Dewey Street a Public Nuisance as defined by Morgantown City Code 1149.03.

The property located at 324 Dewey Street is residential rental property that is owned by George H, Berthy, 5 Woodland Terrace, Morgantown WV 28561. The following definitions per Morgantown City Code apply directly to this property.

1149.03 DEFINITION; PUBLIC NUISANCE

- (a) A public nuisance is one which affects an indefinite number of persons, or the residents of a particular locality, or people coming within the extent of its range or operation, although the extent of the annoyance or damage inflicted upon individuals may be unequal. Such public nuisance endangers the health, safety and welfare of the community and is dangerous and detrimental to the public health, may violate the laws of the City and/or State as well as obstructs the community from reasonable and comfortable use of property.
- (b) A public nuisance may arise from the unreasonable, unwarrantable or unlawful behavior associated with the property, either real or personal, which hinders the neighboring community and the general public from enjoying the common and public rights enjoyed by the general community in like areas where no such public nuisance exists.
- (c) For purposes of this article a continuing public nuisance is an uninterrupted or periodically recurring public nuisance, not necessarily a constant or unceasing injury, but a nuisance which occurs so often and is so necessarily an incident of the use of property complained of that it can fairly be said to be continuous. Such a nuisance may be of such character that its continuance is necessarily an injury which will continue without change.

- (d) A continuing public nuisance may be found to be a permanent public nuisance when its continuance is necessarily an injury which will continue without change, unless Council takes such action to cease any like nuisance from becoming established and re-occurring at the particular location. It is not enough to show a slight interference to the public welfare and such will not be restrained unless the type of business or manner of operation is injurious to the public health, safety and welfare of the community or has a tendency to promote unlawful behavior or behavior which is considered by the City Administration, including its health and/or safety officials, to be a menace to public order and safety.

Based upon the above definitions relating to public nuisance the following is submitted:

- 1/15/2020 – Officers met with the owner of the property, George H. Berthy and reported that the property should be unoccupied due to its “uninhabitable status”. During a search of the building, Kalie Marie JOHNSON, Timothy Shane SELF, Julie Ann WELLING and Matthew Black TENNANT, were arrested for the charge of burglary at this location. There were numerous drug paraphernalia items such as dirty needles and burned melting caps throughout the building. The drug paraphernalia and condition of the house indicate that the building has been used by drug addicts for a significant period of time for the purpose of using controlled substances such as heroin and other intravenous drugs.
- 1/14/2020 – Officers responded to the location due to neighbors reporting seeing individuals entering the property that was supposed to be unoccupied. Officer contacted the property owner, George H. Berthy, who reported that the property was unoccupied and that he would check it the next day.
- 1/9/2020 – Officers were dispatched to the area of this property for suspicious individuals coming and going from the residence.
- 9/20/2019 – Officers responded to a verbal argument that was disturbing the neighborhood. The argument was between Brittany ANDERSON and Robert MILLER, who resided at 111 Pinnacle Heights Drive at the time of the incident.
- 9/3/2019 – Officers responded to a report of a domestic disturbance disturbing the neighbors. No one was found at the time of the incident but was reported on 2019-105845 and the property was found unsecured with an open door. This incident was a second report of a domestic disturbance that was previously handled.
- 9/3/2019 – Officers responded to a report of a domestic disturbance that was reported by neighbors. Officers arrived and found Brittany MILLER and Robert MILLER involved in a verbal argument. The parties were separated, and Robert MILLER left the scene to stay at his father’s residence.
- 8/8/2019 – Officers responded to a child custody dispute following Robert MILLER’s declaration that he was no longer homeless and wanted custody of his daughter back.
- 5/13/2019 – Code Enforcement issued a summons to the property owner due to the condemned status of the property.
- 3/7/2019 – The property was found to be an unregistered rental property by Code Enforcement and a notice was posted for violation of City Code 1751.04 – Illegal Conditions. The property was subsequently condemned and resulted in a court hearing on 9/19/2019.
- 2/15/2019 – the property was found to remain in violation of city code and a notice was issued in a second attempt to bring the property into compliance.
- 1/19/2019 – the property was found to be in violation of city code and a notice was issued in an attempt to bring the property into compliance.

The property is further a nuisance to the community and disturbs the sanctity of the neighborhood further attracting individuals who engage in criminal and nuisance activities on a recurring basis. The following is provided:

- Kalie Marie JOHNSON has been arrested for receiving stolen property and possession of controlled substances.
 - 6/22/2019 – Officers found her under the Walnut Street Bridge and she was in possession of syringes and other drug paraphernalia in addition to a package of methamphetamine. During further investigation, JOHNSON was found in possession of items that were stolen from a vehicle that was previously reported (case 2019-37659) and property that was reported stolen from the “Friendship Room” (case 2019-67919).
 - 12/30/2018 – Officers responded to a domestic dispute involving JOHNSON and Alan WREN, at 550 Brockway Avenue. Both JOHNSON and WREN stated that they were homeless but denied any issues.
 - 11/5/2018 – Officers responded to a report of trespassers inside of 268 High Street. Officers found JOHNSON along with six (6) other homeless individuals trespassing inside of a closed business. All were issued trespass warnings.
 - 10/18/2018 – Officers responded to report of JOHNSON being observed by store personnel using heroin on the premise and wanted her trespassed from the property.
 - 8/2/2018 – Officers responded to a report of public disturbance involving JOHNSON and Joshua AUSTIN.
- Robert MILLER and Brittany ANDERSON (MILLER) have had numerous incidents.
 - 9/17/2019 – Robert MILLER and Brittany ANDERSON (MILLER) were involved in a verbal altercation disturbing the peace at 324 Dewey Street.
 - 9/11/2019 - Robert MILLER and Brittany ANDERSON (MILLER) were involved in a verbal altercation disturbing the peace at the intersection of Dewey Street and Elmina Street.
 - 9/3/2019 - Robert MILLER and Brittany ANDERSON (MILLER) were involved in a verbal altercation disturbing the peace at 324 Dewey Street.
 - 8/16/2019 – Robert MILLER was arrested on an outstanding warrant.
- Matthew TENNANT has been involved in several incidents.
 - 12/31/2019 – Officers charged him with Shoplifting.
 - 11/8/2019 – Officers responded to a report of suspicious activity on Listravia Avenue and found TENNANT and Carrie RILEY inside of a vehicle that did not belong to them. Both were charged with Auto Tampering and RILEY was found to be a fugitive with outstanding warrants from Pennsylvania.

The owner of the property is George H. BERTHY. Mr. BERTHY resides at 5 Woodland Terrace, outside of the municipal limits of Morgantown.

- 2/24/2020 – The Monongalia County Clerk’s Office confirmed that Mr. Berthy lists a P.O Box for his mail but changed his address for voting to 524 Dewey Street, but resides at 5 Woodland Terrace.
- Mr. BERTHY owns a significant number of vacant, abandoned or otherwise condemned property in the Greenmont Neighborhood.
- 8/13/2019 – Charged with multiple traffic violations.
- 1/29/2019 – Charged with Driving on a revoked driver license while officers attempted to serve an outstanding warrant for traffic violations.

- 1/17/2018 – Reported numerous tools stolen from his unoccupied rental unit at 629 Brockway Avenue which was owned by Mr. BERTHY at the time of the incident.
- 9/6/2017 – reported that a game camera was stolen from an unoccupied rental property at 201 Overdale Street. This property was owned by Mr. BERTHY at the time of the incident.
- 7/21/2017 – Officers responded to 619 Brockway Avenue and found the property occupied by Courtney Miller and three small children after the property had been condemned by Code Enforcement. This property was owned by Mr. BERTHY at the time of the incident.
- 4/17/2018 – Officers and Code Enforcement responded to and removed Christopher McGEE, Danielle McGEE and a dog. The residence had been condemned by Code Enforcement and was being used by vagrants and drug addicts as a place to use illegal controlled substances. The property was in complete disarray, used needles and other drug paraphernalia was observe in the residence. The property was boarded up and secured by City Personnel and the dog was surrendered to the Humane Society until an owner claimed it. This property was owned by Mr. BERTHY at the time of the incident.
- 3/24/2015 – Officers responded to 565 Clark Street to assist Thressie HINES who was attempting to relocate due to the building she was renting and apartment from Mr. BERTHY was condemned.

Citations have been issued and the arrests that have been made in an attempt to abate the ongoing criminal and nuisance behavior occurring at this residence, but this has not resulted in a cessation of criminal and nuisance activities.

Four different notifications of issues with this property have been given to Mr. BERTHY, in the form of door hangars, registered mail, summons and personal notification.

It is recommended, based upon the ongoing nature of the criminal and nuisance activities occurring at 324 Dewey Street, that the City of Morgantown place limitations regarding the use of the property.

- Mr. Berthy be required to bring the property in compliance with current Morgantown code and regulations within 30 days of receiving sanction.
- the property be secured in such a manner as to prevent individuals from habitating (“Squatting”), in this residence or using the residence for the purposes using or selling controlled substances and/or contraband.
- In the event that Mr. Berthy is unable to perform either of these tasks, a requirement that a property manager be engaged at Mr. Berthy’s expense in order to comply with these restrictions, otherwise, the city shall take reasonable steps to secure and maintain the security of the property and the cost of those actions be attached to the property.
- Should these actions fail to abate the ongoing problems, Mr. Berthy’s business license to rent property should be revoked until such time as each of his properties are brought up to compliance with Morgantown Municipal Code.



Morgantown Police Department

300 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7522
www.morgantownwv.gov



To: Paul Brake, City Manager

From: Ed Preston, Chief of Police

Copies: Emily Muzzarelli, Assistant City Manager
Ryan Simonton, City Attorney
Mark Caravasos, Fire Chief
Mike Stone, Chief Code Inspector
File

Date: February 25, 2020

Subject: PUBLIC NUISANCE

Pursuant to the Morgantown City Code 1149.04, I am requesting that you initiate actions to declare the property located at 619 Brockway Avenue a Public Nuisance as defined by Morgantown City Code 1149.03.

The property located at 619 Brockway Avenue is residential rental property that is owned by George H, Berthy, 5 Woodland Terrace, Morgantown WV 28561. The property is recorded with the Morgantown Code Enforcement Office as a "Vacant Structure". The following definitions per Morgantown City Code apply directly to this property.

1149.03 DEFINITION; PUBLIC NUISANCE

- (a) A public nuisance is one which affects an indefinite number of persons, or the residents of a particular locality, or people coming within the extent of its range or operation, although the extent of the annoyance or damage inflicted upon individuals may be unequal. Such public nuisance endangers the health, safety and welfare of the community and is dangerous and detrimental to the public health, may violate the laws of the City and/or State as well as obstructs the community from reasonable and comfortable use of property.
- (b) A public nuisance may arise from the unreasonable, unwarrantable or unlawful behavior associated with the property, either real or personal, which hinders the neighboring community and the general public from enjoying the common and public rights enjoyed by the general community in like areas where no such public nuisance exists.

- (c) For purposes of this article a continuing public nuisance is an uninterrupted or periodically recurring public nuisance, not necessarily a constant or unceasing injury, but a nuisance which occurs so often and is so necessarily an incident of the use of property complained of that it can fairly be said to be continuous. Such a nuisance may be of such character that its continuance is necessarily an injury which will continue without change.
- (d) A continuing public nuisance may be found to be a permanent public nuisance when its continuance is necessarily an injury which will continue without change, unless Council takes such action to cease any like nuisance from becoming established and re-occurring at the particular location. It is not enough to show a slight interference to the public welfare and such will not be restrained unless the type of business or manner of operation is injurious to the public health, safety and welfare of the community or has a tendency to promote unlawful behavior or behavior which is considered by the City Administration, including its health and/or safety officials, to be a menace to public order and safety.

This property is one of several owned by the same property owner, George H. Berthy, and is in close proximity to other properties that he owns that are either condemned or vacant, exacerbating the nuisance complaints in this particular neighborhood. Based upon the above definitions relating to public nuisance the following is submitted:

- 11/24/2019 – Officers responded to the property for suspicious activity and charged three (3) individuals for trespassing (Jeffrey MARSH, Sandra TENNENT and Candace ADAMS).
- 8/28/2109 – Officers assisted Code Enforcement for a condemnation and inspection of property.
- 8/27/2019 – Officers found the property unsecured with an open door.
- 8/16/2019 – Officers responded to a civil dispute and found one of the parties had an outstanding warrant for another jurisdiction and was taken into custody (Robert MILLER).
- 8/14/2019 – Officer found and charged Jason BROOM for trespassing.
- 7/24/2019 – Officers arrested Jennifer DOWNEY for an outstanding warrant for failure to appear.
- 7/13/2019 – Officers and EMS responded for a drug overdose. Victim was revived, drug and drug paraphernalia were confiscated.
- 7/11/2019 – Officers assisted Child Protective Services regarding a removal of children for safety reasons.
- 6/20/2019 – Officers responded to a verbal argument and property damage.
- 6/15/2019 - Officers responded to a verbal altercation and disorderly conduct.
- 2/17/2019 – Officers responded for a juvenile call and during the investigation arrested Taylor BELT on outstanding warrants from Maryland.
- 5/28/2019 – Officers arrested Joshua CRAWFOR and Nicole TYMAN for domestic battery.
- 8/27/2019 – Officers responded to a civil dispute.
- 10/15/2017 – Code Enforcement issued notice to
- 7/22/2017 – Officers responded to a complaint of Courtney MILLER trespassing.

The property is further a nuisance to the community and disturbs the sanctity of the neighborhood further attracting individuals who engage in criminal and nuisance activities on a recurring basis. The following is provided:

- Jeffery MARSH
 - 8/20/2019 – Charged with Trespassing.
 - 8/14/2019 – Charged with Trespassing.
 - 12/4/2009 – was found looking into cars on Decker’s Creek by Officers.
- Sandra TENNANT
 - 8/30/2019 – Charged with Trespassing.
 - 7/13/2019 – Overdosed on controlled substances.
 - 6/24/2010- Arrested and charged by U.S. Marshall’s for probation violations.
- Candace ADAMS
 - 8/30/2019 – charged with trespassing and currently has an outstanding warrant for Trespassing and Forgery/Uttering.
- Jason BROOM
 - 11/6/2019 – Arrested and charged by the MonMetro Drug Task Force.
 - 8/8/2019 – Arrested for possession of Methamphetamine.
 - 7/30/2019 – was present in a vacant building where an altercation resulted in the arrest of Sheldon JACKSON for Wanton Endangerment with a Firearm.
 - 1/16/2019 – Arrested for Driving on Suspended License.
- Jennifer DOWNY
 - 7/24/2019 – Arrested for Failure to Appear.
- David DILLARD
 - 4/28/2018 – Arrested on outstanding Fugitive warrant and for possession of cocaine.
- Taylor BELT
 - 7/13/2019 – Charged with trespassing.
 - 7/11/2019 – Charged with trespassing.
 - 2/17/2019 – Arrested on outstanding Fugitive warrant.
- Joshua CRAWFORD
 - 12/24/2018 – Arrested and charged with Burglary and Conspiracy.
 - 5/28/2018 – Arrested and charged with Domestic Battery.
- Nicole TYMAN
 - 7/24/2019 – Charged with trespassing.
 - 6/10/2016 – Arrested and charged with Uttering (Counterfeiting).

The owner of the property is George H. BERTHY. Mr. BERTHY resides at 5 Woodland Terrace, outside of the municipal limits of Morgantown.

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- 4/17/2018 – Officers and Code Enforcement responded to and removed Christopher McGEE, Danielle McGEE and a dog. The residence had been condemned by Code Enforcement and was being used by vagrants and drug addicts as a place to use illegal controlled substances. The property was in complete disarray, used needles and other drug paraphernalia was observe in the residence. The property was boarded up and secured by City Personnel and the dog was surrendered to the Humane Society until an owner claimed it. This property was owned by Mr. BERTHY at the time of the incident.
- 3/24/2015 – Officers responded to 565 Clark Street to assist Thressie HINES who was attempting to relocate due to the building she was renting and apartment from Mr. BERTHY was condemned.

Citations have been issued and the arrests that have been made in an attempt to abate the ongoing criminal and nuisance behavior occurring at this residence, but this has not resulted in a cessation of criminal and nuisance activities.

Mr. BERTHY has been noticed on two separate occasions within the past year regarding continuing and ongoing issues with this property, some of which have been ongoing since 2012, through additional notices by Code Enforcement.

It is recommended, based upon the ongoing nature of the criminal and nuisance activities occurring at 619 Brockway Avenue Street, that the City of Morgantown place limitations regarding the use of the property.

- Mr. Berthy be required to bring the property in compliance with current Morgantown code and regulations within 30 days of receiving sanction.
- the property be secured in such a manner as to prevent individuals from habitating (“Squatting”), in this residence or using the residence for the purposes using or selling controlled substances and/or contraband.
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