



The City of Morgantown

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www.morgantownwv.gov

Office of the City Clerk

AGENDA MORGANTOWN CITY COUNCIL REGULAR MEETING

July 7, 2020
7:00 p.m.

To protect public health during the COVID-19 pandemic, personal attendance at the meeting will not be permitted. When it is time, the public may participate in the public portion by videoconference at the following link: <https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477. All members of the public may view the meeting on Channel 15 and by streaming hosted on the City's website at www.morgantownwv.gov. If you do not wish to speak at the meeting, please view it by these methods to conserve capacity on the videoconference. Any person who wishes to speak at the meeting must complete the form at <http://morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Morgantown-City-Council-M-78> or provide their name, phone number they will use to participate, and the topic on which they would like to speak by texting 304-288-0847 or texting 304-288-7072. Individuals may sign up to speak at any time until the meeting begins. Additionally, the public may submit written comments for the public portion of the meeting by sending written comments via email to the City Clerk at cwade@morgantownwv.gov. In the email, please use the subject line "Public Comment 07/07/2020" and indicate in the body of the email if you would like your comment read aloud during the public portion of the meeting.

1. **CALL TO ORDER:**
2. **ELECTION OF MAYOR AND DEPUTY MAYOR:**
3. **OATH OF OFFICE FOR MAYOR AND DEPUTY MAYOR:**
4. **ROLL CALL:**
5. **APPROVAL OF MINUTES:** June 2, 2020, Special Meeting minutes; June 2, 2020, Regular Meeting minutes; June 16, 2020, Public Hearing Meeting minutes; June 16, 2020, Regular Meeting minutes; June 30, 2020, Special Meeting minutes; June 30, 2020, Committee of the Whole Meeting minutes.
6. **CORRESPONDENCE:**
7. **PUBLIC HEARINGS:**
 - A. **AN ORDINANCE AUTHORIZING A PLANNING AND ZONING CODE TEXT AMENDMENT FOR SECTIONS 1329.02 AND 1331.05 AS THEY RELATE TO PUBLIC AND PRIVATE EV CHARGING STATIONS**
 - B. **AN ORDINANCE AUTHORIZING A ZONING MAP AMENDMENT FOR WEST VIRGINIA HOSPITALS (445 VAN VOORHIS ROAD)**
 - C. **AN ORDINANCE AUTHORIZING AN EASEMENT TO ZAYO AT THE MORGANTOWN MUNICIPAL AIRPORT**

8. UNFINISHED BUSINESS:

A. BOARDS & COMMISSIONS:

7. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:

8. SPECIAL COMMITTEE REPORTS:

9. CONSENT AGENDA: Reminder: Matters on the Consent Agenda are voted on collectively without any debate. If any member objects, an item is removed and considered under New Business.

A. AN ORDINANCE AUTHORIZING A PLANNING AND ZONING CODE TEXT AMENDMENT FOR SECTIONS 1329.02 AND 1331.05 AS THEY RELATE TO PUBLIC AND PRIVATE EV CHARGING STATIONS *(First Reading June 2, 2020)*

B. AN ORDINANCE AUTHORIZING A ZONING MAP AMENDMENT FOR WEST VIRGINIA HOSPITALS (445 VAN VOORHIS ROAD) *(First Reading June 2, 2020)*

C. AN ORDINANCE AUTHORIZING AN EASEMENT TO ZAYO AT THE MORGANTOWN MUNICIPAL AIRPORT *(First Reading June 16, 2020)*

10. NEW BUSINESS:

A. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AMENDING SECTION 1329.02 AND CHAPTER 1331 AND ESTABLISHING ARTICLE 1358 THE WILES HILL GATEWAY OVERLAY DISTRICT OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE

B. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AMENDING ARTICLE 919 GOVERNING ADDRESSING AND MAPPING STANDARDS

C. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AUTHORIZING A DEED TO RDR PROPERTIES TRANSFERRING PROPERTY AT THE MORGANTOWN MUNICIPAL AIRPORT

D. Consideration of APPROVAL of (FIRST READING) of A RESOLUTION APPROVING THE 2020-2021 BUDGET FOR THE MORGANTOWN CAPITAL ESCROW FUND

E. Consideration of APPROVAL of A RESOLUTION AUTHORIZING APPLICATION FOR THE WEST VIRGINIA JUSTICE ASSISTANCE GRANT

F. Consideration of ADOPTION OF VACANT STRUCTURE EXEMPTION PROCEDURE

11. CITY MANAGER'S REPORT:

Information

1. Health Insurance & Employee Clinic
2. Update on LGBTQ+ Liaison Positions and Minority Liaison Coordinating Council
3. Strategic Plan Update
4. Focus Workweek Pilot Program Update

New Business

1. Agency Allocation Request to United Way to Support Feeding Programs

12. **REPORT FROM CITY CLERK:**

13. **REPORT FROM CITY ATTORNEY:**

14. **REPORT FROM COUNCIL MEMBERS:**

15. **EXECUTIVE SESSION:** Pursuant to West Virginia Code Section 6-9A-4 (2) (B) (12) to discuss potential or pending litigation.

16. **ADJOURNMENT:**

***For accommodations, please contact us at 304-288-7072.**

SPECIAL MEETING
June 2, 2020

The Special Meeting of the Common Council of the City of Morgantown was held via Webex on Tuesday, June 2, 2020, at 6:10 p.m.

To protect public health during the COVID-19 pandemic, personal attendance at the meeting was not be permitted. When it was time, the public participated by videoconference at the following link: <https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477.

PRESENT: Via Webex, Mayor William A. Kawecki, Deputy Mayor Rachel Fetty, and Council Members Jenny Selin, Ron Dulaney, Dave Harshbarger, and Barry Wendell. Zackary Cruze was absent.

The meeting was called to order by Mayor Kawecki.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9a-4(b)(2)(a) to discuss personnel matters in considering new appointments for Boards and Commissions. Motion by Councilor Wendell, second by Councilor Selin, to go into executive session. Motion carried by acclamation. Present: City Council. Time: 6:12 p.m.

Health & Wellness Commission

6:00 p.m. – Richard Goldberg

6:20 p.m. – Ray Glymph

ADJOURNMENT:

There being no further business, motion by Councilor Dulaney, second by Councilor Wendell, to adjourn the meeting. Time: 7:08 p.m.

City Clerk

Mayor

**REGULAR MEETING
June 2, 2020**

The Regular Meeting of the Common Council of the City of Morgantown was held in the Council Chambers via Webex on Tuesday, June 2, 2020, at 7:19 p.m.

To protect public health during the COVID-19 pandemic, personal attendance at the meeting will not be permitted. When it is time, the public may participate in the public portion by videoconference at the following link:

<https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477. All members of the public may view the meeting on Channel 15 and by streaming hosted on the City's website at www.morgantownwv.gov. If you do not wish to speak at the meeting, please view it by these methods to conserve capacity on the videoconference. Any person who wishes to speak at the meeting may complete the form at <https://www.morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Regular-Meeting-fo-61> or provide their name, phone number they will use to participate, and the topic on which they would like to speak by texting 304-288-0847 or texting 304-288-7072. You may sign up to speak at any time until the meeting begins. Additionally, the public may submit written comments for the public portion of the meeting by sending written comments via email to the City Clerk at cwade@morgantownwv.gov. In the email, please use the subject line "Public Comment 06/02/2020" and indicate in the body of the email if you would like your comment read aloud during the public portion of the meeting.

PRESENT: Via Webex were Interim City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor William A. Kawecki, Deputy Mayor Rachel Fetty, and Council Members Zackery Cruze, Jenny Selin, Ron Dulaney, Dave Harshbarger, and Barry Wendell.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: Special Meeting minutes May 19, 2020; Regular Meeting Minutes May 19, 2020; Special Meeting minutes May 26, 2020; and Committee of the Whole Meeting minutes May 26, 2020, were approved as printed by consensus.

CORRESPONDENCE: Mayor Kawecki presented the Proclamation for Edward Cordwell for his 33 years of volunteer service with the BOPARC Commission. Mayor Kawecki presented the Proclamation for LGBTQ+ Pride Month and proclaimed the month of June 2020 as LGBTQ+ Pride Month in the City of Morgantown. Councilor Wendell, Councilor Selin, Deputy Mayor Fetty,

PUBLIC HEARING: AN ORDINANCE AMENDING THE FY 2019-2020 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING: AN ORDINANCE AMENDING THE FY 2019-2020 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING THE FY 2019-2020 ANNUAL BUDGET GENERAL FUND: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE FY 2019-2020 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND

Interim City Manager Emily Muzzarelli explained, after discussion, motion by Councilor Selin, second by Councilor Harshbarger, to approve the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING THE FY 2019-2020 ANNUAL BUDGET COAL SEVERANCE FUND: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AEMDNING THE FY 2019-2020 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND

Interim City Manager Emily Muzzarelli explained, motion by Councilor Harshbarger, second by Councilor Cruze, to approve the above entitled Ordinance. Motion carried 7-0.

BOARDS & COMMISSIONS:

Motion by Councilor Selin, second by Councilor Wendell, to appoint by consensus, Saba Ashfaq, to the Traffic Commission for the Fourth Ward.

Motion by Councilor Harshbarger, second by Councilor Dulaney, to appoint by consensus, Ray Glymph, to the Health & Wellness Commission.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

City Clerk Christine Wade read a written comment from Marti Shamberger. The comment expressed concern of the treatment of unsheltered individuals, and requested council to focus on providing affordable housing in the City of Morgantown.

City Clerk Christine Wade read a petition she received. The petition requested that nuisance action be enacted at the homeless encampment in the Greenmont Area.

Rachel Coen, spoke on behalf of the WV Coalition to End Homelessness, and addressed misconceptions about the Coalition. She stated that homeless services are still available and there are multiple ways to access them. She mentioned that the Bartlett House has not received any additional funding, and that the Bartlett House does not have bed bugs.

Deputy Chief of Police Eric Powell provided statistics of crime activity that MPD has received in the Greenmont area. There being no speakers, Mayor Kawecki declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: NONE

CONSENT AGENDA:

AN ORDINANCE AUTHORIZING AN EASEMENT TO SEGRA AT THE MORGANTOWN MUNICIPAL AIRPORT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING AN EASEMENT TO SEGRA AT THE MORGANTOWN MUNICIPAL AIRPORT

No motion, Council approved by consensus the above entitled Ordinance to second reading. Deputy Mayor Fetty was having technical difficulties, so she was not present for this Ordinance when read and approved.

AN ORDINANCE AUTHORIZING AN EASEMENT TO CITYNET AT THE MORGANTOWN MUNICIPAL AIRPORT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING AN EASEMENT TO CITYNET AT THE MORGANTOWN MUNICIPAL AIRPORT

No motion, Council approved by consensus the above entitled Ordinance to second reading.

AN ORDINANCE ACCEPTING EASEMENT AT RIVERVIEW DRIVE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE ACCEPTING EASEMENT AT RIVERVIEW DRIVE

No motion, Council approved by consensus the above entitled Ordinance to second reading.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING A PLANNING AND ZONING CODE TEXT AMENDMENT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING A PLANNING AND ZONING CODE TEXT AMENDMENT FOR SECTIONS 1329.02 AND 1331.05 AS THEY RELATE TO PUBLIC AND PRIVATE EV CHARGING STATIONS

Interim City Manager Emily Muzzarelli explained, motion by Councilor Selin, second by Councilor Harshbarger, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A ZONING MAP AMENDMENT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING A ZONING MAP AMENDMENT FOR WEST VIRGINIA HOSPITALS (445 VAN VOORHIS ROAD)

Interim City Manager Emily Muzzarelli explained, after discussion, motion by Councilor Selin, second by Councilor Dulaney, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

CITY MANAGER'S REPORT:

Information:

A. Response to Encampment Situation in Lower Greenmont

There has been significant attention to the City's ongoing response to and interaction with an encampment along Pennsylvania Avenue near Decker's Creek. There have been accusations that the actions taken by City staff are harassment towards individuals experiencing homelessness. Interim City Manager stated that she wanted to publicly say that these accusations are false. City Council was provided with details surrounding Code Enforcement and Police responses at the site. All these responses and visits to the site were a direct response to a call for dispatch, a citizen complaint, or part of a regular patrol. Contrary to what was reported, only one citation was given, and the citation had nothing to do with the people present at the site.

The City is working with the WV Coalition to End Homelessness, property owner, and other social service agencies to help people staying at the encampment. With that being said, the City has standards for property maintenance that state exterior property and premises shall be maintained in a clean, safe, and sanitary condition.

B. City Council's upcoming Strategic Planning Workshop

The Novak Consulting Group will be running a Strategic Planning Workshop for City Council on June 19th and 20th. It is vital that this workshop be conducted in person. The City is making accommodations to allow for social distancing and other measures for protecting public health during the COVID-19 pandemic, including making masks available.

The Strategic Planning Workshop will be open to the public to attend with prior registration so that City staff can plan precautions. The public will also be required to adhere to social distancing requirements and are encouraged to wear masks while they attend.

Information for this workshop will be forthcoming.

C. Reminder of Rescheduled Election Date – June 9, 2020

Interim City Manager Emily Muzzarelli provided an update regarding the Election Day Due to the Governor's previous "Stay at Home" orders which were put in place to promote public health, West Virginia's primary election day was moved from May 12 to June 9. City of Morgantown offices will be closed Tuesday, June 9, 2020, in observance of election day. We urge all citizens to participate in election day.

More information can be found at <https://sos.wv.gov/about/Pages/Covid-19.aspx>.

D. City COVID – 19 Response Update

Interim City Manager Emily Muzzarelli updated council on the city's response to COVID – 19. She also stated that city buildings have reopened, and majority of city employees have returned to work, but the public is still encouraged to conduct business from home when possible. She also stated that a number of local restaurants have taken advantage of the Temporary Dining Program.

New Business:

A. Schedule Hearing on Application for Nuisance Abatement Declaration Against Problem Property Owner – 625 Pennsylvania Avenue, 324 Dewey Street, and 619 Brockway Avenue

The regular meeting packet included three separate memorandums from Police Chief Ed Preston and he recommended 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. Council voted at the March 3, 2020, meeting to hold a special meeting for a Public Hearing for these properties, but this was later cancelled due to the COVID-19 Pandemic. Now that courts are reopening, Council can choose to move forward with the Public Hearing.

This was brought forth to council for consideration, motion by Councilor Selin, second by Councilor Harshbarger, to reschedule and conduct a public hearing on June 16, 2020, at 5:00 p.m.... The code requires that the city provide 10 days-notice to the property owner. 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.

B. Eighth Street Pedestrian Project & Blue Curb Removal

Interim City Manager Emily Muzzarelli stated that City Engineer Damien Davis and staff are looking to provide safety and pedestrian upgrades along Eighth Street. There is utility work related to the replacement of a gas line for most of the roadway. As a follow up to the utility project, the City is working with the Campus Neighborhoods Revitalization Corporation to design and install a sidewalk along Eighth Street. The City is recommending that six (6) blue curb on-street parking spaces be eliminated as part of the improvements. If council is in agreement with the removal of the on-street parking, City staff will notify the property owners and prepare for a pedestrian project along Eighth Street.

Interim City Manager Emily Muzzarelli explained, council suspended the rules to allow City Engineer Damien Davis speak and answer any questions. After discussion, the Eighth Street Project and Blue Curb Removal was approved by consensus.

REPORT FROM CITY CLERK: Christine Wade stated that the Morgantown Police Department is accepting applications for entry level police officer. She stated that the application deadline is June 19, 2020, and the test date is June 27, 2020. Christine Wade also stated that the Fire Civil Service Commission will be meeting next week to discuss promotional books for Lieutenant, Captain, and Chief. Christine Wade expressed appreciation to the Communications Department for their work to provide information to the public on the city's website. She recommended that the public sign up for notifications from the Notify Me application on the city website.

REPORT FROM CITY ATTORNEY: shared that applications for the CARES Act had been opened and deadlines established by the state. The first one passed the end of last week and the city has submitted its first application for reimbursement from those funds. A reminder that they are available for necessary expenditures in relation to the coronavirus pandemic. He advised that local government entities can submit multiple applications during one of the interim periods although they are time bound to the specific expenditure period preceding the application. He shared that the city has not received any response on the application yet. The city has conducted some management training for City staff with many of the topics that council would have seen as newer entering council members about allegations of public officials and employees. We are continuing to do those, or attempt to do this, under different circumstances for our new board member appointees. One suggestion that we received from staff is that we conduct a larger scale event, or ordering commission members along the same lines of the training received today. We will also consider whether we can do that or provide a recording or similar material for their reference.

REPORT FROM COUNCIL MEMBERS:

DEPUTY MAYOR FETTY: shared that it is challenging to figure out how to address the needs of all our citizens. She appreciates hearing from City staff and thanked the City Manager. Related to the black lives matter march she stated that as a member of this community and a member of the council that she hopes that our citizens understand that we are all in a state of shock and grief about the terrible issues and that we are going to take whatever steps we can to make sure that nothing happens in our community on our watch and that we want to support the black community as much as we possibly can as members of the leadership and we want to make sure that the services we provide on every level from every person, unbiasedness and fair and caring and take into consideration

the humanity of everyone. She shared that it is important for as many of us as possible to turn out for the marches and believes strongly that the turn out would have been bigger had we not had other issues such as Covid-19 that we're facing. She noted that it is an election time and that we are already in early voting. If you have any concerns about any of your elected representatives now is the time to take the step that you can to make sure that your choices are optimal. These are the people that you get to pick. Please do vote.

COUNCILOR CRUZE: shared his concerns for the people residing at Diamond Village, formerly known as the encampment. His goal was for them to be able to be left alone. He shared that he was elected in a wide end campaign with 52 percent of the total votes, over 700 individual votes, with only two platforms, being a voice for underrepresented populations and public transparency within Administration. He spoke of violent rhetoric aimed at and about the individuals at Diamond Village and stated that he would do his job to be a voice for these folks.

COUNCILOR SELIN: shared that she has received calls regarding trash trucks dumping smelly liquid material on the roadway which includes glass, metal screws, and some other items. She would like to see this investigated. She also shared a request that we look into burying wires whenever possible. Regarding the Census she discussed the importance of getting a better count in Morgantown and how important it is. She appreciates the work on Eighth Street and the work to make another connection to the trail for people. A cross walk is being worked on across University Avenue providing a useful place to get across. She suggested that City Council obtain a list of the current projects, like infrastructure projects, that are being worked on.

COUNCILOR DULANEY: shared that many have been keeping up with what is going on with the former Morgantown Post Office where they are securing an architectural firm to help with planning for the building complex. He has been invited to participate in the planning workshop and he will keep everyone informed as that progresses. The Planning Commission meets next week, June 11, 6:30 p.m. Councilor Dulaney shared concerns related to trash not being picked up in a timely fashion. He engaged in conversation with a volunteer that was working in what is now called Diamond Village, as well as a number of campers and from what he could tell it seemed like it was very orderly condition. He is happy that the city is actively working with social service agencies to assist and feels that this is a positive step. He would like to ensure that people are situated in the most sustainable way possible. He appreciates the work that the Police Department has done and appreciates the work that our city staff have done to communicate more effectively as we move forward.

COUNCILOR HARSHBARGER: thanked the City Manager for the report timeline information regarding what's now being referred to as Diamond Village and the city staff for their service such as Code Enforcement, Public Works, and the Police Officers for trying to maintain safety for the neighborhood and for the people who are in the camping area. As we start to move through Covid and begin to reopen our facilities and our buildings he would like folks to keep council updated on what's working, what's not working, and if we need to change how we're doing things.

COUNCILOR WENDELL: Councilor Wendell provided the following.

“Times have changed, even in West Virginia, even in the nearly eight years I’ve lived in Morgantown, even in the three years since I was elected to Council. People calling for a return to some past era, to “Make America Great Again” often are white supremacists. How do I know that? Because I grew up in Maryland in the 1950s and 1960s, when Black people could not be fed at a restaurant, could not go to a skating rink or a bowling alley or a swimming pool, could not buy a suburban house. I worked against George Wallace in the 1964 primary in Baltimore County, and I was met with a wall of open racism from Wallace supporters. Is that what we want go back to? Is that the “Great America” of the past? For some it is. A candidate in the 2017 election for Council said that Morgantown had gone downhill. I wasn’t here in the past of which he was so enamored, but I think we are becoming a more open and diverse city, and that is good.

When I moved here, WVU students often burned couches, and WVU was the nation’s number one party school. The couch burning ended one year when a burning couch rammed two cars and they blew up. The University asked “Does anyone have cell-phone pictures of this?” “And a lot of people did, and students were expelled.

So how is it that a police officer in Minneapolis in 2020 could keep his knee on the neck of a Black man, who was handcuffed and on the ground, while three other police officers looked on, knowing that he would kill that man, and knowing also that he was being filmed, and still think he would get away with that? Must be something in the culture, and not just in Minneapolis. In addition to Baltimore, I’ve lived in Miami, New Orleans and Los Angeles. The police were a problem in all of those cities.

Friends and relatives in New York and Los Angeles thought we were crazy to move here; now they are jealous that we have a much smaller percentage of the population with COVID-19, that we don’t have rioting and looters, that the police seem to be “nice.”

I attended an on-line demonstration this week, if there can be such a thing, where African-Americans spoke about their issues. A woman said her teen-aged son was held up by the cashier at a store on High Street, and although he had done nothing wrong, a police officer gave him a hard time. It may not have been a Morgantown police officer; maybe it was a private security guard. And three Black state legislators spoke: Sean Hornbuckle from Huntington, Saammi Smith from Charles Town, and our own Morgantown

legislator, Danielle Walker. All three of them have been harassed by local police. In the case of Delegate Walker, I don't believe it was Morgantown Police.

We have a letter from Chief Preston about police training, including..."de-escalation anti-bias training." I'm glad to hear that. I've never had a legitimate complaint come to me about Morgantown Police. I did ask the City Manager for statistics about arrest by race, specifically about drug arrests and what court they were referred to, and I've asked Mollie Kennedy of the ACLU if she has statistics.

I also want to hear what the policies of the State Police, the County Sheriffs and WVU police are, because they operate in our city limits. I don't know, at this point, that they can be trusted by our local residents, particularly Black people, I want to make sure that all our citizens are protected, that all of the police in our town are the "Good Guys."

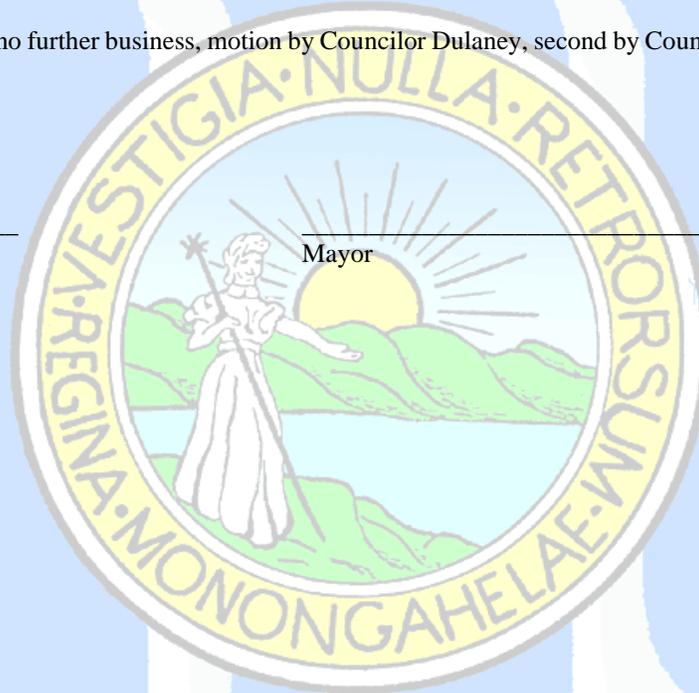
MAYOR KAWECKI: he shared a letter he received from the Green Team asking if council would consider a letter of support to the governor regarding solar energy. He discussed the efforts that have been extended to address the current problems within the city and he is aware of the care that individuals have shown while executing their work. An example is to simply look at our police officers, sharing that officers have reached into their own pockets for people to make sure they had a bed to sleep in, he appreciates their effort. To Interim City Manager Muzzarelli he shared that he appreciated the report that she provided which was as factual as it could be.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9a-4 (2) (B) (12) to discuss potential or pending litigation. Motion by Councilor Wendell, second by Councilor Selin, to go into executive session. Motion carried by acclamation. Present: Interim City Manager, City Attorney, and City Council. Time: 9:17 p.m.

ADJOURNMENT: There being no further business, motion by Councilor Dulaney, second by Councilor Selin, to adjourn the meeting. Time: 9:33 p.m.

City Clerk

Mayor



SPECIAL MEETING
June 16, 2020

The Special Meeting of the Common Council of the City of Morgantown was held via Webex on Tuesday, June 16, 2020, at 5:01 p.m.

To protect public health during the COVID-19 pandemic, personal attendance at the meeting was not be permitted. When it was time, the public may participate by videoconference at the following link: <https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477.

PRESENT: Via Webex, Mayor William A. Kawecki, Deputy Mayor Rachel Fetty, and Council Members Jenny Selin, Ron Dulaney, Dave Harshbarger, and Barry Wendell. Zackary Cruze was absent. Neither Herold G. Berthy Jr or his designee were not present for the public hearing.

The meeting was called to order by Mayor Kawecki.

PUBLIC HEARING FOR REPORTED PUBLIC NUISANCE AT 619 BROCKWAY AVENUE, 324 DEWEY STREET, AND 625 PENNSYLVANIA AVENUE

Chief Ed Preston of the Morgantown Police Department spoke regarding the public nuisance properties.

Chief Mark Caravasos of the Morgantown Fire Department spoke regarding the public nuisance properties.

Chief Mike Stone of Code Enforcement spoke regarding the public nuisance properties.

Interim City Manager Emily Muzzarelli and City Attorney Ryan Simonton also spoke to the public nuisance properties. After discussion, motion by Deputy Mayor Fetty, second by Councilor Harshbarger, to declare a public nuisance on all three properties. Motion by Deputy Mayor Fetty, second by Councilor Selin, to determine a timeline for abatement to begin and to have all city council comments to City Attorney Ryan Simonton by June 20, 2020. Motion carried 6-0 with Zackery Cruze absent.

ADJOURNMENT:

There being no further business, motion by Councilor Dulaney, second by Councilor Wendell, to adjourn the meeting. Time: 5:38 p.m.

City Clerk

Mayor

SPECIAL MEETING
June 30, 2020

The Special Meeting of the Common Council of the City of Morgantown was held via Webex on Tuesday, June 30, 2020, at 6:00 p.m.

To protect public health during the COVID-19 pandemic, personal attendance at the meeting was not be permitted. When it was time, the public participated by videoconference at the following link: <https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477.

PRESENT: Via Webex, Mayor William A. Kawecki, Deputy Mayor Rachel Fetty, and Council Members Jenny Selin, Ron Dulaney, Dave Harshbarger, and Barry Wendell. Zackary Cruze was absent.

The meeting was called to order by Mayor Kawecki.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9a-4(b)(2)(a) to discuss personnel matters in considering new appointments for Boards and Commissions. Motion by Councilor, second by Councilor, to go into executive session. Motion carried by acclamation. Present: City Council. Time: 6:01 p.m.

Human Rights Commission – Sister Cities Commission – Traffic Commission – Ward & Boundary Commission

6:00 p.m. – Bryan Phillips – Human Rights Commission & Sister Cities Commission

6:20 p.m. – Danielle Trumble – Traffic Commission – 5th Ward

6:40 p.m. – Johnathon Trumble – Ward & Boundary Commission – 5th Ward

ADJOURNMENT:

There being no further business, motion by Councilor Dulaney, second by Councilor Wendell, to adjourn the meeting. Time: 7:01 p.m.

City Clerk

Mayor

COMMITTEE OF THE WHOLE MEETING
June 30, 2020

To protect public health during the COVID-19 pandemic, personal attendance at the meeting will not be permitted. When it is time, the public may participate in the public portion by videoconference at the following link: <https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477. All members of the public may view the meeting on Channel 15 and by streaming hosted on the City's website at www.morgantownwv.gov. If you do not wish to speak at the meeting, please view it by these methods to conserve capacity on the videoconference. Any person who wishes to speak at the meeting may complete the form at <http://morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Morgantown-City-Council-M-66> or provide their name, phone number they will use to participate, and the topic on which they would like to speak by texting 304-288-0847 or texting 304-288-7072. You may sign up to speak at any time until the meeting begins. Additionally, the public may submit written comments for the public portion of the meeting by sending written comments via email to the City Clerk at cwade@morgantownwv.gov. In the email, please use the subject line "Public Comment 06/30/2020" and indicate in the body of the email if you would like your comment read aloud during the public portion of the meeting.

The Committee of the Whole Meeting of the Common Council of the City of Morgantown was held by via Webex on Tuesday, June 30, 2020, at 7:10 p.m.

PRESENT: Interim City Manager Emily Muzzarelli via telephone, Via Webex City Attorney Ryan Simonton, Mayor William A. Kawecki, Deputy Mayor Rachel Fetty, Council Members Zack Cruze, Jenny Selin, Ron Dulaney, Dave Harshbarger, and Barry Wendell.

The meeting was called to order by Deputy Mayor Fetty.

PRESENTATIONS:

1. Proclamation for Morgantown Police Chief Ed Preston; Proclamation for Code Enforcement Officer Mark Trump, Sr.

Deputy Mayor Rachel Fetty presented Police Chief Ed Preston and long-time city employee Mark Trump, Sr. with proclamations. Chief Preston was recognized for his years of service as he embarks in a new career, and Mark Trump Sr. was recognized also for his years of services as he retires.

2. Morgantown Police Department Crowd Control Response – Interim Chief Eric Powell

Interim Police Chief Eric Powell presented to council the standard procedures that Morgantown Police Department takes for crowd control to ensure the safety of residents and property.

3. Resolution on Affirming and Strengthening Community Policing – Don Spencer Human Rights Commission

No presentation was given on behalf of The Human Rights Commission. They will be presenting at a future meeting.

PUBLIC PORTION:

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

Mollie Kennedy expressed the importance of including community members that are impacted by decisions being made to be included in the decision-making process.

Jerry Carr offered advice on how issues of racism and police apprehension in Morgantown can be addressed from the Morgantown Police Department and city's standpoint. Jerry also expressed the importance of making citizens feel safe and addressing the issues that have increased attention following the death of George Floyd.

Robert Cohen expressed the need for eliminating institutional racism in Morgantown and in the Morgantown Police Department.

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

ITEMS FOR DISCUSSION:

1. An Ordinance amending Section 1329.02 and Chapter 1331 and establishing Article 1358 the Wiles Hill Gateway Overlay District of the City of Morgantown Planning and Zoning Code

Director of Development Services Chris Fletcher explained that approval of this ordinance would reclassify 18 parcels from a R-2, Single- and Two-Family Residential District to R-3, Multi-Family Residential District. After discussion, this item was moved to July 7, 2020 Regular Meeting Agenda.

2. An Ordinance amending Article 919 governing Addressing and Mapping Standards

Interim City Manager Emily explained that approval of this ordinance would allow code to be consistent with the county and state ordinance on addressing and mapping standards. After discussion, this item was moved to the July 7, 2020, Regular Meeting Agenda.

3. An Ordinance authorizing a Deed to RDR Properties transferring property at the Morgantown Municipal Airport

City Attorney Ryan Simonton explained that approval of this ordinance would allow transfer of property at the airport to satisfy a previous agreement. This item was moved to the July 7, 2020, Regular Meeting agenda.

4. Discussion of Juneteenth beginning June 19, 2021, and moving forward

Interim City Manager Emily Muzzarelli explained that the city received a request from a citizen to recognize Juneteenth as a city holiday. After discussion, this item was moved to the July 28, 2020, Committee of the Whole Meeting agenda.

5. City Council Elections and Terms of Office

Interim City Manager Emily Muzzarelli explained that council is exploring options for changing the terms of office for council members. After discussion, this item was moved to a future agenda.

6. May 2020 Monthly General Fund Finance Report and Detailed Budget Report

Interim City Manager Emily Muzzarelli updated council on the May 2020 budget and general fund. No action was taken.

ADJOURNMENT:

There being no further business, motion by Councilor Wendell, second by Councilor Dulaney, to adjourn the meeting. Time: 9:48 p.m.

City Clerk

Mayor

AN ORDINANCE AMENDING SECTION 1329.02 AND TABLE 1331.05.01 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS THEY RELATE TO ELECTRIC VEHICLE CHARGING STATIONS.

The City of Morgantown hereby ordains Sections 1329.02 and Table 1331.05.01 of the Planning and Zoning Code are amended as follows (new matter underlined):

ARTICLE 1329
Definitions

1329.02 DEFINITION OF TERMS

EV CHARGING STATION, PRIVATE – A parking space that is served by electric vehicle charging station equipment that has the primary purpose of transferring electric energy (by conductive or inductive means) to a battery or other energy source in an electric vehicle. These accessory uses may be provided to a specific dwelling unit, townhouse dwelling structure, multi-family dwelling structure, nonresidential structure, or business tenant and shall be considered a parking space for the purpose of determining or meeting minimum parking requirements.

EV CHARGING STATION, PUBLIC – A parking space that is served by electric vehicle charging station equipment that has the primary purpose of transferring electric energy (by conductive or inductive means) to a battery or other energy source in an electric vehicle. These accessory uses are provided to the general public and shall not be included in determining or meeting minimum parking requirements.

Table 1331.05.01 Permitted Land Uses

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
<u>EV Charging Station, Private</u>	A	A	A	A	A	A	A	A	A	A	A	
<u>EV Charging Station, Public</u>			A	A	A	A	A	A	A	A	A	

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN PARCELS OF REAL ESTATE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN FROM OI, OFFICE AND INSTITUTIONAL DISTRICT TO B-2, SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN.

Properties included in this ordinance are identified as Parcel 76.1, Tax Map 6, Morgantown Seventh Ward Tax District and part of Parcel 258, Tax Map 11, Seventh Ward Tax District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning designation for Parcel 76.1, Tax Map 6, Morgantown Seventh Ward Tax District of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein is reclassified from OI, Office and Institutional District to B-2, Service Business District.
2. That the zoning designation for that portion of Parcel 258, Tax Map 11, Seventh Ward Tax District of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein are reclassified from OI, Office and Institutional District to B-2, Service Business District.
3. That the Official Zoning Map be accordingly changed to show said zoning classifications.

This Ordinance shall be effective from the date of adoption and the Official Zoning Map shall be duly noted with the effective date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk



B-2

VAN-VOORHIS RD

PRO

Parcel 76.1
Tax Map 6
District 15

O-1

Part of:
Parcel 258
Tax Map 11
District 15

ELMER PRINCE DR

B-2

ORDINANCE EXHIBIT
Case No. RZ20-03



Legend

- Area to be Rezoned to B-2
- Zoning
- Parcels

AN ORDINANCE AUTHORIZING AN EASEMENT TO ZAYO GROUP 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 ZAYO GROUP LLC, a Delaware limited liability company, 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 **Two Thousand Two Hundred and Seventy-eight dollars and eighty 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) Three (3) 1 ½ inch conduits with fiber optic cabling
- (2) Handholds/ Pull Boxes

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: _____

Emily Muzzarelli, P.E.

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 Emily Muzzarelli, 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}

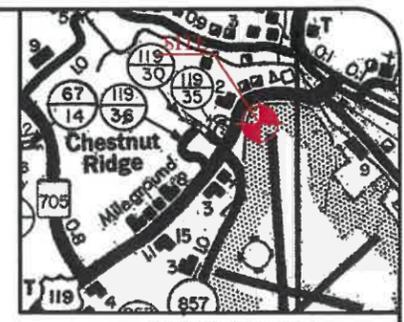
Notary Public

Prepared without title examination on behalf of Grantor by Ryan Simonton, Kay Casto & Chaney, PLLC, 105 Clay Street, Suite 100, Morgantown, WV 26505.

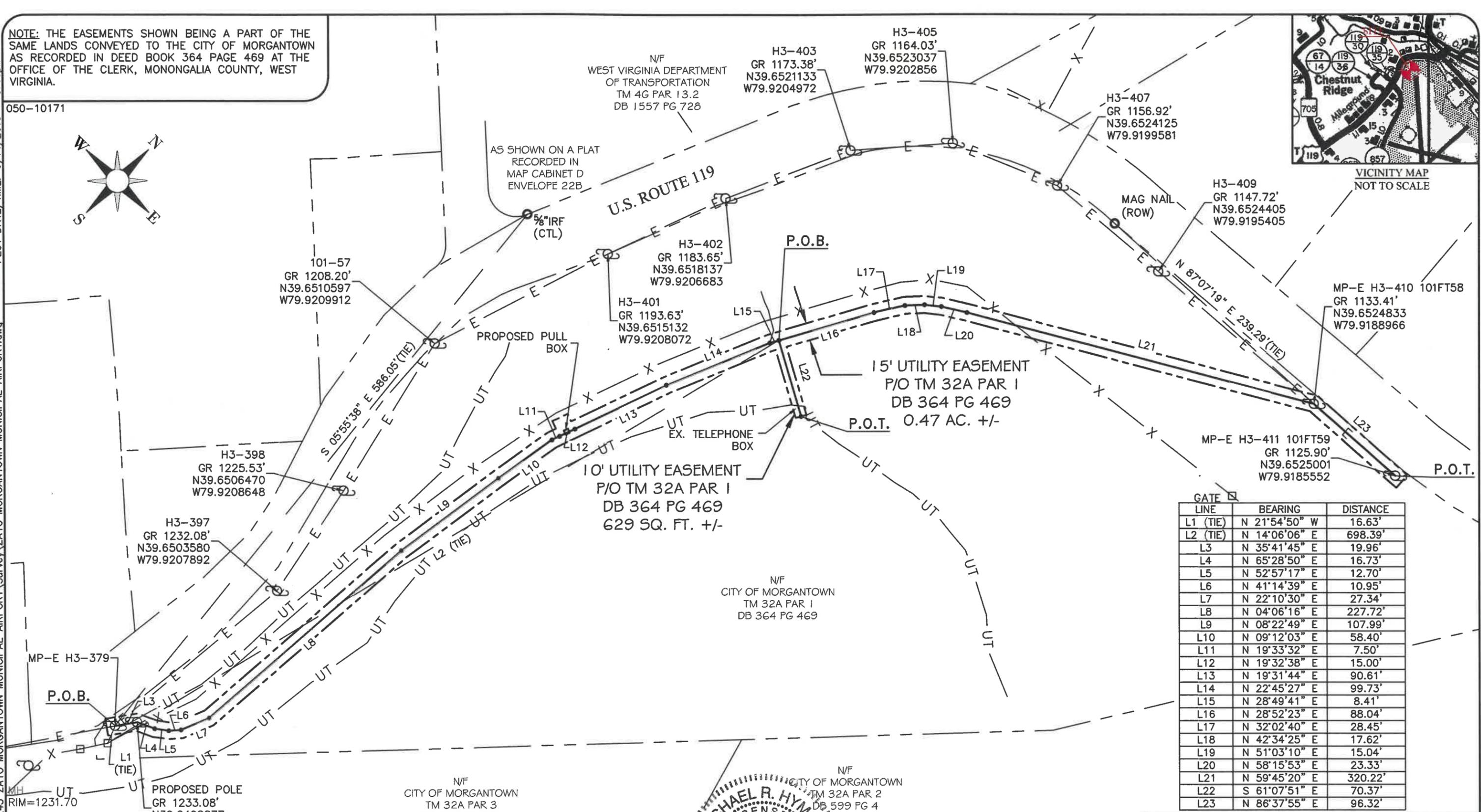
PLOT DATE/TIME: 6/14/2019 3:09pm
CAD FILE: R:\050-10243 ZAYO MORGANTOWN MUNICIPAL AIRPORT Survey\ZAYO MORGANTOWN MUNICIPAL AIRPORT.dwg

NOTE: THE EASEMENTS SHOWN BEING A PART OF THE SAME LANDS CONVEYED TO THE CITY OF MORGANTOWN AS RECORDED IN DEED BOOK 364 PAGE 469 AT THE OFFICE OF THE CLERK, MONONGALIA COUNTY, WEST VIRGINIA.

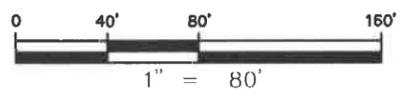
050-10171



VICINITY MAP
NOT TO SCALE



LINE	BEARING	DISTANCE
L1 (TIE)	N 21°54'50" W	16.63'
L2 (TIE)	N 14°06'06" E	698.39'
L3	N 35°41'45" E	19.96'
L4	N 65°28'50" E	16.73'
L5	N 52°57'17" E	12.70'
L6	N 41°14'39" E	10.95'
L7	N 22°10'30" E	27.34'
L8	N 04°06'16" E	227.72'
L9	N 08°22'49" E	107.99'
L10	N 09°12'03" E	58.40'
L11	N 19°33'32" E	7.50'
L12	N 19°32'38" E	15.00'
L13	N 19°31'44" E	90.61'
L14	N 22°45'27" E	99.73'
L15	N 28°49'41" E	8.41'
L16	N 28°52'23" E	88.04'
L17	N 32°02'40" E	28.45'
L18	N 42°34'25" E	17.62'
L19	N 51°03'10" E	15.04'
L20	N 58°15'53" E	23.33'
L21	N 59°45'20" E	320.22'
L22	S 61°07'51" E	70.37'
L23	N 86°37'55" E	96.32'



REFERENCE
PROPERTY BOUNDARY BASED FROM TAX MAPS AND/OR RECORDED DEED INFORMATION.

GENERAL NOTE
THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AND IS INTENDED FOR UTILITY RIGHT OF WAY PURPOSES ONLY.
050-10171



LEGEND/ABBREVIATIONS

— UT —	= UNDERGROUND TELEPHONE
— E —	= OVERHEAD ELECTRIC
---	= PROPOSED EASEMENT LINE
---	= PROPOSED CENTERLINE
•	= POINT
⊙	= UTILITY POLE
⊠	= GATE POST

SURVEY FOR
ZAYO GROUP, LLC

SHOWING
PROPOSED UTILITY EASEMENTS
OF THE

6TH WARD CORP. WEST VIRGINIA
MONONGALIA COUNTY JUNE 2019

THRASHER THE THRASHER GROUP, INC.
600 WHITE OAKS BLVD.
BRIDGEPORT, WV 26330
PHONE 304-624-4108
www.thrashergroup.com

AN ORDINANCE AMENDING SECTION 1329.02 AND CHAPTER 1331 AND ESTABLISHING ARTICLE 1358 THE WILES HILL GATEWAY OVERLAY DISTRICT OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE.

The City of Morgantown hereby ordains Section 1329.02 and Chapter 1331 of the Planning and Zoning Code are amended (deleted matter struck-through; new matter underlined) and Section 1358 is established (new matter underlined) in the Planning and Zoning Code as follows:

CHAPTER SEVEN - Land Use

- Art. 1331. Establishment of Zoning Districts and Zoning Map.
- Art. 1333. R-1, Single-Family Residential District.
- Art. 1335. R-1A, Single-Family Residential District.
- Art. 1337. R-2, Single- and Two-Family Residential District.
- Art. 1339. R-3, Multi-Family Residential District.
- Art. 1341. PRO, Professional, Residential and Office District.
- Art. 1343. OI, Office and Institutional District.
- Art. 1345. B-1, Neighborhood Business District.
- Art. 1347. B-2, Service Business District.
- Art. 1349. B-4, General Business District.
- Art. 1351. Performance Standards for Buildings in the General Business (B-4) District.
- Art. 1353. B-5, Shopping Center District.
- Art. 1355. I-1, Industrial District.
- Art. 1357. PUD, Planned Unit Development District.
- Art. 1358. Wiles Hill Gateway Overlay District.
- Art. 1359. ISOD, Interstate Sign Overlay District.
- Art. 1360. Airport Overlay District.
- Art. 1361. Sunnyside Overlay Districts.
- Art. 1362. B-4NPOD, B-4 Neighborhood Preservation Overlay District.

ARTICLE 1329
Definitions

1329.02 DEFINITION OF TERMS.

For the purpose of this ordinance, the following words and phrases shall have the meaning respectively prescribed to them by this section. If not defined herein, or within other sections of

this ordinance, terms used in this ordinance shall have the meanings provided in any standard dictionary or American Planning Association publication as determined by the Planning Director.

BALCONY - A raised deck or porch extending from a building wall that is not directly accessible from an exterior access point.

DWELLING, ACCESSORY – A separate, complete housekeeping unit with separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure. Also referred to as “ADUs.”

FRONT GATHERING SPACE – A semi-private and accessible building feature that is at least twenty (20) square feet in area, located directly in front of the principal façade of a structure and includes balconies, canopies, decks, porches, porticos, and stairway ending in a stoop or landing abutting the building wall. A front gathering space is not a patio or plaza feature.

CHAPTER SEVEN - Land Use

Art. 1331. Establishment of Zoning Districts and Zoning Map.

Art. 1333. R-1, Single Family Residential District.

Art. 1335. R-1A, Single Family Residential District.

Art. 1337. R-2, Single and Two-Family Residential District.

Art. 1339. R-3, Multi-Family Residential District.

Art. 1341. PRO, Professional, Residential and Office District.

Art. 1343. OI, Office and Institutional District.

Art. 1345. B-1, Neighborhood Business District.

Art. 1347. B-2, Service Business District.

Art. 1349. B-4, General Business District.

Art. 1351. Performance Standards for Buildings in the General Business (B-4) District.

Art. 1353. B-5, Shopping Center District.

Art. 1355. I-1, Industrial District.

Art. 1357. PUD, Planned Unit Development District.

Art. 1358. Wiles Hill Gateway Overlay District.

Art. 1359. ISOD, Interstate Sign Overlay District.

Art. 1360. Airport Overlay District.

Art. 1361. Sunnyside Overlay Districts.

Art. 1362. B-4NPOD, B-4 Neighborhood Preservation Overlay District.

~~CHAPTER~~ ARTICLE 1331
 Establishment of Zoning Districts and Zoning Map

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

Abbreviation	Description
R-1.....	Single-Family Residence <u>Residential</u>
R-1A	Single-Family Residence <u>Residential</u>
R-2.....	Single- and Two-Family Residence <u>Residential</u>
R-3.....	Multi-Family Residence <u>Residential</u>
PRO.....	Professional, Residential and Office
<u>OI.....</u>	<u>Office and Institutional</u>
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 zoning districts listed above, portions of the City may be classified according to the following overlay zoning districts:

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

ARTICLE 1358
WHOD, Wiles Hill Gateway Overlay District

1358.01 PURPOSE.

The Wiles Hill Gateway Overlay District, pursuant to recommendations in the Future Study Area No. 5 Plan dated October 8, 2019 shall be divided into three (3) blocks and serve as a set of demonstration land use, design, and performance standards to:

- (A) Advance desired infill development and redevelopment to modestly increase residential densities in a transitional pattern;
- (B) Advance infill and redevelopment through dwelling unit diversification; and,
- (C) Promote construction of affordable workforce housing opportunities that includes a balance of owner and renter households.

Standards provided in this Article shall supersede or supplement those provided in other parts of this Ordinance where conflicts exist.

1358.02 BLOCKS.

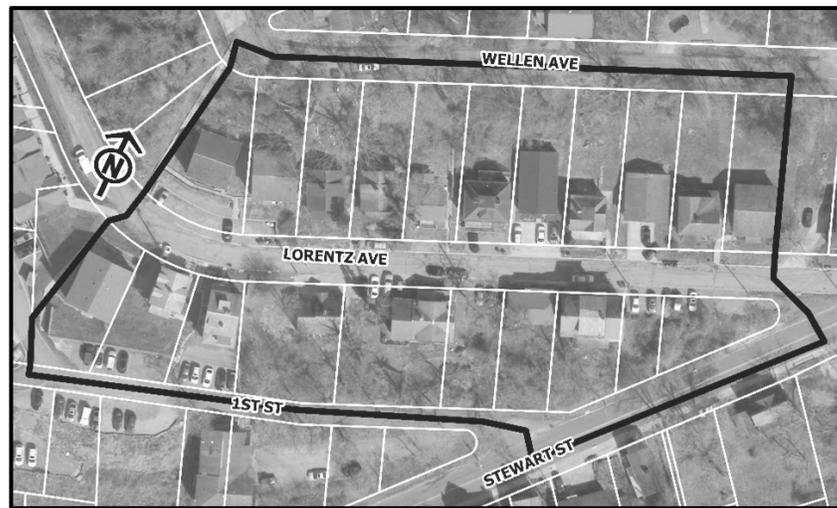
- (A) WHOD Block “A” Boundary. Beginning at the intersection of Stewart Street and Highland Avenue; then in a southerly direction along Stewart Street to the intersection of Lorentz Avenue; then west along Lorentz Avenue to the parcel boundary separating Parcels 330.1 and 331 of Monongalia County Tax Map 20 in Tax District 12; then north along said parcel boundary to Wellen Avenue; then west along Wellen Avenue to its intersection with Raymond Street; then in a northerly direction along Raymond Street to the intersection of Highland Avenue; then east along Highland Avenue to the point of beginning at the intersection of Stewart Street and Highland Avenue. The Block “A” boundary is shown in Graphic 1358.02.01.

Graphic 1358.02.01 – Block “A” Boundary



(B) WHOD Block “B” Boundary. Beginning at the intersection of Stewart Street and Lorentz Avenue; then in a southerly direction along Stewart Street to the intersection of First Street; then west along First Street to the intersection of Old Golden Blue Lane; then north along Old Golden Blue Lane to the parcel boundary separating Parcels 256 and 257.1 of Monongalia County Tax Map 20 in Tax District 12; then north along said parcel boundary to Wellen Avenue; then east along Wellen Avenue to the parcel boundary separating Parcels 330.1 and 331 of Monongalia County Tax Map 20 in Tax District 12; then south along said parcel boundary to Lorentz Avenue; then east along Lorentz Avenue to the point of beginning at the intersection of Stewart Street and Lorentz Avenue. The Block “B” boundary is shown in Graphic 1358.02.02.

Graphic 1358.02.02 – Block “B” Boundary



(C) WHOD Block “C” Boundary. Beginning at the intersection of Stewart Street and First Street; then southwest along Stewart Street to the intersection of Jones Avenue; then north along Jones Avenue to the intersection of Overhill Street; then northeast along Overhill Street to the intersection of Sharon Avenue; then southeast along Sharon Avenue to the intersection of Lorentz Avenue; then southwest to southeast along Lorentz Avenue to the parcel boundary separating Parcels 256 and 257.1 of Monongalia County Tax Map 20 in Tax District 12; then south along said parcel boundary to First Street; then northeast along First Street to the point of beginning at the intersection of Stewart Street and First Street. The Block “C” boundary is shown in Graphic 1358.02.03.

Graphic 1358.02.03 – Block “C” Boundary



1358.03 LAND USE REGULATIONS AND DESIGN AND PERFORMANCE STANDARDS COMMON TO ALL WILES HILL GATEWAY OVERLAY DISTRICT BLOCKS.

The following land use regulations and development design and performance standards are held in common to blocks that compose the Wiles Hill Gateway Overlay District.

(A) PERMITTED PRINCIPAL AND CONDITIONAL USES

The table and supplemental regulations of the Wiles Hill Gateway Overlay District Permitted Land Uses Table are incorporated in this section and are adopted as the basic land use regulations for the Wiles Hill Gateway Overlay District. The table and supplemental regulations identify the types of land uses that are permitted within each of the blocks composing the overlay district and any applicable conditions and limitations.

Determining the overlay district block in which a particular use is allowed shall be interpreted as provided in Section 1331.05. However, the Wiles Hill Gateway Overlay District Permitted Land Uses Table shall supersede Table 1331.05.01 Permitted Land Use.

A description of the supplemental regulations immediately follows the Wiles Hill Gateway Overlay District Permitted Land Use Table, which shall supersede Section 1331.06 unless noted otherwise.

Table 1358.03.01 – Wiles Hill Gateway Overlay District Permitted Land Uses

<u>Uses</u>	<u>Block A</u>	<u>Block B</u>	<u>Block C</u>	<u>Supplemental Regulations</u>
<u>Administrative Office</u>			<u>A</u>	<u>1</u>
<u>Bakery, Retail</u>			<u>C</u>	<u>1</u>
<u>Barber Shop / Beauty Salon</u>			<u>C</u>	<u>1</u>
<u>Communications Equipment Building</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u>Community Center</u>			<u>C</u>	
<u>Convenience Store, Neighborhood</u>			<u>C</u>	<u>1</u>
<u>Day Care Facility, Class 1</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Day Care Facility, Class 2</u>			<u>C</u>	<u>1, 2</u>
<u>Dwelling, Accessory</u>	<u>A</u>			<u>3</u>
<u>Dwelling, Mixed Use</u>			<u>P</u>	<u>4</u>
<u>Dwelling, Multi-family</u>			<u>P</u>	<u>5</u>
<u>Dwelling, Single-family</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Dwelling, Townhouse</u>		<u>P</u>	<u>P</u>	<u>6</u>
<u>Dwelling, Two-Family</u>		<u>P</u>	<u>P</u>	<u>7</u>
<u>Essential Services and Equipment</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Group Residential Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Group Residential Home</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Home Occupation, Class 1</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>8</u>
<u>Manufactured Homes</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Mixed Use Building</u>			<u>C</u>	<u>9</u>
<u>Personal Services Establishment</u>			<u>C</u>	<u>1</u>
<u>Restaurant</u>			<u>C</u>	<u>1</u>
<u>Snack Bar/Snack Shop</u>			<u>C</u>	<u>1</u>
<u>Telecommunications Class I</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>10</u>
<u>Wellness Center</u>			<u>C</u>	<u>1</u>

(B) SUPPLEMENTAL REGULATIONS PERTAINING TO WILES HILL GATEWAY OVERLAY DISTRICT PERMITTED LAND USES TABLE.

- (1) The maximum gross floor area for permitted nonresidential use space shall be 2,000 square feet and any permitted food service establishment shall not exceed 500 square feet of customer seating area.
- (2) DAY CARE FACILITIES, CLASS 2 shall observe Section 1331.06(19) supplemental regulations.

- (3) ACCESSORY DWELLING shall comply with the following provisions:
 - (a) An accessory dwelling shall not have more bedrooms or be permitted to have occupancy greater than the principal single-family dwelling.
 - (b) The gross floor area of a detached accessory dwelling shall be no more than fifty percent (50%) of the single-family dwelling's first floor gross floor area.
 - (c) A detached accessory dwelling shall not be located in front of the single-family dwelling's principal façade. On corner lots, a detached accessory dwelling shall not be located between any portion of the principal structure and either street.
 - (d) A detached accessory dwelling shall not be located closer than five feet to the side or rear property line.
 - (e) Parcels that include a detached accessory dwelling shall not have any additional accessory structures.
 - (f) An attached accessory dwelling shall only be permitted above a single-family dwelling's attached garage.
- (4) MIXED USE DWELLING shall observe Section 1331.06(20) and (26) supplemental regulations.
- (5) MULTI-FAMILY DWELLING shall observe Section 1331.06(35)(b) supplemental regulations.
- (6) For TOWNHOUSE development, the minimum lot size shall be 1,800 square feet and the minimum lot frontage (lot width) shall be twenty (20) feet. Townhouse dwellings shall be situated on individual lots separate from other townhouse dwelling unit lots within the same townhouse building.
- (7) TWO-FAMILY DWELLINGS in Block B may only be side-by-side (sharing the same side vertical common or party wall) and may not be over-under (one dwelling unit above another dwelling unit).
- (8) HOME OCCUPATIONS shall observe Section 1331.06(2) supplemental regulations.
- (9) MIXED USE BUILDINGS shall observe Section 1331.06(20) supplemental regulations.
- (10) TELECOMMUNICATIONS FACILITIES shall observe Section 1331.06(30).
- (C) SETBACK AND ENCROACHMENTS INTO SETBACKS.
 - (1) To promote affordable homeownership opportunities, no side building setbacks are required for interior lot lines for side-by-side two-family

dwellings. Exterior building setbacks for side-by-side and for over-under two-family dwellings shall observe side setback standards provided in the applicable WHOD Block.

- (2) To promote affordable homeownership opportunities, townhouse dwellings shall have zero setbacks for interior lot lines. Exterior building setbacks shall observe side setback standards provided in the applicable WHOD Block.
- (3) On a corner lot, the required side yard setback on the side facing a street shall be one and one-half (1.5) times the normal side setback requirement.
- (4) Architectural features may project into a required setback as provided below:
 - (a) Fire escapes, chimneys, cornices, awnings, canopies, eaves, sills, pilasters, lintels, gutters or other similar features may extend into a setback a distance not exceeding three (3) feet, except that such features shall not extend closer than three (3) feet from the property line.
 - (b) Uncovered stairs, landings and porches shall not extend closer than three (3) feet from the property line.
 - (c) Open and covered, but un-enclosed front porches attached to single-family dwellings may extend into the required front setback a distance equal to fifty (50) percent of the setback depth. Such porches may not subsequently be enclosed unless the normal setback requirements within the respective WHOD Block are met.
- (5) No permitted encroachment noted above shall extend to within three (3) feet of an accessory structure.
- (6) Fences, walls, terraces, steps or other similar features may encroach into a requires setback, except as provided in Section 1363.03, Safety and Vision. Such appurtenances shall not be located within access, drainage, or utility easements.
- (7) HVAC mechanical units may be located no closer than two (2) feet to a side lot line and may not be placed in the front yard.

(D) CALCULATED BUILDING HEIGHT.

- (1) Unless otherwise specified in a Wiles Hill Gateway Overlay District Block, principal building height measured in feet shall be the vertical distance measured from the centerline grade of the roadway from which the lot frontage and building envelope orientation is established to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges of gable, hip, and gambrel roofs. Building height calculation shall not include chimneys, spires, elevator and

mechanical penthouses, water tanks, radio antennas, and similar projections or other exceptions provided in Section 1363.02(A), Height Exceptions.

- (2) Accessory structure height measured in feet shall be the average vertical distance measured from the adjoining grade to the halfway point between the highest and lowest elevations of the roof type as described in Section 1358.03 (D)(1) above. The maximum height of an accessory structure shall not exceed eighteen (18) feet, except for detached accessory dwelling units, where permitted, which shall not exceed twenty (20) feet.

(E) PARKING AND LOADING STANDARDS.

Unless otherwise provided, all uses within the Wiles Hill Gateway Overlay District shall conform to the off-street parking and loading requirements in Article 1365, Parking, Loading and Internal Roadways.

- (1) The minimum number of off-street parking spaces for residential uses shall be 0.75 spaces per occupant as determined by the West Virginia State Building Code as adopted and implemented by the City. The minimum number of off-street parking spaces for mixed-use dwellings shall be 0.75 spaces per occupant as determined by the West Virginia State Building Code plus required spaces for nonresidential use(s).
 - (2) The maximum number of parking spaces for an accessory dwelling unit is one (1) space.
 - (3) All three (3) types of site plan reviews for new development and redevelopment provided in Section 1385.04 et seq. shall provide bicycle storage facilities set forth in Section 1365.06(Q) as well as the following provisions.
 - (a) With the exception of single-family dwellings, all residential units shall provide not less than one (1) long-term bicycle storage space.
 - (b) All townhouse principal buildings shall provide not less than one (1) short-term bicycle storage space located not more than fifty (5) feet from the principal building.
 - (c) One (1) long-term bicycle storage space and one (1) short-term bicycle storage space shall be provided for each residential unit in a multi-family building and/or in a mixed-use building.
- (F) Retaining Walls. As a part of any new development or redevelopment, existing retaining walls generally running parallel with and visible from the public right-of-way shall be replaced according to the following design standards. New retaining walls generally running parallel with and visible from the public right-of-way shall be constructed according to the following design standards.

- (1) New retaining wall construction shall be terraced from Stewart Street vertically to its highest point. Each terraced section of retaining wall shall not exceed a height of five (5) feet measured from visible base to cap stone.
- (2) Permitted retaining wall materials include concrete masonry units (CMU) and masonry units; provided, materials shall have a consistent natural-stone appearance, preferably in the style of limestone, cobblestone, kingstone, or ledgestone. The use of flat forms shall be limited to not more than fifty percent (50%) of a retaining wall's face. Retaining walls shall be earth toned colors.
- (3) Areas between terraced walls shall be appropriately landscaped to soften the visual impact of larger retaining walls systems from adjoining properties and public rights-of-way. Landscaping should incorporate appropriate small trees, shrubs, ornamental grasses, perennials, etc. that compliments and is in continuity with the Stewart Street and University Avenue public green space.

(G) LANDSCAPING REQUIREMENTS FOR PROPERTIES ADJOINING STEWART STREET PUBLIC RIGHT OF WAY

- (1) All new development and redevelopment involving lots that have rear yards adjoining Stewart Street public right-of-way shall provide a landscape buffer abutting the Stewart Street public right-of-way and is ten (10) feet wide planted with one (1) two inch (2") caliper small deciduous tree for every (20) feet and at least three (3) shrubs of at least three (3) gallons in size clustered between each two (2) trees.
- (2) maintenance of the landscaped buffer shall be completed in accordance with Sections 1367.10(C) and 1367.10(D).

(H) FRONT GATHERING SPACES. All residential construction shall include a front gathering space except for accessory dwelling units which may include a front gather space. Front gathering spaces should be covered and may not be enclosed.

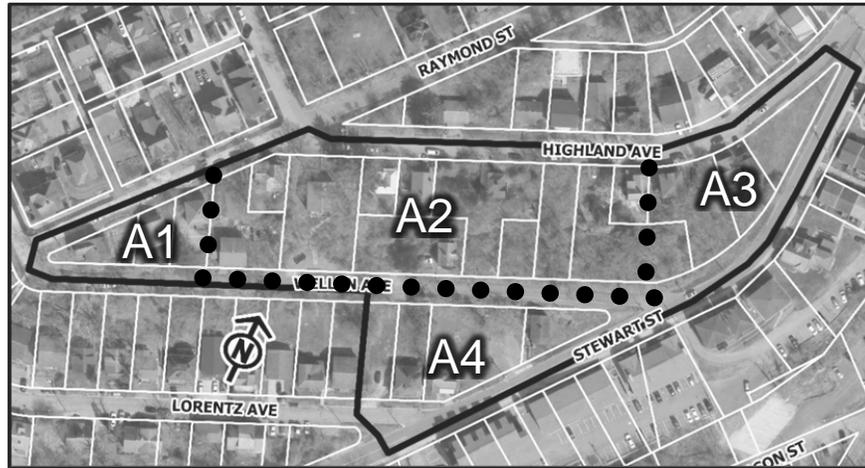
1358.04 BLOCK "A" DEVELOPMENT STANDARDS.

(A) PURPOSE. The purpose of Block "A" is to serve as a transition into the adjoining R-1A District while enabling creative building forms and moderately higher detached single-family densities that incentivize infill and redevelopment of underutilized, functionally obsolete, and/or nonconforming properties.

(B) LOT PROVISIONS.

- (1) Block "A" shall include four (4) subgroups "A1", "A2", "A3", and "A4" as illustrated in Graphic 1358.04.01 for the purpose of establishing varying lot provisions.

Graphic 1358.04.01 – Block “A” Subgroups



(2) The following shall be the minimum lot size standard for each of the Block “A” Subgroups:

- (a) Subgroup “A1” 4,200 square feet
- (b) Subgroup “A2” 3,000 square feet
- (c) Subgroup “A3” 4,500 square feet
- (d) Subgroup “A4” 4,500 square feet

(3) The following shall be the minimum lot frontage standard for each of the Block “A” Subgroups:

- (a) Subgroup “A1” 50 feet
- (b) Subgroup “A2” 44 feet
- (c) Subgroup “A3” 40 feet
- (d) Subgroup “A4” 40 feet

(4) The following shall be the lot coverage standard for each of the Block “A” Subgroups:

- (a) Subgroup “A1” 28%
- (b) Subgroup “A2” 45%
- (c) Subgroup “A3” 55%
- (d) Subgroup “A4” 55%

(5) New development and/or redevelopment shall have the following frontage and building envelope orientation for each of the Block "A" Subgroups:

(a) Subgroup "A1"..... Raymond Street or Wellen Avenue, as determined by the Planning Director.

(b) Subgroup "A2"..... Highland Avenue or Wellen Avenue, as determined by the Planning Director.

(c) Subgroup "A3"..... Highland Avenue

(d) Subgroup "A4"..... Wellen Avenue

(C) SETBACKS.

(1) Principal Buildings.

(a) Minimum Front setback..... 5 feet

(b) Maximum Front setback..... 12 feet

(c) Minimum Side setback 5 feet

(d) Minimum Rear setback 5 feet

(2) Accessory Structures. Except for detached accessory dwellings provided in this overlay district, see Section 1331.08 for accessory structures in residential districts.

(D) BUILDING HEIGHT

(1) The maximum height of a principal building for lots with frontage on Highland Avenue or Raymond Street shall be thirty (30) feet above the fronting roadway centerline.

(2) The maximum height of a principal building for lots with frontage on the north side Wellen Avenue shall be forty (40) feet above the fronting roadway centerline.

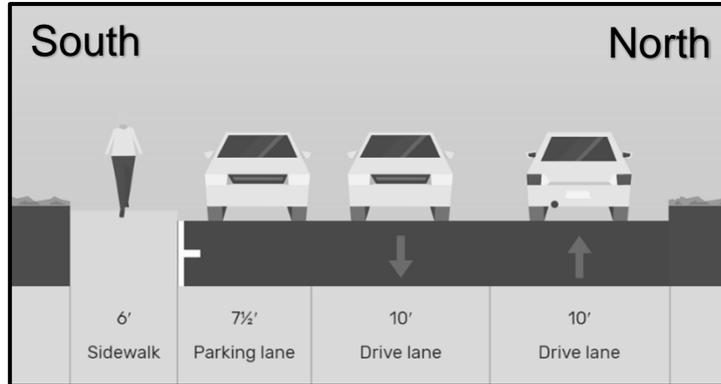
(3) The maximum height of a principal building for lots with frontage on the south side of Wellen Avenue shall be thirty (30) feet above the fronting roadway centerline.

(E) PERFORMANCE STANDARDS

(1) New development and/or redevelopment approvals and permits for parcels fronting Highland Avenue may not be issued until the Highland Avenue public right-of-way is improved or performance guarantee secured to the satisfaction of the City Engineer between its intersection with Stewart Street and its intersection with Raymond Street. Improvements should

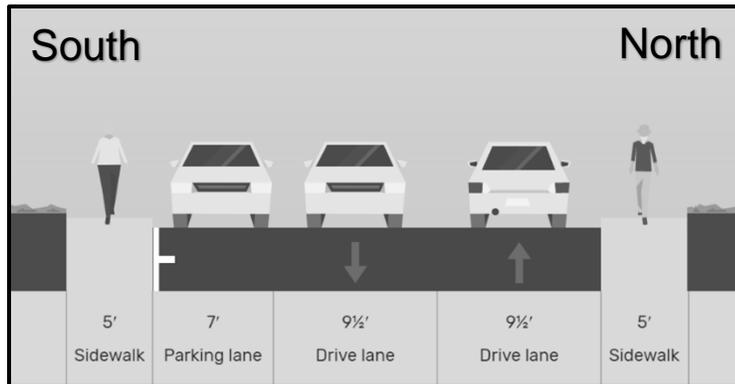
accommodate two lanes of traffic, a parking lane, and sidewalk as generally illustrated in Graphic 1358.04.01.

Graphic 1358.04.01 – Preferred Highland Avenue Roadway Cross-Section



- (2) New development and/or redevelopment approvals and permits for parcels fronting Wellen Avenue may not be issued until the Wellen Avenue public right-of-way is improved or performance guarantee secured to the satisfaction of the City Engineer between its intersection with Stewart Street and its intersection with Raymond Street. Improvements should accommodate two lanes of traffic, a parking lane, and sidewalks as generally illustrated in Graphic 1358.04.02.

Graphic 1358.04.02 – Preferred Wellen Avenue Roadway Cross-Section



- (3) Unless otherwise provided in Block "A", see Section 1335.07 for building design standards for permitted residential development.
- (4) Single-family dwelling units shall comply with supplemental regulations provided in Section 1331.06(16); except, no housing unit shall be less than 20 feet in width.
- (5) Attached front loaded garages for southern facing structures may take up the complete width of the ground-level front façade.

- (6) At least one (1) of the minimum required off-street parking spaces for each dwelling unit shall be located within an enclosed garage.
- (7) Off-street parking spaces shall not be located completely between the front façade and the public right-of-way; provided, off-street parking spaces may extend past the building line.
- (8) All open driveways and off-street parking spaces shall be surfaced with an all-weather, dust-free concrete or asphalt prior to the issuance of a Certificate of Occupancy. Driveways and off-street parking spaces shall be maintained in good condition. Other surface materials and designs may be utilized when specifically approved by the City Engineer, for purposes of reducing storm water runoff or other environmental and aesthetic considerations, with the exception of loose gravel which shall not be permitted.
- (9) Curb cuts and driveway entrances shall be prohibited from Stewart Street.
- (10) Principal Buildings shall be no less than twelve (12) feet wide.
- (11) Residential construction may deviate from street orientation of adjacent interior lot residential structures, except for structures on parcels that abut Stewart Street which shall be oriented towards either Wellen Avenue or Highland Avenue public roadways, whichever is closer.

1358.05 BLOCK “B” DEVELOPMENT STANDARDS.

(A) PURPOSE. The purpose of Block “B” is to serve as a transition between Blocks “A” and “C” while enabling creative building forms and moderately higher densities than Block “A” to incentivize redevelopment of existing nonconforming rental properties. Two-Family and Townhouse designs are preferred for this block.

(B) LOT PROVISIONS.

- (1) The minimum lot size shall be 4,700 square feet. See Section 1358.03(B)(6) for minimum lot size standard for townhouse development.
- (2) The minimum lot frontage shall be 40 feet. See Section 1358.03(B)(6) for minimum lot frontage standard for townhouse development.
- (3) New development shall have frontage and building envelope orientation toward the Lorentz Avenue public right-of-way.
- (4) For development north of Lorentz Avenue – Maximum lot coverage shall be 35 percent.
- (5) For development south of Lorentz Avenue – Maximum lot coverage shall be 38 percent.

(C) SETBACKS.

- (1) For development of principal buildings north of Lorentz Avenue, except as provided in Section 1358.03(C)(1) and (2):
 - (a) Minimum Front setback20 feet
 - (b) Maximum Front setback25 feet
 - (c) Minimum Side setback.....5 feet
 - (d) Minimum Rear setback.....45 feet
- (2) For development of principal buildings south of Lorentz Avenue, except as provided in Section 1358.03(C)(1) and (2):
 - (a) Minimum Front setback5 feet
 - (b) Maximum Front setback10 feet
 - (c) Minimum Side setback.....5 feet
 - (d) Minimum Rear setback.....40 feet
- (3) See Section 1331.08 for accessory structures in residential districts.

(D) BUILDING HEIGHT.

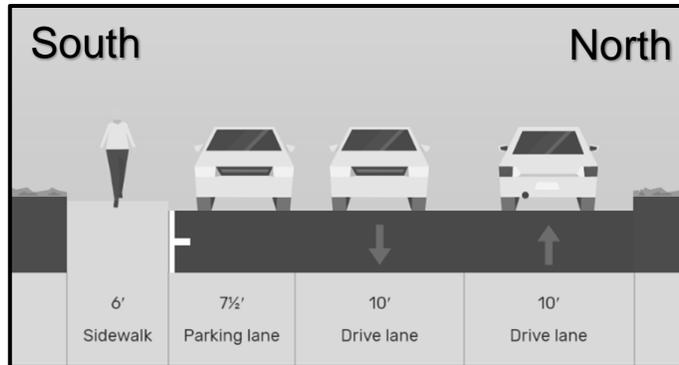
- (1) The maximum height of a principal building for lots on the north side of Lorentz Avenue shall be forty (40) feet above the fronting roadway centerline.
- (2) The maximum height of a principal building for lots on the south side of Lorentz Avenue shall be thirty (30) feet above the fronting roadway centerline.

(E) PERFORMANCE STANDARDS.

- (1) Unless otherwise provided in Block "B", see Section 1337.07 for building design standards for permitted residential development.
- (2) Single-family dwelling units shall comply with supplemental regulations provided in Section 1331.06(16); except, no single-family housing unit shall be less than 20 feet in width.
- (3) New development and/or redevelopment approvals and permits may not be issued until the Lorentz Avenue public right-of-way is improved or performance guarantee secured to the satisfaction of the City Engineer between its intersection with Stewart Street and the pedestrian way connecting Wellen Avenue to Lorentz Avenue to Old Golden Blue Way.

Improvements should accommodate two lanes of traffic, a parking lane, and sidewalk as generally illustrated in Graphic 1358.05.01

Graphic 1358.05.01 – Preferred Lorentz Avenue Roadway Cross-Section



- (4) Residential dwelling unit occupancy will be determined by the West Virginia State Building Code as adopted and implemented by the City.
- (5) Sidewalks shall be constructed along the frontage of a lot upon which a use is to be constructed. Sidewalks shall be at least six (6) feet wide. Sidewalk construction may only be waived by the City Engineer if the planned and accepted public right-of-way cross-section places the sidewalk facility on the opposite side of the right-of-way from the lot upon which a use is to be constructed; provided, a waiver must be accompanied by the sidewalk development in lieu of fee enacted by City Council.
- (6) Curb cuts and driveway entrances shall be prohibited from Wellen Avenue and Stewart Street.
- (7) Off-street parking spaces shall not be located between the front façade and the public right-of-way for development on the south side of Lorentz Avenue.
- (8) At least one (1) of the minimum required off-street parking spaces for each dwelling unit shall be located within an enclosed garage.
- (9) All open driveways and off-street parking spaces shall be surfaced with an all-weather, dust-free concrete or asphalt prior to the issuance of a Certificate of Occupancy. Driveways and off-street parking spaces shall be maintained in good condition. Other surface materials and designs may be utilized when specifically approved by the City Engineer, for purposes of reducing storm water runoff or other environmental and aesthetic considerations, with the exception of loose gravel which shall not be permitted.
- (10) Principal Buildings shall be no less than 20 feet wide and no more than one-hundred twenty (120) feet wide.

1358.06 BLOCK "C" DEVELOPMENT STANDARDS.

(A) PURPOSE. The purpose of Block "C" is to foster development, built into the hillside, of moderately higher densities than Block B that provides an attractive gateway into the Wiles Hill neighborhood. The Jones Avenue and Stewart Street intersection should be designed with significant terraced retaining walls and landscaping features allowing development to be accessible from First Street or Jones Avenue.

(B) LOT PROVISIONS.

- (1) The minimum lot size shall be 4,000 square feet. See Section 1358.03(B)(6) for minimum lot size standard for townhouse development.
- (2) The minimum lot frontage shall be 35 feet. See Section 1358.03(B)(6) for minimum lot frontage standard for townhouse development.
- (3) Maximum lot coverage shall be 60 percent.
- (4) New development shall have frontage and building envelope orientation toward First Street, Jones Avenue, or Lorentz Avenue as determined by the Planning Director.

(C) SETBACKS.

- (1) For development of principal buildings in Block "C", except as provided in Section 1358.03(C)(1) and (2):
 - (a) Minimum Front setback 5 feet
 - (b) Maximum Front setback 15 feet
 - (c) Minimum Side setback 5 feet
 - (d) Minimum Rear setback 20 feet
- (2) See Section 1331.08 for accessory structures in residential districts.

(D) BUILDING HEIGHT.

- (1) The maximum height of a principal building shall not exceed the 1,090-foot topographic elevation coordinate; provided,
 - (a) Principal buildings for which the frontage and building envelope orientation has been determined by the Planning Director to be First Street or its former linear path, the maximum principal building height shall be the lesser of 1,100 feet above mean sea level or forty (40) feet above the centerline grade of:
 - (i) The First Street roadway; or,

(ii) The annulled portion of First Street through which a public access and pedestrian path easement has been established.

(b) Principal buildings for which the frontage and building envelope orientation has been determined by the Planning Director to be Jones Avenue and located between Stewart Street and the annulled portion of First Street through which a public access and pedestrian path easement has been established, the maximum principal building height shall be forty (40) feet above the adjoining grade at any point of the front façade.

(c) Principal buildings for which the frontage and building envelope orientation has been determined by the Planning Director to be Lorentz Avenue, Old Golden Blue Lane, Pride Lane, or a new public or private roadway, the maximum principal building height shall be thirty-five (35) feet above the fronting roadway centerline.

(2) For the purpose of this section, the North American Datum 1983 State Plane West Virginia North FIPS 4701 Feet coordinate system shall be used in determining topographic elevation coordinates.

(E) PERFORMANCE STANDARDS.

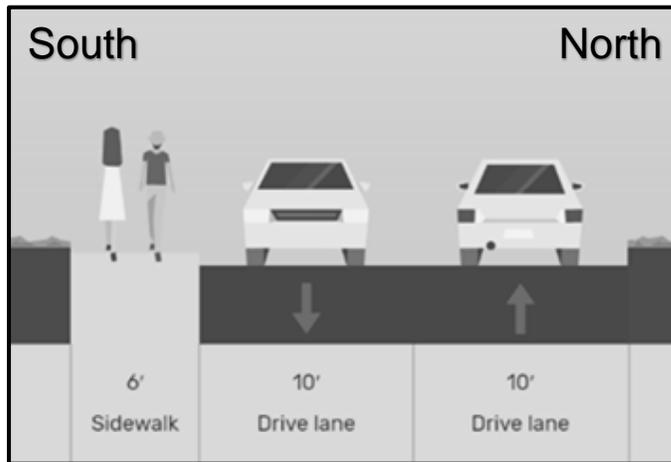
(1) Unless otherwise provided in Block "C", see Section 1337.07 for building design standards for permitted residential development.

(2) Single-family dwelling units shall comply with supplemental regulations provided in Section 1331.06(16); except, no single-family housing unit shall be less than 20 feet in width.

(3) New development and/or redevelopment approvals and permits for First Street and/or Jones Avenue frontage may not be issued until:

(a) The First Street public right-of-way is improved or performance guarantee secured to the satisfaction of the City Engineer between its intersection with Stewart Street and the annulled portion of First Street. Improvements should accommodate two lanes of traffic and sidewalk as generally illustrated in Graphic 1358.05.01.

Graphic 1358.06.01 – Preferred First Street Roadway Cross-Section



(b) The pedestrian path between Old Golden Blue Lane and Jones Avenue is improved or performance guarantee secured to the satisfaction of the City Engineer.

(4) Building Form. Multi-family development should complement and incorporate hillside slopes through terraced stacking of dwelling units as generally illustrated in Graphic 1358.06.01.

Graphic 1358.02.03 – Block “C” Boundary



(5) Minimum Open Space. Permanent open space shall be required as an integral part of townhouse and/or multi-family development. In townhouse or multi-family development within “Block C,” at least ten percent (10%) of the total area (measured in square feet) of “Block C,” not including the required yard setbacks, shall be dedicated as open space as a part of a townhouse and/or multi-family development and shall be maintained by the developer/owner/homeowners association and shall be accessible to all residents of the development. Open space shall not include any impervious surfaces designed, developed, and used for parking spaces. At least thirty percent (30%) of the total permanent open shall be of “improved open space”

type. "Improved Open Space" is defined, for the purposes of this section, as parks, playgrounds, plazas, landscaped green spaces, and other areas that are created or modified by man.

(6) Vehicle Access and Parking.

(a) Curb cuts and driveway entrances shall be prohibited from Stewart Street.

(b) Driveway entrances from First Street should be limited in number and designed to provide common access to on-site parking spaces located in the rear yard.

(c) At least one (1) of the minimum required off-street parking spaces for each dwelling unit shall be located within an enclosed garage and/or under a permanent accessory canopy structure.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

**AN ORDINANCE AMENDING ARTICLE 919 OF THE CITY CODE
GOVERNING THE ADDRESSING AND MAPPING PROGRAM**

The City of Morgantown hereby ordains that Article 919 of the City Code, entitled “Addressing and Mapping,” is amended as follows:

919.01. APPLICABILITY.

(a) The provisions of this ~~article~~ Article 919 apply to all areas of the City of Morgantown, except as may be expressly set forth below.

(b) ~~In accordance with the provisions of Title 169, Series 2 of the West Virginia Code of State Rules, the City of Morgantown is a participating public agency in the Statewide Addressing and Mapping System. Pursuant to the Emergency Rules of the West Virginia Statewide Addressing and Mapping Board on file with the office of the Secretary of State, Title 169, Series 2 of the Code of State Rules, the City of Morgantown hereby elects to participate in the West Virginia Statewide Addressing _____ and _____ Mapping _____ Project.~~

919.02 COORDINATION WITH COUNTY ADDRESSING PROGRAM; ADOPTION OF ADDRESSING PROGRAM; PENALTIES FOR NON-COMPLIANCE.

(a) ~~All provisions of the 9-1-1 Addressing and Mapping Ordinance of the Monongalia County Commission, dated April, 2004, including penalties for non-compliance, hereby apply within the City of Morgantown of Monongalia County, as if fully set forth herein, except as set forth in subsection (b) hereof. The provisions of the “9-1-1 Addressing and Mapping Ordinance,” adopted by the County Commission of Monongalia County as of March 9, 2011, as it may be amended or superseded, (the “County Ordinance”) are adopted by this reference and apply within the City of Morgantown, except where the terms of this Article 919 conflict with the County Ordinance or expressly provide that the County Ordinance does not apply, in which case the terms of this Article 919 shall apply.~~

(b) ~~Nothing in this article affects existing city-type addresses, which are satisfactory for 9-1-1 and emergency services purposes, provided that those addresses are consistent with the Statewide Addressing and Mapping Project and otherwise comply with the provisions of Title 169, Series 2 of the West Virginia Code of State Rules, as they may be amended or superseded, and the provisions of West Virginia Code Chapter 24E. Rules and Regulations of the West Virginia Statewide _____ Addressing _____ and _____ Mapping _____ Board.~~

919.03 APPOINTMENT AND DUTIES OF ADDRESSING AND MAPPING COORDINATORS.

(a) ~~The City Engineer or his/her appointed representative is~~ The City Geographic Information Systems Analyst shall be hereby appointed the Addressing Coordinator for the City of Morgantown. If the Geographic Information Systems Analyst position becomes vacant, or the Geographic Information Systems Analyst is unable to fulfill the duties of the Addressing Coordinator in the determination of the City Manager, the City Manager shall appoint an Addressing Coordinator. The Addressing Coordinator for the City of Morgantown shall cooperate with the Monongalia County Addressing Coordinator, West Virginia Statewide Mapping and Addressing Board, the Board's Project Manager, the Monongalia County 9-1-1 Director, the West Virginia Enhanced 9-1-1 Council, the Monongalia County's Assessor's office, municipal corporations within Monongalia County, the United States Postal Service, the Monongalia County Planning Commission, the Morgantown-Monongalia Metropolitan Planning Organization, and other interested agencies and persons in order to accomplish, with the City of Morgantown, city-type addressing and other systems essential to the prompt and accurate dispatch of emergency service providers or other emergency services or 9-1-1 purposes, and for such other goals of the West Virginia Statewide Addressing and Mapping Project; provided, however, that the Addressing Coordinator for the City of Morgantown shall coordinate with other agencies and persons principally through the Monongalia County Addressing Coordinator for purposes of implementation of the West Virginia Statewide Addressing and Mapping Project within the City of Morgantown. ~~The Addressing Coordinator of the City of Morgantown may not take any official action not expressly authorized in this article or in the 9-1-1 Addressing and Mapping Ordinance of Monongalia County, dated April, 2004, without the approval of the Council of the City of Morgantown.~~

(b) ~~The City Engineer or his/her appointed representative is hereby appointed~~ The City Geographic Information Systems Analyst shall be the Mapping Coordinator for the City of Morgantown. If the Geographic Information Systems Analyst position becomes vacant, or the Geographic Information Systems Analyst is unable to fulfill the duties of the Mapping Coordinator in the determination of the City Manager, the City Manager shall appoint a Mapping Coordinator. The Mapping Coordinator for the City of Morgantown shall cooperate with the Monongalia County Mapping Coordinator, West Virginia Statewide Mapping and Addressing Board, the Board's Project Manager, the Monongalia County 9-1-1 Director, the West Virginia Enhanced 9-1-1 Council, the Monongalia County's Assessor's office, the Monongalia County Planning Commission, the Morgantown-Monongalia Metropolitan Planning Organization, municipal corporations within Monongalia County, the United States Postal Service and other interested agencies and persons in order to accomplish, with the City of Morgantown, city-type addressing and other systems essential to the prompt and accurate dispatch of emergency service providers or other emergency services or 9-1-1 purposes, and for such other goals of the West Virginia Statewide Addressing and Mapping Project; provided, however, that the Mapping Coordinator for the City of Morgantown shall coordinate with other agencies and persons principally through the Monongalia County Mapping Coordinator for purposes of implementation of the West Virginia Statewide Addressing and Mapping Project within the City of Morgantown. ~~The Mapping Coordinator of the City of Morgantown may not take any official action not expressly authorized in this article or in the 9-1-1 Addressing and Mapping Ordinance of Monongalia County, dated~~

April, 2004, without the approval of the Council of the City of Morgantown.

919.04 INTERPRETATION AND APPLICATION.

~~This article is to be interpreted and applied consistent with the West Virginia Statewide Addressing and Mapping System. The Addressing Coordinator and the Mapping Coordinator of the City of Morgantown shall make any necessary application to the Statewide Addressing and Mapping Board for a waiver, or for local modifications of the Statewide Addressing and Mapping System in order to tailor it to this article. This Article 919 shall be read in conjunction with the provisions of West Virginia Code Chapter 24E; Title 169, Series 2 of the West Virginia Code of State Rules; and the County Ordinance; and shall be interpreted and applied in such a way as to be consistent with these referenced laws (the "Addressing and Mapping Laws"). The Addressing Coordinator and Mapping Coordinator shall have all powers and duties authorized for the positions of Addressing Coordinator and Mapping Coordinator by the Addressing and Mapping Laws.~~

This Ordinance shall be effective upon adoption.

FIRST READING: _____

Mayor

SECOND READING: _____

ADOPTED: _____

City Clerk

FILED: _____

MONONGALIA COUNTY
COMMISSION



MONONGALIA
COUNTY
WEST VIRGINIA

9-1-1 ADDRESSING
AND MAPPING
ORDINANCE

**AN ORDINANCE TO PROVIDE ASSIGNMENT OF NAMES TO STREETS
AND ROADWAYS AND IMPLEMENTATION AND MAINTENANCE OF
THE MAPPING AND POSTING OF STREET SIGNS AND BUILDING
NUMBERS IN MONONGALIA COUNTY, WEST VIRGINIA**

In order to uniformly assign and maintain street addresses and provide for easy identification of those numbers for various purposes and to promote the health, safety and welfare of the citizens of the County of Monongalia, Monongalia County enacts its 9-1-1 Addressing and Mapping Ordinance as follows:

WHEREAS, pursuant to W. Va. Code Articles 7-1-3 and 7-1-3cc, and consistent with W. Va. Code Article 24E-1-1 et seq., the Monongalia County Commission has the authority to provide for the elimination of hazards to public health and safety; to establish and regulate the naming or renaming of roads, ways, streets, avenues, drives and the like, in cooperation with local postal authorities, the division of highways and the directors of Monongalia County emergency communications centers; and to assure uniform, non-duplicative conversion of all rural routes to city-type addressing on a permanent basis; may cooperate with other governmental units, shall maintain and update the addressing and mapping framework within their jurisdictions, and,

WHEREAS, the establishment of an Enhanced 9-1-1 Emergency Telephone System in Monongalia County has been approved and implemented by the Monongalia County Commission; and,

WHEREAS, the establishment of such system requires the assignment of names to all streets and roads in Monongalia County, the assignment of building numbers to all buildings having telephones and/or occupancies, the erection of appropriate street signs at intersections; and the maintenance of a statewide mapping system, and,

WHEREAS, the Monongalia County Commission has the authority to delegate, contract or cooperate with other governmental units to complete all necessary components of this Ordinance, for final approval by the Monongalia County Commission,

WHEREAS, the Monongalia County Commission intends to elect to participate in the Statewide Addressing and Mapping Project, pursuant to Title 169, Series 2 of the Code of State Rules, thus promoting the goal of prompt and accurate dispatch of emergency services or 9-1-1 personnel in Monongalia County, and thereby enhancing the safety of the lives and property of the citizens and residents of Monongalia County.

NOW, THEREFORE, BE IT ORDAINED this _____ day of _____, 200__
by the County Commission of Monongalia County, West Virginia,
Ordinance
Number _____.

Section 1: APPLICABILITY

- Section 1.1 The provisions of this Ordinance apply to all unincorporated areas of Monongalia County. The municipal corporations in Monongalia County have the option to adopt cooperative addressing ordinances or to adopt their own stand-alone addressing ordinances.
- Section 1.2 Pursuant to the Emergency Rules of the West Virginia Statewide Addressing and Mapping Board on file with the office of the Secretary of State, Title 169, Series 2 of the Code of State Rules, Monongalia County Commission hereby elects to participate in the West Virginia Statewide Addressing and Mapping Project. (Optional addition: The President of the Monongalia County Commission shall, pursuant to those Emergency Rules, serve notice of this election on the Board within five (5) days of the enactment of this Ordinance, together with a true copy of this Ordinance.)

Section 2: DEFINITIONS AS USED IN THIS ORDINANCE

- Section 2.1 For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning that is provided in the National Emergency Number Association (NENA) Standard Guidelines as referenced by the United States Postal Service, unless the context clearly indicates otherwise.
- Section 2.2 “Address number” means the number assigned to consecutive intervals along a street or road pursuant to the Number Assignment Formula contained herein.
- Section 2.3 “Road” or “Street” means any public or private thoroughfare, used for vehicular traffic and/or any easement or right-of-way that provides sole access to more than two parcels or lots. This term shall be defined as the “Street Suffix” and shall include, but is not limited to; avenue (ave), drive (dr), way (way), boulevard (blvd), highway (hwy), lane (ln), pike (pke) or similar street types.

- Section 2.4 “Number Assignment Formula” means as follows: Beginning from the point of origin a house number shall be assigned for each interval, with each interval on the right side of the roadway as one leaves the point of origin being assigned an even number, and each interval on the left side as one leaves the point of origin being assigned an odd number. Left and right shall be determined from the perspective of a traveler moving away from the road point of origin in a forward motion.
- Section 2.5 “Interval” means the distance along a roadway of 25.00 feet.
- Section 2.6 “Point of origin” means the end point of a road, which is the starting point for a numbering sequence. The point of origin for Monongalia County shall be the best location for the designated neighborhood. The point of origin for an individual road may be adjusted, upon the counties Addressing Coordinators approval, to avoid numbering conflicts.
- Section 2.7 “Primary structure” means, but is not be limited to, residential building, mobile home parks, commercial building, industrial building, office building, public building, utility, communications tower.
- Section 2.8 “Display” means the manner the numbers are affixed to a structure or otherwise displayed when affixing to a structure.
- Section 2.9 “Non-compliance” means any failure to comply with the provisions of this Ordinance including, but not limited to, by way of example: a number out of sequence, odd or even number on wrong side of street, rural box numbers in a 9-1-1 address area, numbers improperly affixed, numbers illegible, numbers unclear, numbers obstructed, numbers not visible, numbers not present, numbers of improper size, numbers not in contrast with immediate background, weatherworn numbers, wrong numbers, and non-approved numbers.
- Section 2.10 “Occupant” is any person, firm, entity, partnership, trust, corporation, association or other organization that is occupying or leasing a building or other property for a period exceeding thirty (30) days.

- Section 2.11 “Owner” is any and all persons, firms, entities, partnerships, trusts, corporation, associations, or other organizations that own the fee title to, or have an undivided interest in, any building or property, which is subject to the provisions of this Ordinance.
- Section 2.12 “City-type address” means a unique address for a structure using a building number and street name. “City-type addresses” are based on an address system, which means that they usually appear in a consistent numeric sequence along a street and reflect parity conventions (that is, odd numbers all appear on one side of the street and even numbers on the other). If number assignment is based on a standard numbering interval, then the “city-type address” will also logically provide a distance location from the beginning point of the road.
- Section 2.13 “Emergency services purposes” means use for 9-1-1 or enhanced 9-1-1 dispatch and response.
- Section 2.14 “West Virginia Statewide Addressing and Mapping Project” means the project for the creation of a statewide addressing and mapping system for emergency services purposes, but usable as a base for other purposes, in accordance with and consistent with Chapter 24E, Article 1 of the West Virginia Code.
- Section 2.15 “West Virginia Statewide Addressing and Mapping System” or “the System” means the system to be created as a result of the Project, in which Monongalia County Commission is participating, including, without limitation, the establishment of city-type addressing and mapping systems essential to the prompt and accurate dispatch of emergency service providers. The terms “Statewide Addressing and Mapping System” and “the System” also include any local modifications that may be made to the System in order to tailor it to meet specialized local concerns.

Section 3: APPOINTMENT AND DUTIES OF ADDRESSING AND MAPPING COORDINATOR

- Section 3.1 The Monongalia County Office of Emergency Management will appoint the Monongalia County Addressing

Coordinator. In addition to the duties set forth elsewhere in this Ordinance, the Monongalia County Addressing Coordinator has the following duties:

Section 3.1.1 The Monongalia County Addressing Coordinator shall recommend names, for any public or private road or street in Monongalia County, which provides access to two or more occupied buildings.

Section 3.1.2 The Monongalia County Addressing Coordinator shall negotiate with residents along streets or roads bearing duplicate or confusingly similar names in the Monongalia County and to recommend name changes of such roads or streets to eliminate such duplication or confusing similarity. The Monongalia County Addressing Coordinator shall direct the placement of street signs at intersections within the Monongalia County. The initial costs of such signs and installation will be funded by the Monongalia County Commission for all unincorporated areas of Monongalia County.

Section 3.1.3 The Monongalia County Addressing Coordinator shall maintain a “Monongalia County Road Name Index”. This Index will be housed at the Monongalia County Office of Emergency Management. This database will be shared among all participating government entities and all public utilities as we convert from route and box addresses to city style addressing. This Index is to be the official listing of names for streets and roads in Monongalia County and such streets and roads are hereby assigned the names listed therein. As used in the Ordinance, the terms “street” and “road” shall have the same meaning and shall also include but not limited to avenue (ave), drive (dr), way (way), boulevard (blvd), highway (hwy), lane (ln), pike (pke) or similar street types.

Section 3.1.4 The Monongalia County Addressing Coordinator shall cooperate with the West Virginia Statewide Mapping and Addressing Board, the Board’s Project Manager, the Monongalia County 9-1-1 Director, the West Virginia Enhanced 9-1-1 Council, the Monongalia County’s Assessor’s office, municipal corporations within Monongalia County, the United States Postal Service, Monongalia County Planning Commission, Morgantown-

Monongalia County Transportation Planning Organization and other interested agencies and persons in order to accomplish, within Monongalia County, city-type addressing and other systems essential to the prompt and accurate dispatch of emergency service providers or other emergency services or 9-1-1 purposes, and for such other goals of the West Virginia Statewide Addressing and Mapping Project. The Monongalia County Addressing Coordinator may not, however, take any official action not expressly authorized in this Ordinance or otherwise by the Monongalia County Commission.

Section 3.1.5 In applying this Ordinance and the guidelines in the West Virginia 9-1-1 Addressing Handbook, the Monongalia County Addressing Coordinator shall have the authority, in cooperation with the above agencies, to interpret this Ordinance to ensure a logical and efficient numbering and street addressing system.

Section 3.2 The Monongalia County Mapping Coordinator shall cooperate with the West Virginia Statewide Mapping and Addressing Board, the Board's Project Manager, the County 9-1-1 Director, the West Virginia Enhanced 9-1-1 Council, the Monongalia County's Assessor's office, municipal corporations within Monongalia County, Monongalia County Planning Commission, Morgantown-Monongalia County Transportation Planning Organization and other interested agencies and persons in order to accomplish, within Monongalia County, digital mapping and other systems essential to the prompt and accurate dispatch of emergency service providers or other emergency services or 9-1-1 purposes, and for such other goals of the West Virginia Statewide Addressing and Mapping Project. The Monongalia County Mapping Coordinator may not, however, take any official action not expressly authorized in this Ordinance or otherwise by the Monongalia County Commission.

Section 4: INTERPRETATIONS AND APPLICATION

This Ordinance is to be interpreted and applied consistent with the West Virginia Statewide Addressing and Mapping System. The Monongalia County Addressing Coordinator and the Monongalia County Mapping Coordinator shall

make any necessary application to the Board for a waiver, or for local modifications of the System in order to tailor it to this Ordinance.

Section 5: STRUCTURE AND LOCATION NUMBERING AND DISPLAY

Section 5.1 Whenever any house, building, or structure is erected or located after the initial establishment of the uniform numbering system as provided herein, it shall be the duty of the property owners to procure the correct number or numbers for the property and to affix these numbers to the building in accordance to this Ordinance. The owner shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform number system within thirty (30) days of notification of the assigned address. The cost of posting the address shall be the responsibility of the property owner.

Section 5.2 The owner shall file an application for an address assignment with the Monongalia County Addressing Coordinator or Monongalia County Office of Emergency Management. No address may be assigned until the footer is in place and properly inspected. The address must be issued not later than sixty (60) days following identification of address and installed on the structure prior to final inspection.

Section 5.3 Display of Number – Residential Structure – Each primary structure must display the number of the address assigned to that address. The street number for residences shall be in accordance with the International Property Maintenance Code, Section 303.3, Exterior Structure, Premise Identification. Any future updated versions of the ICC Property Maintenance Code will be included. The numbers shall be in Arabic numerals at least four (4) inches in height, and of a durable and clearly visible material. The numbers shall be placed on, above, or at the side of the main entrance so the number is clearly visible from the public right-of-way. Whenever a residence entrance is greater than fifty (50) feet from a public right of way, or not clearly visible from the public right-of-way, a number shall also be placed end the end of a driveway, or property entrance. Address numbers

are to be a contrasting color to the background on which they are mounted.

- Section 5.5 The owner or person in charge of any house, building, mobile home, or other structure to which a number has been assigned shall affix the number as outlined in this Ordinance within thirty (30) days after the receipt or notification of such number.
- Section 5.6 Display of Number – Commercial and Industrial Structure – Address numbers for commercial and industrial structures must follow BOCA PM 303.3 code regulations of at least six (6) inches in height. The number must be placed above or on the main entrance to the structure when possible. If such number is not clearly visible from the public right-of-way, the number must be placed along a driveway or on a sign visible from the same. Address numbers are to be a contrasting color to the background on which they are mounted.
- Section 5.7 Display of Number – Apartments and Similar – The address number assigned to a single building number shall be displayed on each assigned structure following the BOCA PM 303.3 Code. Numbers and/or letters for individual apartments or units within these complexes must be displayed on, above, or to the side of the main doorway of each apartment or unit. It shall be the responsibility of the property owner to affix apartment or unit numbers.
- Section 5.7.1 Display of Number – Trailer Park and Similar – The address number assigned to a trailer within an organized trailer park must be one address number for the trailer park with each trailer assigned a lot or space number. The lot or space number must be posted and permanently affixed to the lot identifying the lot or space number. The main address to the trailer park must be posted at the entrance of the park. Address numbers are to be a contrasting color to the background on which they are mounted.
- Section 5.8 The combination of such an address number and the road or street name must be the official address of such primary structure.

Section 5.9 All costs to individuals or households in complying with this section of the Ordinance must be borne by that individual or household.

Section 6: ROAD NAMING

Section 6.1 The “Monongalia County Road Name Index” is to be the official listing of names for streets and roads in Monongalia County. This listing will be published once a year and made available on the Monongalia County and Morgantown Planning Organization web sites.

Section 6.2 No street within the Monongalia County may be assigned a name on a subdivision plat or otherwise until such name is registered with the Monongalia County Addressing Coordinator, approved, and added to the Monongalia County Road Name Index. The Monongalia County Address Coordinator is the duly authorized agent of the Monongalia County Commission and shall have the authority to refuse registration of any name already in use, confusingly similar to a name already registered, deemed confusing for purposes of emergency response, or deemed inappropriate by the Monongalia County Addressing Coordinator, or Monongalia County Office of Emergency Management.

Section 6.3 No Street name currently shown on a subdivision plat filed with the Monongalia County Addressing Coordinator shall be implemented by a subdivision owner until such name has been registered, approved and added to the Monongalia County Road Name Index. The Monongalia County Addressing Coordinator shall have the authority to refuse registration of any name already in use, confusingly similar to a name already registered, deemed confusing for purposes of emergency response, or deemed inappropriate by the Monongalia County Address Coordinator or the Monongalia County Office of Emergency Management.

Section 6.4 Road names may not duplicate road names already assigned, irrespective of road name prefixes or suffixes except for roads located within different corporations.

- Section 6.5 A street name may not be differentiated using the same name by changing the street suffix such as a street or avenue.
- Section 6.6 A Street may have only one name throughout its entire length unless approved as an exception by the Monongalia County Address Coordinator.
- Section 6.7 Following the completion of the address conversion portion of the Statewide Addressing and Mapping Project within Monongalia County, there shall be a moratorium on changes in road and street names in the unincorporated parts of the Monongalia County for a period of two (2) years.

Thereafter, a petition requesting a change in name, signed by owners of eighty percent (80%) of the parcels on the street whose name is proposed to be changed, shall be filed with the Monongalia County Office of Emergency Management. Such petition should not be filed until the Monongalia County Addressing Coordinator, or duly authorized agent, confirms the availability of the proposed name, but, not later than ninety (90) days following such confirmation.

Documentation such as a tax bill or deed, showing the ownership of each signatory to the petition must accompany the petition at the time of filing.

A non-refundable deposit of \$50.00 shall accompany the petition. Upon approval of the name change, the petitioner shall be obligated to pay to the Monongalia County Commission for the actual costs incurred by the name change for new street signage.

Residents along the affected road or street shall be responsible for advising the United States Postal Service of such road or street name change. The Monongalia County Addressing Coordinator may also provide notice of such change to the United States Postal Service.

Section 7: STREET SIGNS

- Section 7.1 All new street signs erected within Monongalia County must be in conformance with the specifications of this section, unless the West Virginia Department of Transportation, Division of Highways or the Monongalia County Commission grants a variance.
- Section 7.2 The owner of any subdivision or other development shall erect or cause to be erected street signs in conformance with this Ordinance at any and all intersections within such subdivision or development upon construction of any street on or after the effective date of this Ordinance, unless, by vote of the Monongalia County Commission, such responsibility is assumed by the Monongalia County Commission or its duly authorized agent. Where any subdivision owner is currently required to erect street signs but has failed to do so, the future erection of street signs shall be in conformance with this Ordinance.
- Section 7.3 Sign Specifications – All signs erected shall be in conformance, at minimum, to West Virginia Department of Transportation, Division of Highways specifications as defined in the “Standards for the Design and Installation of Road Name Signing” published March 1999.
- Section 7.4 Signage which is damaged or destroyed shall be the responsibility of the individual(s) causing such damage or destruction, whether by negligence or otherwise. The agency or individual(s) responsible for maintenance of the damaged sign shall have the authority to recover the costs of replacing the sign from the individual(s) causing such damage or destruction.
- Section 7.5 Any such person found to be responsible for damage or destruction of any road or street sign shall pay to the Monongalia County Commission all of the costs for such damage or destruction, including but not limited to, costs for sign removal and replacement. Failure to pay for damage or destruction may result in legal action against the responsible party for all costs, such as court costs and reasonable attorney fees.

Section 8: MAPPING

- Section 8.1 Monongalia County Commission hereby adopts the Statewide Addressing and Mapping System as the base map for Monongalia County, until such data becomes available that improves the ability of Monongalia County to provide emergency services, at which point the improved data will be incorporated into the base map.
- Section 8.2 Emergency services or 9-1-1 dispatch within Monongalia County must utilize the Statewide Addressing and Mapping System, when completed.
- Section 8.3 The core layers of maps for Monongalia County shall include, but need not necessarily be limited to, CADASTRAL, ELEVATION, GEODETIC CONTROL, GOVERNMENTAL UNITS, HYDROGRAPHY, ORTHOIMAGERY, TOPOGRAPHIC MAPS and TRANSPORTATION.
- Section 8.4 The application layers of maps for Monongalia County may include, but need not be limited to, GEOLOGY, LAND COVER and SOILS.
- Section 8.5 The Monongalia County Mapping Coordinator shall propose a plan for the future maintenance of the maps for Monongalia County that are to be delivered by the West Virginia Statewide Addressing and Mapping Board to Monongalia County Commission pursuant to W. Va. Code Article 24E-1-1, et seq. The Monongalia County Mapping Coordinator shall seek the advice of West Virginia Statewide Addressing and Mapping Board, the Monongalia County 9-1-1 Director, the West Virginia Enhanced 9-1-1 Council, the Monongalia County's Assessor's office, Monongalia County Planning Commission, Morgantown-Monongalia County Transportation Planning Organization and other interested agencies and persons prior to proposing such a plan. The Monongalia County Mapping Coordinator shall propose such plan no later than the date that the maps are ready for delivery.
- Section 8.8 Monongalia County Mapping Coordinator, as from time to time authorized by the Monongalia County Commission, may delegate, contract or cooperate with individuals, companies, corporations, governmental organizations or

sub-divisions to coordinate, update and maintain the Monongalia County base map.

Section 9: APPEALS, AMENDMENT, CONFLICT WITH OTHER LAWS, VALIDITY

- Section 9.1 During the initial project stage and prior to the completion of the Statewide Addressing and Mapping Project within Monongalia County, any requests concerning road name changes and/or addressing complaints will first be directed to the Monongalia County Addressing Coordinator within thirty (30) days from the time of road name or address assignment. If the initial contact does not satisfy the individual's concern, he or she may appeal the decision to the Monongalia County Office of Emergency Management for final disposition provided, however, that all such appeals must be filed no later than 10 days after the decision. The Office of Emergency Management may, at its discretion, hear such appeals as oral argument or may rule based upon the written appeal. All such appeals shall be decided on or before 30 days after the appeal is heard.
- Section 9.2 After implementation of the Statewide Addressing and Mapping System within Monongalia County, any concerns, problems, or complaints regarding the naming and numbering system are to be handled on a case-by-case basis by the Monongalia County Addressing or Mapping Coordinator, as the case may be, and if necessary, by the Monongalia County Office of Emergency Management.
- Section 9.3 Amendment - By lawful procedure, the Monongalia County Commission may, from time to time, amend, supplement or change the provisions of this Ordinance.
- Section 9.4 Conflict with Other Laws - Where the provisions of this Ordinance impose greater restrictions than those of any other ordinance or regulation, the provision of this Ordinance shall be controlling. Where the provision of any statute, other ordinance or regulation imposes greater restrictions than this Ordinance, the provisions of such statute, ordinance or regulations shall be controlling.

Section 9.5 Validity – If any article, section, subsection, paragraph, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this Ordinance as a whole or any other part thereof.

Section 10: PENALTIES AND ENFORCEMENT

Section 10.1 It is unlawful for any person to violate this Ordinance. When it appears that a violation of this Ordinance has occurred, the responsible party shall be notified by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 30 days from the date appearing on the notice. After thirty (30) days of non-compliance from the time of written notification, the violation of any section of this Ordinance shall be deemed a misdemeanor punishable by a fine of not to exceed five hundred dollars (\$500.00). Each day a violation continues shall constitute a separate offense.

Section 10.2 Whenever the Monongalia County Commission’s duly authorized agent has reason to believe there has been or there exists a violation of this Ordinance, the Commission shall give written notice of such violation to the person failing to comply, and order the person to take corrective measures within thirty (30) days from date of notification. If such person(s) fail to comply with the duly issued order, the Monongalia County Commission shall initiate necessary actions to terminate the violation through the Court system.

Section 11: ADOPTION AND SIGNATURES

Section 11.1 This Ordinance is effective

Adopted April 2005 _____, _____ .

MONONGALIA COUNTY COMMISSION

Robert Bell

President of the Commission

John Pyles

Commissioner

Asel Kennedy

Commissioner

**AN ORDINANCE AUTHORIZING A DEED TO RDR PROPERTIES
TRANSFERRING PROPERTY AT THE MORGANTOWN MUNICIPAL AIRPORT**

The City of Morgantown hereby ordains that the City Manager is authorized to execute the attached deed, together with any ancillary or related documents necessary to effect the transaction described therein, transferring property at the Morgantown Municipal Airport to RDR Properties, LLC, in consideration of the payment of \$33,686.49 and the mutual performance of the conditions and obligations in the attached deed.

FIRST READING:

Mayor

SECOND READING:

ADOPTED:

City Clerk

FILED:

This instrument was jointly prepared by:

Ryan P. Simonton
Kay Casto & Chaney PLLC
Suite 100
1085 Van Voorhis Road
Morgantown, West Virginia 26505

Robert Louis Shuman
Reeder & Shuman
256 High Street
Post Office Box 842
Morgantown, West Virginia 26507-0842

Quitclaim Deed

This Quitclaim Deed ("Deed") is made and entered into this the [redacted] day of [redacted], 2020, by and between The City of Morgantown, West Virginia, a municipal corporation, party of the first part, as grantor ("Grantor"), and RDR Properties LLC, a West Virginia limited liability company, party of the second part, as grantee ("Grantee").

For and in consideration of the amount of Ten Dollars (\$10.00), and other good and valuable consideration, the adequacy, payment, receipt, and sufficiency of all of which are acknowledged, without assurance, covenant, or warranty of title, Grantor confirms, conveys, grants, quitclaims, releases, and transfers to Grantee the lot, parcel, or tract located and situate in the Sixth Ward of The City of Morgantown, Morgan District, Monongalia County, West Virginia, described as follows:

Parcel A: Beginning at a 5/8 inch by 30 inch capped iron rod (set) standing on the north side of Monongalia County Route 119/26, known as Hart Field Road, as a corner to Parcel B depicted on the Plat (as subsequently defined); thence leaving Hart Field Road with a line of Parcel B, N 40° 36' 44" W 108.78 feet to a point standing on the east side of Monongalia County Route 857, known as Hartman Run Road, as a corner to Parcel B; thence leaving Parcel B with a line along the east side of Monongalia County Route 857, N 23° 14' 38" E 53.12 feet to a point standing on the east side of Monongalia County Route 857; thence with a curve turning to the left along the east side of Monongalia County Route 857, having a radius of 2894.79 feet, a chord bearing of N 20° 12' 38" E, and a chord length of 306.37 feet northeast along such curve for 306.51 feet to a point; thence N 17° 10' 38" E 30.85 feet to a point; thence with a curve turning to the right, having a radius of 788.51 feet, a chord bearing of N 25° 51' 39" E, and a chord length of 238.10 feet northeast along such curve for 239.01 feet to a point; thence N 34° 32' 40" E 152.60 feet to a point; thence S 55° 27' 20" E 30.00 feet to a pk nail (found) standing on the east side of Hartman Run Road as a corner to land now or formerly of RDR Properties LLC (Deed Book 1559 Page 491); thence with RDR Properties LLC, S 39° 46' 38" W 32.04 feet to a pk nail (found); thence with a curve turning to the left, having a radius of 527.50 feet, a chord bearing of S 23° 47' 29" W, and a chord length of 299.76 feet southwest along such curve for

303.95 feet to a point; thence N 82° 42' 56" W 17.50 feet to a 5/8-inch capped iron rod (found); thence with a curve turning to the left, having a radius of 545.00 feet, a chord bearing of S 02° 40' 01" E, and a chord length of 188.37 feet southeast along such curve for 189.32 feet to a 5/8 inch capped iron rod (found); thence N 77° 22' 54" E 17.50 feet to a point pk nail (found); thence with a curve turning to the left, having a radius of 527.50 feet, a chord bearing of S 14° 44' 36" E, and a chord length of 39.12 feet southeast along such curve for 39.13 feet to a 5/8 inch capped iron rod (found); thence with a reverse curve turning to the right, having a radius of 135.50 feet, a chord bearing of S 18° 15' 24" W, and a chord length of 155.92 feet southwest along such curve for 166.14 feet to a point; thence with a reverse curve turning to the left, having a radius of 111.50 feet, a chord bearing of S 27° 07' 54" W, and a chord length of 98.63 feet southwest along such curve for 102.17 feet to a pk nail (found); thence S 00° 52' 54" W 16.95 feet to a pk nail (found), standing on the north side of Hart Field Road as a corner to RDR Properties LLC; thence leaving RDR Properties LLC with a line of Hart Field Road, N 89° 40' 25" W 63.13 feet to the place of beginning, containing 1.64 acres, more or less ("**Parcel**"), and depicted and identified as "Parcel A" on the plat of survey prepared by Chad Enoch Freels, PS 2177, of Consolidated Survey, PLLC, dated May 13, 2020, appended to this Deed as an exhibit and incorporated and integrated into this Deed by this reference ("**Plat**").

The Parcel is a part of the property that was granted and conveyed to Grantor (1) as Parcel 9 in the deed dated January 3, 1936, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia ("**Clerk's Office**") in Deed Book 275 at Page 227 and (2) as Parcel 13 in the deed dated October 11, 1935, of record in the Clerk's Office in Deed Book 273 at Page 266.

The Parcel is identified as part of Parcels 0009 and 0013 on Tax Map 32A of Sixth Ward of The City of Morgantown, Morgan District, Monongalia County, West Virginia.

The Parcel is conveyed, granted, and transferred to Grantee and accepted by Grantee encumbered by and subject to the following conditions, covenants, exceptions, limitations, reservations, or restrictions which shall bind and run with the Parcel:

- (1) Grantor, sponsor for the Morgantown Municipal Airport, reserves unto itself and its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the Parcel, together with the right to cause in such airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in such airspace, and for use of such airspace for landing on, taking off from, or operating on the Morgantown Municipal Airport.
- (2) Grantor and Grantee expressly agree for themselves and their successors and assigns to restrict the height of structures, objects of natural growth, and other obstructions on the Parcel to heights that

would not constitute an obstruction to air navigation as determined by the Federal Aviation Administration.

- (3) Grantor and Grantee expressly agree for themselves and their successors and assigns to prevent any use of the Parcel which would interfere with the landing or taking off of aircraft at the Morgantown Municipal Airport or interfere with air navigation and communications serving the airport or that would otherwise constitute an airport hazard.

Grading Easement

Grantor further confirms, conveys, grants, quitclaims, releases, and transfers to Grantee, as an appurtenance to (1) the Parcel, (2) Parcel Two described in the confirmatory deed dated December 16, 2002, of record in the Clerk's Office in Deed Book 1243 at Page 524, (3) Parcel Three described in the confirmatory deed dated December 16, 2002, of record in the Clerk's Office in Deed Book 1243 at Page 524, and (4) the three (3) parcels described in the deed dated August 19, 2016, of record in the Clerk's Office in Deed Book 1559 at Page 491 ("**Benefitted Parcels**"), a perpetual easement and right of way ("**Grading Easement**") across, on, over, and upon the lot, parcel, or tract described as follows:

Parcel B: Beginning at a 5/8 inch by 30 inch capped iron rod (set) standing on the north side of Monongalia County Route 119/26, known as Hart Field Road, as a corner to Parcel A; thence leaving Parcel A with a line of Hart Field Road, N 89° 40' 25" W 106.02 feet to a pk nail (found) standing at the intersection of Monongalia County Route 857, known as Hartman Run Road, and Hart Field Road; thence leaving Hartman Run Road with a line along the east side of Monongalia County Route 857, N 23° 14' 38" E 89.22 feet to a point standing as a corner to Parcel A on the east side of Monongalia County Route 857; thence leaving Monongalia County Route 857 with a line of Parcel A, S 40° 36' 44" E 108.78 feet to the place of beginning, containing 0.10 acre, or 4,356 square feet, more or less, and depicted and identified as "Parcel B" on the Plat.

The Grading Easement shall be for the purposes of (a) clearing, controlling, cutting, trimming, and removing brush, bushes, shrubbery, stumps, trees, and other flora or vegetation located on the property burdened by the Grading Easement, (b) compacting, cutting, excavating, grading, and sloping earth, rock, soil, and similar materials or substances, removing earth, rock, soil, and similar materials or substances, and otherwise altering the contour, drainage, elevation, grade, slope, and topography of the property burdened by the Grading Easement, (c) building, constructing, creating, erecting, or establishing grades, slopes, toes, and other soil formations or engineering designs to create, give, or provide lateral support, and (d) traveling and traversing the property burdened by the Grading Easement with persons, equipment, materials, and supplies for the purpose of performing the foregoing objectives. The performance of the grading, sloping, and other activities contemplated by this Deed ("**Grading Activities**") shall be performed at the exclusive and sole cost, expense, and risk of Grantee. In addition, prior to commencing any Grading Activities, Grantee shall deliver to Grantor photocopies of all authorizations, consents, or permits required to

be obtained by Grantee in connection therewith, if any. As of the completion of the performance of the Grading Activities, Grantee shall seed or otherwise stabilize the graded portions and any other parts or portions of property incidentally disturbed in the course of the performance of such activities to prevent erosion from storm runoff. The completion of the performance of the Grading Activities shall leave the property encumbered by the Grading Easement in a condition suitable for placement of signage by Grantor. Upon the erection of signage by Grantor, any additional Grading Activities shall not disturb or impair the use of such signage erected by Grantor without the prior written consent of an authorized representative of Grantor.

Parking Easement

Grantor further confirms, conveys, grants, quitclaims, releases, and transfers to Grantee, as an appurtenance to the Benefitted Parcels, a perpetual easement and right of way ("**Parking Easement**") across, on, over, and upon the lot, parcel, or tract described as follows:

Parcel C: Beginning at a point located N 06° 40' 59" W 97.25 feet from a ¾ inch iron rod (found) standing on the north side of Monongalia County Route 119/26, known as Hart Field Road as a corner to land now or formerly of The City of Morgantown (Deed Book 273 Page 266) (Tax Map 32A Parcel 13) and as a corner to other land of The City of Morgantown (Deed Book 275 Page 227) (Tax Map 32A Parcel 9); thence leaving Tax Parcel 9 with a curve turning to the right through Tax Parcel 13, having a radius of 274.09 feet, a chord bearing of S 13° 53' 28" W, and a chord length of 66.19 feet southwest along such curve for 66.35 feet to a point; thence with a new line, S 68° 28' 42" E 22.11 feet to a point standing in a line of land now or formerly of RDR Properties LLC (Deed Book 1559 Page 491); thence with a curve turning to the left, having a radius of 247.47 feet, a chord bearing of N 08° 22' 48" E, and a chord length of 116.07 feet northeast along such curve for 117.16 feet to a pk nail (found); thence N 84° 47' 08" E 12.59 feet to a 3/4-inch iron rod (found) standing as a corner to RDR Properties LLC and as a corner to The City of Morgantown (Tax Map 32A Parcel 13) in a line of The City of Morgantown (Tax Map 32A Parcel 9); thence with a partial line of The City of Morgantown (Tax Map 32A Parcel 9), N 06° 40' 59" W 69.02 feet to a point; thence leaving RDR Properties LLC (Deed Book 1559 Page 491) with a curve turning to the right through Tax Parcel 9, having a radius of 274.09 feet, a chord bearing of S 06° 40' 59" E, and a chord length of 129.26 feet southeast along such curve for 130.49 feet to the place of beginning, containing 0.07 acre, or 2,944 square feet, more or less, and depicted and identified as "Parcel C" on the Plat.

The Parking Easement shall be for the purposes of (1) parking automobiles, bicycles, motorcycles, and motor vehicles by Grantee and the agents, contractors, customers, employees, guests, invitees, lessees, licensees, representatives, subcontractors, tenants, and vendors of Grantee, (2) clearing, controlling, cutting, trimming, and removing brush, bushes, shrubbery, stumps, trees, and other flora or vegetation located on the property burdened by the Parking Easement to build, construct, create, or maintain parking facilities, (3) compacting, cutting, excavating, grading, and sloping earth, rock, soil, and similar materials or substances, removing earth, rock, soil, and similar materials or

substances, and otherwise altering the contour, drainage, elevation, grade, slope, and topography of the property burdened by the Parking Easement to build, construct, create, or maintain parking facilities, and (4) maintaining, repairing, replacing, upgrading, and upkeeping parking facilities on the property burdened by the Parking Easement.

The Parcel, the Grading Easement, and the Parking Easement are conveyed and granted to Grantee and accepted by Grantee encumbered by and subject to all agreements, assessments, conditions, covenants, easements, exceptions, limitations, mineral severances, reservations, restrictions, rights of way, servitudes, and other encumbrances as have been imposed upon the same of record in the Clerk's Office by Grantor and Grantor's predecessors in title which are effective and enforceable as of the delivery of this Deed.

Signage Easement

Grantor further confirms, conveys, grants, quitclaims, releases, and transfers to Grantee, as an appurtenance to the Benefitted Parcels, a perpetual easement and right of way to display, install, or place, in the second (2nd) to the top position, (1) a sign panel on each face or side of the marquee, monument, or pylon sign of the Morgantown Municipal Airport located on Grantor's property adjacent to U.S. Route 119 (Mileground Road), as such marquee, monument, or pylon sign shall be altered, built, constructed, modified, rebuilt, reconstructed, repaired, replaced, or substituted, and (2) a sign panel on each face or side of the marquee, monument, or pylon sign of the Morgantown Municipal Airport to subsequently be located on the property burdened by the Grading Easement at the intersection of Monongalia County Route 857 (Hartman Run Road) and Monongalia County Route 119/26 (Hart Field Road), as such marquee, monument, or pylon sign shall be altered, built, constructed, modified, rebuilt, reconstructed, repaired, replaced, or substituted. Each sign panel shall be in the second (2nd) to the top position and measure approximately four and one-half (4.5) feet in length and one and three-fourths (1.75) feet in height. Initially, each sign panel shall be fabricated and provided by and installed or placed at the cost and expense of Grantor or the Morgantown Municipal Airport. In the event that Grantee shall desire or intend to display, install, or place any sign panels other than those initially installed or placed by Grantor or the Morgantown Municipal Airport or initially proposed to be installed or placed by Grantor or the Morgantown Municipal Airport, the cost and expense of fabricating, providing, installing, and placing such sign panels desired or intended by Grantee shall be borne by Grantee and subject to the approval of the director of the Morgantown Municipal Airport, which approval shall not be unreasonably conditioned, delayed, denied, or withheld.

Release of Option

Effective as of the delivery of this Deed, Grantee cancels, extinguishes, and releases the option contained in the license agreement dated September 13, 2018, of record in the Clerk's Office in Deed Book 1640 at Page 752 to the extent that such option burdens, concerns, or pertains to any lots or parcels other than the Parcel, with the express intent that such option shall no longer be of force or effect as of the delivery of this Deed.

Declaration of Consideration or Value: Under and pursuant to the provisions of Article 22 of Chapter 11 of the West Virginia Code, Grantor declares that the transfer of property effected and made by this Deed is exempt from the applicable excise taxes on the basis that it is a transfer from a political subdivision of the State of West Virginia.

Signature Pages Follow

Witness the following signature.

The City of Morgantown, West Virginia,
a municipal corporation

By: _____
Name: _____
Title: _____

State of West Virginia,
County of Monongalia, to-wit:

The foregoing instrument was acknowledged and sworn to before me this the _____ day of _____, 2020, by _____, in his capacity as _____ of The City of Morgantown, West Virginia, a municipal corporation, for and on behalf of such corporation, as the act and deed of such corporation.

{SEAL}

Notary Public
My Commission expires: _____

RDR Properties LLC, a West Virginia limited liability company
By: Biafora's Incorporated, a West Virginia corporation
Title: Manager

By: _____
Name: Richard A. Biafora
Title: President

State of West Virginia,
County of Monongalia, to-wit:

The foregoing instrument was acknowledged and sworn to before me this the _____ day of _____, 2020, by Richard A. Biafora, in his capacity as the president of Biafora's Incorporated, a West Virginia corporation, in its capacity as the manager of RDR Properties LLC, a West Virginia limited liability company, for and on behalf of such limited liability company, as the act and deed of such limited liability company.

{SEAL}

Notary Public
My Commission expires: _____

THIS INSTRUMENT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION, TITLE REPORT, TITLE CERTIFICATE, OR TITLE INSURANCE COMMITMENT AND NEITHER THE PREPARER NOR REEDER & SHUMAN BY THE PREPARATION OF THIS INSTRUMENT MAKE ANY EXPRESS OR IMPLIED WARRANTIES, REPRESENTATIONS, OR AFFIRMATIONS OF ANY KIND, NATURE, MANNER, OR CHARACTER, INCLUDING, WITHOUT LIMITATION, WARRANTIES, REPRESENTATIONS, OR AFFIRMATIONS RELATING TO THE QUALITY OF TITLE, THE NATURE OF TITLE, POSSESSION, QUIET ENJOYMENT, MERCHANTABILITY, FITNESS FOR A PARTICULAR USE OR PURPOSE, THE CONDITION OF THE PROPERTY, ACCESS TO THE PROPERTY, OR THE CAPACITY OF GRANTOR(S) TO GRANT OR CONVEY TITLE.

Exhibit to Quitclaim Deed

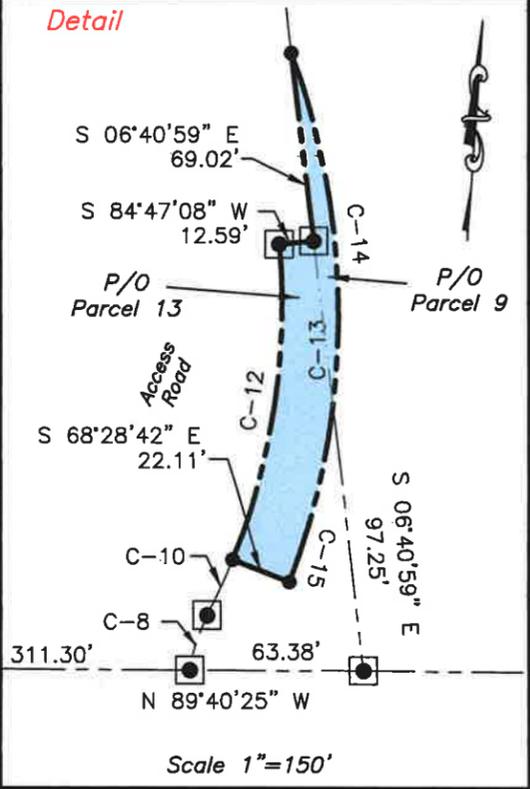
LEGEND

- PK Nail Found (Unless Noted)
- 5/8" X 30" Capped Iron Rod Set
- Point
- P.O.B. Point of Beginning
- Adjoiner Boundary Line
- Boundary Line
- Asphalt Road
- Interior Boundary Line

Parcels A, B and C shown hereon as being a part of the same tract or parcel of real estate conveyed unto The City of Morgantown by deed dated the 11th day of October, 1935, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 273, at Page 266 (Parcel 13), and Parcels A & C also being a part of the same tract or parcel of real estate conveyed unto The City of Morgantown by deed dated the 3rd day of January, 1936, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 275, at Page 227 (Parcel 9).

Bearings shown hereon are based on "PLAT NORTH" of record as shown in Deed Book 1559, Page 496.

Detail

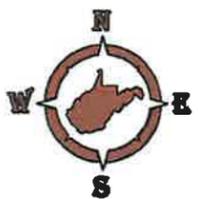


Parcel B
Containing
0.10 Acres ±
4,356 Sq. Ft. ±

Parcel A
Containing
1.64 Acres ±

Parcel C
Containing
0.07 Acres ±
2,944 Sq. Ft. ±

Plat of Parcels A, B & C
Surveyed For
RDR Properties, LLC
Morgantown Corporation District
Tax Map 32A, P/O Parcels 9 & 13
Monongalia County, West Virginia
Surveyed: May, 2020
Scale 1" = 100'



Consolidated Survey, PLLC

Worthington, West Virginia
(304) 694-3696
Job No. 20-047

This survey is not valid without original blue signature and seal. Declarations made hereon on the date indicated are to the owner(s) or buyers(s) listed hereon and are not transferable to additional institutions or subsequent interested parties. This survey was conducted without the benefit of an attorney's title report and may not reflect all exceptions, rights of way, easements or restrictions.

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD DISTANCE
C1	306.51'	2894.79'	N 20°12'38" E	306.37'
C2	239.01'	788.51'	N 25°51'39" E	238.10'
C3	303.95'	527.50'	S 23°47'29" W	299.76'
C4	189.32'	545.00'	S 02°40'01" E	188.37'
C5	39.13'	527.50'	S 14°44'36" E	39.12'
C6	166.14'	135.50'	S 18°15'24" W	155.92'
C7	102.17'	111.50'	S 27°07'54" W	98.63'
C8	20.93'	64.50'	N 17°47'35" E	20.84'
C10	22.26'	247.47'	N 24°31'09" E	22.25'
C12	117.16'	247.47'	S 08°22'48" W	116.07'
C13	196.85'	274.09'	N 00°15'08" E	192.64'
C14	130.49'	274.09'	N 06°40'59" W	129.26'
C15	66.35'	274.09'	N 13°53'28" E	66.19'



RESOLUTION

WHEREAS, City Administration has presented to Morgantown City Council a 2020-2021 budget revision for the Morgantown Capital Escrow Fund and has requested that City Council review and approve the same;

WHEREAS, the budget revision in question, a copy of which is hereto attached, appear to not only be in proper form, but also, acceptable as to income and expenditures set forth therein;

WHEREAS, City Council is of the opinion that it should approve said budget revision.

NOW, THEREFORE, BE IT RESOLVED by the City of Morgantown this _____ day of _____, 2020, that the 2020-2021 Budget Revision for the Morgantown Capital Escrow Fund Budget hereto attached is approved.

Mayor

City Clerk

**CITY OF MORGANTOWN
 CAPITAL ESCROW FUND - REVISION 01
 FY 2020-2021**

REVENUES	BUDGET FY21	PROPOSED REV 01	PROPOSED AMENDED BUDGET	EXPLANATION
Reimbursements Public Utilities	-	65,000	65,000	Dominion Energy reimbursement to City for public right of way work
CARES Act Grant	-	100,000	100,000	Reimbursement request from State of WV for July COVID-19 related expenditure
		165,000		
<hr/>				
EXPENDITURES	BUDGET FY21	PROPOSED REV 01	PROPOSED AMENDED BUDGET	EXPLANATION OF EXPENDITURES
Capital Outlay Building - Woodburn	-	70,000	70,000	Final payment for Woodburn acquisition from Mon County Board of Education
Capital Outlay - Sidewalks	20,400	65,000	85,400	8th Street sidewalk excavation and site preparation
Agency Allocation - United Way	-	100,000	100,000	To assist with emergency feeding programs for food distressed families
Contingencies	1,172,108	(70,000)	1,102,108	
		165,000		

**A RESOLUTION AUTHORIZING APPLICATION FOR THE WEST VIRGINIA
JUSTICE ASSISTANCE GRANT**

The City of Morgantown hereby resolves that the City Manager is authorized to execute and submit the attached application for the Fiscal Year 2020 West Virginia Justice Assistance Grant Program requesting grant funding in the amount of \$40,000.00 and obligating a local match by the City of Morgantown in the amount of \$71,072.00.

Adopted this ____ day of July, 2020

Mayor

City Clerk

FY 2020 West Virginia Justice Assistance Grant Program Application Forms

*****The JAG application has adopted a format which bases all applications on specific program types/abstracts. All units of state or local government are eligible to apply, providing that their program/application falls under one of the Abstracts included in the application packet.***



**West Virginia Justice Assistance
Grant Program Application**

**General Administrative Information
Page 1**

<p><u>Applicant Agency:</u> City of Morgantown</p> <p>Address: 389 Spruce Street Morgantown, Wv 26505</p> <p>Phone: 304-284-7446</p> <p>Fax Number: 304-284-7523</p>	<p><u>Type of Agency:</u></p> <p><input type="checkbox"/> State</p> <p><input type="checkbox"/> County</p> <p><input checked="" type="checkbox"/> Municipality</p>
--	---

<p><u>Project Director:</u> Robert Gilmore</p> <p>PD Title: SSC</p> <p>Address: 300 Spruce Street Morgantown, Wv 26505</p> <p>Phone: 304-284-7446</p> <p>Fax: 304-284-7526</p> <p>Email: rgilmore@morgantownwv.gov</p>	<p><u>Fiscal Officer:</u> James Goff</p> <p>FO Title: Finance Director</p> <p>Address: 389 Spruce Street Morgantown, Wv 26505</p> <p>Phone: 304-284-7407</p> <p>Fax: 304-284-7418</p> <p>Email: jgoff@morgantownwv.gov</p>
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Funds Requested: 40,000.00 **Amount Awarded:** (for JCS use only)

Match Proposed: 71,072.00

Project Period: July 1, 2020 – June 30, 2021

Number of years previously funded: 4 **Estimated Number to be Served:** 1200

Geographic Area(s) Served: Monongalia County

Total Population: 30,547

DUNS Number: 152234220

FEIN Number: 55-6000215

Project Title: MPDPRO

Project Description: The MPDPRO program will continue the presence of a PRO officer in two schools , in a cooperative effort to improve student’s knowledge of the criminal justice system and police.

Certification: To the best of my knowledge, the information contained in this application is true and correct. The submission thereof has been duly authorized by the governing body and the applicant will comply with the attached special conditions and assurances, if funding is provided.

<p><u>Authorized Official:</u> Emily Muzzarelli</p> <p>Address: 430 Spruce Street Morgantown, Wv 26505</p>	<p><u>AO Title:</u> City Manager</p> <p>Phone: 304-284-7406</p> <p>Fax: 304-284-7430</p> <p>E-Mail: emuzzarelli@morgantownwv.gov</p>
<p>Signature: </p>	<p>Date: <u>6-24-2020</u></p>

West Virginia Justice Assistance Grant Program Application	Budget Summary Page 2
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Applicant: City of Morgantown	FEIN Number: 55-6000215
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Budget Category	WV JAG Requested Funds (A)	Local (Match) Funds (B)	Total Budget (A + B)
Personnel/Contractual	40,000.00	71,072.00	111,072.00
Travel/Training			
Equipment			
Other			
Totals	40,000.00	71,072.00	111,072.00

**All funds must be rounded to the nearest whole dollar amount*

Funding Strategy

Funding Source(s)	Amount	Status
WV JAG	\$40,000.00	P
Local Funds (Morgantown Police Department)	\$71,072.00	C
Total	111,072.00	

- Funding Source - Separately list each source of funds that will be used in the program.
- Amount - Enter the amount received or anticipated for each
- Status - Indicate the status of each funding source as follows:
 - P – Projected grant, loan or donation
 - A – Application submitted and under review
 - C – Funds Committed
 - R – Funds received, appropriated or on hand

West Virginia Justice Assistance Grant Program Application	Budget Detail Page 3
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Detailed Project Cost by Budget Category	Requested JAG Funds	Local Funds Utilized	Grant Funds Approved
<u>Personnel / Contractual:</u> Mountaineer Middle PRO Salary & Benefits Suncrest Middle PRO Salary & Benefits <u>Travel / Training:</u> <u>Equipment (\$1,000/unit):</u> <u>Other:</u>	\$20,000.00 \$20,000.00	\$35,536.00 \$35,536.00	(JCS Use Only)
Total Requested JAG Funds	\$40,000.00		
Total Local Matching Funds		\$71,072.00	
Total Funds APPROVED for Project			(For JCS Only)

Provide specific information that explains each proposed expense for the project. State clearly and in concise detail the breakdown and justification of need for each item requested for funding in the Budget Detail pages. Also, provide an identified breakdown of matching funds. Be sure to label the breakdown of matching funds as such. Attach additional pages if necessary.

The proposed expense for two PROs' salary at \$20,000 each will equal \$40,000. These funds are needed to supplement the local funds expense so the Morgantown Police Department Prevention Resource Officer Program can be fiscally feasible. This comes at a time when the Morgantown Police Department is facing financial challenges and its proposed PRO program will not be possible without funding assistance.

The breakdown of all of the matching funds is listed below:

Year one salary of a Morgantown Police Officer	\$55,536
Two one year salaries	\$111,072
Minus requested JAG funds	-\$40,000
Total matching funds Salaries.....	\$71,072

The breakdown for the remainder of the personnel costs (matching funds) for two year one Morgantown Police Officers is listed below:

Medicare.....	\$1,320
Family Health Insurance.....	\$49,728
Vacation (88 hours annually)	\$4,699
Sick Leave (144 hours annually)	\$7,690
Retirement	\$24,191
Workers Compensation	\$10,108
Total	\$97,736

Total training costs (matching funds) for two one year Morgantown Police Officers for completion of the West Virginia State Police Basic Academy..... \$3,000

Total equipment costs (matching funds) for two one year Morgantown Police Officers (initial costs of equipping two officers is \$19,688

Please provide information that describes the proposed project. State clearly and in concise detail the purpose and direction of the project, including all components described in the project narrative section of the application instructions. All components must be addressed in the order listed in the instructions. Attach additional pages if necessary and label additional pages as 5a, 5b, 5c, etc.

PROBLEM STATEMENT:

Within the past few years police departments around the country have been forced to redefine how they interact with the public it serves. Highly inflammatory news coverage of police involved incidents has caused much of the public to call into question the methods and motivation of police professionals that serve them. Recent incidents of school shootings have brought into sharp focus the issue of violence in our schools. These events have forced police professionals to step back and attempt to resolve this ever- growing trend. With one eye on the safety of our children and another on instilling a new and more positive perception of the officers serving the community. Recent years have shown an increase in incidents in West Virginia schools involving weapons, with the number of actual reported injuries rising. A student took several other students hostage in a Barbour County public school in 2015. Drugs, both prescription and illegal, have also continued to cause problems in West Virginia's schools. Traditionally the police response to the problems within our schools and communities have been reactive, when something bad happens the police are called. The Prevention Resource Officer (PRO) Program offers an opportunity for Police professionals to impact the lives of the people they serve in a proactive way. It is logical to conclude that children who experience consistent positive contact with a police officer are more likely to grow up viewing the police in a positive manner, are more likely to obey the law and are also much more likely to aide in the investigation of serious crimes.

DESCRIPTION OF PROGRAM:

The PRO program is a cooperative effort between schools and the police to Improve students'

attitudes and knowledge of the criminal justice system and policing, to prevent students from committing crimes, to mentor youth with police officers, to provide safer school environments, and to combine safety and child advocacy assuring a better school experience for all WV youth.

The program has three main components:

Prevention — The officers facilitate classes on non-traditional educational topics;

Mentoring — Officers are trained on how to be a positive mentor to students they interact with daily; and

Safety — Officers are trained to recognize potential danger, prevent violence, and to respond to dangerous school situations.

The PRO program places certified West Virginia Police Officers who are also certified Prevention Resource Officers in local middle and high schools. The officers maintain an office in the school, are in that school 35 - 40 hours per week, attend extra-curricular activities, facilitate classes in non-traditional educational topics such as juvenile law, domestic violence, underage drinking, drug and alcohol prevention, and child abuse and neglect. They work on safety issues, prevention, and learning more about youth and interacting with them.

Achievement will be documented by the reduction of juvenile crime in the schools and juvenile offenders, the number of students in PRO classes, and student surveys.

Project Assessment / Evaluation:

The PRO Program will collect the following data to assess results: Documented cases of identified at-risk students within PRO's school, record of steps taken to intervene by PRO as well as record of any outcomes related to intervention. Conducting classes on subject matter pertaining to identifying behavior in peers as well as other non-traditional topics data collected through testing and assignments completed by students as part of the classroom experience.

Surveys of both students and faculty to obtain perceived impacts of the PRO and his or her presence in the school as well as student acceptance and value of the program. Lesson plan evaluation will be conducted on a bi-monthly basis to ensure relevance of subject matter being taught. Standard procedures for documenting participation per role call procedures and the following standard school attendance procedures as well as regular meetings with team members where any issues are documented. number of classes provided on substance abuse, number of illegal drug prevention programs supported, number of community based social intervention programs supported by JAG funds. The data will be collected by researching the schools', Morgantown Police Department's, juvenile probation records, student surveys, and PRO's class / program records. The PRO will be responsible for the collection of the data. The PRO's supervisor will be responsible for performing the program assessment. The results will be used to identify the strengths and weaknesses of the program. More attention will be given to the weaknesses in order to improve the program.

Strategic Plan for Program:

Police Officers have been assigned to the high schools in Monongalia County for several years. Most recently A PRO funded through the JDDP has been placed in one middle school covering the past fiscal year. This program will seek to maintain the existing officer and add an additional PRO to another middle school not being served. The community has been overwhelmingly supportive of that and has voiced the desire to have more officers assigned to more schools. The Monongalia County School System, in collaboration with the Morgantown Police Department, has become much more proactive with school safety in the last two years. This has caused most school system employees to also want more officers in more schools. The Morgantown Police

Department has one school resource officer assigned to Morgantown High School and one assigned to South Middle School. Those officers take an active role in juvenile court and work closely with juvenile probation. The Monongalia County School System Administration has provided a great deal of positive feedback regarding the school resource officers and considers the program quite successful. The Monongalia County School System Administration has worked with the Morgantown Police Department to attempt to place more officers in more schools. It is very supportive of this grant proposal and will appropriately oversee that the PRO program is also quite successful from its perspective

- Goal - Broad statement about what the program intends to accomplish. This statement should state the long-term desired impact of the program, set scope or foundation, state long-range target or purpose, identify target population, and state the condition to be changed.
- Objective - A specific statement of the desired short-term, immediate outcome of the program which will show accomplishment of the goal. Each objective must be **S.M.A.R.T. (Specific, Measurable, Attainable, Results oriented and Time bound)**.
- Outcome Measure - The data or tool used to measure achievement of the objective. How will data be collected, analyzed, and results shared.
- Activities - What will be done and who will accomplish it. **You must have at least one (1) activity per objective.**
- Timeline - When will the activity begin and end. **You must have a timeline for each activity.**

Goal Number:	<u>1</u>	Educate students on subject matter relating to at-risk behavior.
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Objective Number: 1 Supply students with information and tools to deal with at risk behavior.

Outcome Measure: Formalized lesson plans and end of term activity reports.

Activities to meet objective:

Timeline for each activity:

1. PRO Teaches classes

1. 8/2020-1/2020, 2/2020-6/2020

2. PRO remains accessible

2. 8/2020-1/2020, 2/2020-6/2020

3. PRO develop detailed plan on subject matter

3. 8/2020-1/2020, 2/2020-6/2020

Objective Number: 2 Act as deterrent to juvenile crime in the schools and community.

Outcome Measure: Reduction in juvenile related criminal incidents.

Activities to meet objective:

Timeline for each activity:

1. High visibility of PRO

1. 8/2020-1/2020, 2/2020-6/2020

2. PRO is actively engaged in School/Community

2. 8/2020-1/2020, 2/2020-6/2020

Provide a membership list of the all parties collaborating on this project, including name, title, agency affiliation, mailing address, telephone number, fax number, and email address for each member. *Letters of commitment or MOU's from each board member, reflecting their understanding of the requirements of the Collaboration will not be required but is encouraged for this grant application.*

Deputy Chief Eric Powell, Morgantown Police Department, 300 Spruce Street, Morgantown, WV, 26505, Phone 304-284-7447

Assistant Prosecutor Ted R. Nordstrom, Monongalia County Prosecuting Attorney's Office, Monongalia County Judicial Center, 75 High Street, Morgantown, WV, 26505, Phone 304-291-7250

Juvenile Drug Court Coordinator / Probation Officer Darral Bennet, Monongalia County Probation Department, Monongalia County Judicial Center, 75 High Street, Morgantown, WV, 26505, Phone 304-291-7217

School Based Probation Officer Lucy Moats, Monongalia County Probation Department, Monongalia County Judicial Center, 75 High Street, Morgantown, WV, 26505
Phone 304-291-7217

Director of Safe Schools Adam Henkins, Monongalia county Schools, 13 South High Street, Morgantown, WV, 26501, Phone 304-291-9210

Provide a brief statement outlining the program agency's procedures for hiring employees who are funded under this grant. Include with this application a job description and qualifications for the position(s) proposed under the grant. If position(s) are currently filled, please include a resume for each position filled.

The Morgantown Police Department uses the same procedure to hire all of its officers. It is regulated by the Morgantown Police Civil Service Commission. The requirements for hiring consideration by the Morgantown Police Department as an officer are: be at least 18 years old and not more than 40 at the time of application, have a high school diploma or GED, be a United States citizen for three years, pay a \$25.00 application fee, establish and maintain a permanent residence within a 15 nautical mile radius of 300 Spruce St., Morgantown, WV, successfully pass both a written and physical fitness examination, veterans' preference points will be awarded per WV Code 6-13-1.

Applicants that meet the above requirements must then successfully pass the following:

A civil service commission interview, polygraph examination, background investigation, drug testing, medical examinations, vision test, psychological examinations, and personal interview.

The job description of a Morgantown Police Department PRO is: carrying out the responsibilities of a certified police officer, instructing an integrated educational curriculum of substance abuse prevention, at risk behavior prevention, criminal justice and other related topics, acting as a mentor and resource for students by furnishing guidance regarding ethical issues and providing counseling when needed

The qualifications of a Morgantown Police Department PRO are: The officer must have successfully completed the probationary period, have no sustained internal investigations which resulted in disciplinary action within the past six months, an overall "meets standards" evaluation for the previous two years, the ability to deal effectively with students regardless of age, socio-economic status, cultural, or racial background, present a positive image of a police officer through personality, communication skills, and proper grooming, have the desire and ability to work with school personnel, have the education, background, experience, interpersonal skills, and interest to effectively and accurately provide good quality teaching.

The selection of a Morgantown Police Department PRO will be done by the Chief of Police following the screening and recommendation of a review board.

Attach the operational budget for this program along with a brief 3-year strategic financial and programmatic plan of operation. Only one 3-year plan is required as long as all entities included in the application are sufficiently covered in the plan.

Organization Budget

Please either use this page, or attach an agency-wide budget

The Morgantown Police Department has operated on a reimbursement basis for several years through grants from the West Virginia Governor’s Highway Safety Program, The Rape and Domestic Violence Information Center, The United States Department of Justice Bulletproof Vest Partnership, the West Virginia Homeland Security Program, and FEMA Non-Disaster Grant System through the Port Authority. The Police Department has managed all of these grants well.

Operational Budget:	Two, year one officers’ monthly salaries	\$9,256
	Two, year one officers’ monthly benefits	\$7,847
	Two, year one officers’ training	\$3,000
	Two, year one officers’ equipment	\$19,688
	JJDP funds monthly reimbursement for two PRO salaries.	\$4,444.44

The Morgantown Police Department will pay for all costs associated with benefits, training, and equipment. It will also pay the salaries in their entirety, aware that this proposed grant operates on a reimbursement basis. The remainder of the salaries cost, as well as the equipment and training costs after the JJDP-Title II funds reimbursement (\$2,089) will be the responsibility of the Morgantown Police Department. This amount far exceeds the match requirement. If awarded this grant the Morgantown Police Department will continue application for the following two years. The Morgantown Police Department will continue to pay the salaries, benefits, training and equipment costs as specified above with full knowledge of the reimbursement process. The Morgantown Police Department PRO Program will operate for three years as outlined in this application.

Please attach in this section a detailed outline of future funding strategies, and an outline of funding plans should federal funding sources cease to exist. Please detail fundraising strategies; local donations; city, county, and state funding contributions; as well as plans to maintain positions and program goals in current and future economic strains.

In the event federal funds would cease to exist the City of Morgantown would approach the Monongalia County Board of Education for help supplementing the funds needed for the PRO Program. In the event this does not happen, the City of Morgantown will eliminate the PRO positions. The current SRO's at Morgantown High School and South Middle School would then split their time between these schools with the addition of Suncrest Middle School and Mountaineer Middle School.

A copy of the following information must be submitted (as applicable) with this attachment in order for the application to be complete. Please refer to page xvii of the application instructions for more details:

- 1. Current Task Force Memorandum of Understanding**
- 2. Law Enforcement Entry Level Salary Certifications**
- 3. Prevention Resource Officer Board of Education Agreement**
- 4. Memo of IBR Compliance from West Virginia State Police** (all city, county, and state agencies are required to have this. If multiple cities or counties are covered under this application, a Memo must be provided for EACH participating agency)
- 5. 501c3 Documents and Articles of Incorporation**
- 6. Active CCR (SAM) Documentation**

Vacant Structures Code Exemption Procedures

1. **Scope.** This regulation governs the process to apply for exemption from the requirement to register a structure as vacant under the City of Morgantown (“City”) Vacant Structures Code, codified at Article 1718 of the City Code, as it may be amended, supplemented, or replaced.
2. **Purpose.** Exemption from registration under the Vacant Structures Code is authorized by City Code Section 1718.07(c) and required as part of any local vacant structures code by *W. Va. Code* § 8-12-16c(b)(2), which provides that “The governing body of a municipality, on a case-by-case basis, upon request by the property owner, shall exempt a vacant building from registration upon a finding for good cause shown that the person will be unable to occupy the building for a determinat (sic)¹ period of time.”
3. **Application for Exemption.** The owner of a “vacant building,” as defined by City Code section 1718.03(b)(i)-(iii), may request exemption from the registration requirements of Article 1718 by filing an application on the form prescribed by the City, which is attached to this regulation as **Appendix A – Exemption Application Form**. The form shall be submitted to the City Manager either by personal delivery to the City Manager’s office during the City business hours or by mail to “The City of Morgantown, c/o City Manager, 389 Spruce Street, Morgantown, WV 26505.”
4. **Determination of completeness.** The City Manager will review all submitted applications to determine whether they are complete. Only a completed application by the owner of the vacant building will be considered for exemption. A representative of the City Manager’s office will take receipt of all applications and indicate the date of receipt. A determination of completeness will be made within five (5) business days, excluding the day of receipt, and notification of the determination will be delivered to the applicant by email. If the application is determined incomplete, the applicant must submit a new completed application in accordance with this regulation. If the application is determined complete, it will be submitted to City Council for determination in accordance with this regulation.
5. **Delivery to City Council.** Upon a determination that the application is complete, the City Manager, or a designee, will submit the application to City Council in writing and request a determination in accordance with any applicable rules of City Council to place the application on the next regular meeting for which notice of the request can be adequately provided in accordance with the law, or at a special meeting called for the purpose of hearing the application. City Council shall determine the date and time of the meeting at which the application will be heard and inform the City Manager. Upon receipt of the determination, the City Manager, or a designee, will inform the applicant by email of the date and time of the hearing and provide the applicant with a copy of this regulation or notice of the manner in which the applicant may review this regulation.
6. **Documentation or Recommendation submitted to City Council.** The applicant may submit any documentation in support of the application – which is not already contained

¹ The Morgantown City Code implements this portion of the requirement as a “determinate” period of time, indicating that an exemption will be granted based upon a specific period of time during which the structure cannot be occupied. The term “determinant,” meaning a factor which decisively affects the nature or outcome, appears to be used erroneously in the state law.

in the application – no later than 5 p.m. on the day two(2) business days prior to the hearing before City Council. The City Manager, or a designee, may, but shall not be required to, submit any recommendation on the application and any supporting material no later than 5 p.m. on the day two(2) business days prior to the hearing before City Council. When submitting material to City Council, the applicant shall deliver the material to the City Manager by email on the same day. When submitting material to City Council, the City Manager or designee shall deliver the material to the applicant by email on the same day. These requirements for submission of documentation apply to all forms of media including written and electronic materials in any form. If any participant in the hearing wishes to present material by electronic means, such as powerpoint or video presentation, the submission of documentation shall include a written request to City Council to permit the electronic presentation.

7. Hearing by City Council. On the date and time set for the hearing, the hearing will proceed as follows:
 - a. Electronic media. Prior to hearing any presentation, City Council will determine whether to permit presentations using electronic media, if a request has been submitted in accordance with this regulation. City Council may elect to permit or decline the use of electronic media in its sole discretion.
 - b. City Manager recommendation. Following a determination on the use of electronic media, if needed, City Council will allow the City Manager or a designee to present a recommendation, if any, on the application. The City Manager shall have five (5) minutes to present the recommendation, and Council may extend the time in its discretion upon request.
 - c. Applicant recommendation. Following the presentation of the City Manager, if any, the applicant or a designee may make a presentation in support of the exemption application. The applicant may make the presentation directly or by third parties – including legal counsel – or by a combination of those methods. The applicant shall have five (5) minutes to make the presentation, and Council may extend the time in its discretion upon request.
 - d. Witness testimony. City Council will not swear witnesses or take witness testimony during the hearing.
 - e. Questioning by City Council. Following the conclusion of the presentations, City Council may ask questions of any person participating in the presentations.
 - f. Standard of Review. City Council will determine whether an applicant has demonstrated (i) good cause, (ii) that the applicant will be unable to occupy the building, (iii) for a certain period of time. If the applicant has not established all three of these elements to the satisfaction of Council, the application for exemption will be denied. If the applicant has established all three of these elements to the satisfaction of Council, the application for exemption will be granted.
 - g. Decision on Application. Upon the conclusion of questioning by City Council, if any, the Council may (i) make a decision on the application, (ii) take the matter under advisement for future decision, or (iii) request or allow the participants to submit any additional information that may assist in the decision, including proposed findings and conclusions on the application. The decision by City Council shall be reduced to writing and delivered to the applicant by email. Any

decision granting exemption must specify a certain date upon which the exemption expires.

- h. Application of Open Governmental Proceedings Act. When acting on an application for exemption from the Vacant Structures Code registration requirements, City Council is making an adjudicatory decision in a quasi-judicial or administrative capacity. Accordingly, the proceedings do not constitute a “meeting” within the definition provided by the Open Governmental Proceedings Act. *See W. Va. Code § 6-9A-2(5)(A)*. City Council may choose to conduct all or any part of the proceedings in closed session.
- i. Effect on application of Vacant Structures Code. The pendency of an application for exemption does not abrogate the duty of the property owner to comply with the Vacant Structures Code, including any requirement to pay registration fees. A decision by City Council to grant exemption may include a determination to waive or refund registration fees due or paid. An exemption granted by City Council may be used as a defense by the property owner in any pending criminal action for failure to register the vacant building subject of the exemption.

Adopted: _____
(Date)

Mayor

City Clerk



The City of Morgantown

430 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 July 7, 2020

Information:

A. Health Insurance & Employee Clinic

The City is self-insured when it comes to our employees' health insurance. That means the City pays out of pocket for all charges to the employer. As such, we continually try to look for ways to provide a savings in our health insurance costs. Additionally, understanding that some employees, their families, or our retirees have specialized medical needs, we want to ensure adequate access to a variety of health care providers. The City uses Benefit Assistance Corporation as our insurer, who then works with a discount provider. The City pays subscription services to receive these discounts.

We recently did a deeper dive into alternate discount providers to see if would realize savings. As a result, the City will be working to switch discount providers. While the subscription fee is higher, we found that we could have significant cost savings. The attached breakdown looked at actual claims for a 1-year period, comparing our current discount provider to CIGNA.

By switching to CIGNA, the costs to both the employer and employee will be reduced. Additionally, CINGA is a national network as compared to our local one. This will allow for greater access to care for employees and their families. Employees may have adult children going to college out of state, and many of our retirees still covered on our health insurance live out of state. Also, employees who have highly specialized medical needs may not have a local health care provider.

With a continued effort to reduce health costs to the City, we are going to be exploring further the creation of an employee health clinic and will likely be putting out a request for qualifications to provide clinic services. An employee clinic cuts off the overhead for some urgent care visits, annual primary care physician visits, and even some prescription medicine. This again saves both the employer and employee money. Additionally, it can cover labs such as pre-employment drug screening and blood tests. Employees and their families will have access to the clinic with no copay for the visit.

B. Update on LGBTQ+ Liaison Positions and Minority Liaisons Coordinating Council

I wanted to provide a quick update on the LGBTQ+ Liaison Positions and Minority Liaisons Coordinating Council. I am working with Interim Police Chief Eric Powell to identify interested police officers to serve at the Police LGBTQ+ Liaison position, as requested by the Human Rights Commission (HRC). I will be coordinating with them once a candidate list is developed on selecting the liaison.

I will also be working with the HRC on the City Hall LGBTQ+ Liaison. It was unclear to me how this position is posted/advertised, vetted, and selected, as well as how long the liaison's term would be. I will be working with the HRC to develop a recommended process for identifying the City Hall LGBTQ+ Liaison position, then moving forward with that approved process.

Lastly, I have reached out to a number of organizations, including the NAACP, Islamic Centers of Morgantown, Fairness WV, and the Northern WV Center for Independent Living about being liaisons on the Minority Liaisons Coordinating Council for the City. I have heard back from two of the groups so far. I still have a couple of groups to reach out to, but I simply wanted to provide an update on this effort. Once I develop the council of Liaisons, I am hoping to get the first meeting set up for the end of July, beginning of August timeframe.

C. Strategic Plan Update

City Council participated in a Strategic Planning Session a couple weeks ago. The session was moderated by the Novak Consulting Group. Council did a great job in honing in on their goals for the coming months and years. City staff will be taking the information included in the packet and turning that into a plan similar to the previous one, that outlines objectives for each goal, and action steps to take in order to achieve that goal. This information is being provided simply as an update.

I will likely be reaching out to all of you to further gain your thoughts and opinions on objectives and goals so that City staff can more clearly drill down on your goals and ensure that we work to attain them.

D. Focused Workweek Pilot Program Update

The City officially starts its focused workweek pilot program (4-day workweek) on Monday, July 6th. Our administrative offices will be closed on Fridays, but we will be offering extended hours Monday through Thursday, from 7:00am through 5:00pm. The goal of this pilot is to provide better customer service as well as promote a good work-life balance for employees. City staff will be monitoring and assessing the revised schedule throughout the pilot length.

New Business:

A. Agency Allocation Request to United Way to Support Feeding Programs

As closures and social distancing orders meant to limit the spread of COVID-19 extended across the country, and unemployment rates skyrocketed, the impact is being felt in communities large and small. While changes taking place are disrupting the lives of nearly everyone in some way, food-insecure individuals will face particular challenges, and the number of people who experience food insecurity is likely already increasing.

Understanding that the number of individuals in our own community that are food distressed is also increasing as a result of COVID, the City has been asked to support the community financially to increase their feeding program capacity.

City Council action is needed to provide a \$100,000 allocation to the United Way to support their feeding programs for food distressed families.

Emily Muzzarelli, PE
Interim City Manager, Morgantown, WV



City of Morgantown
PPO Network Analysis
Paid Claims Data: 06/01/19-05/31-20

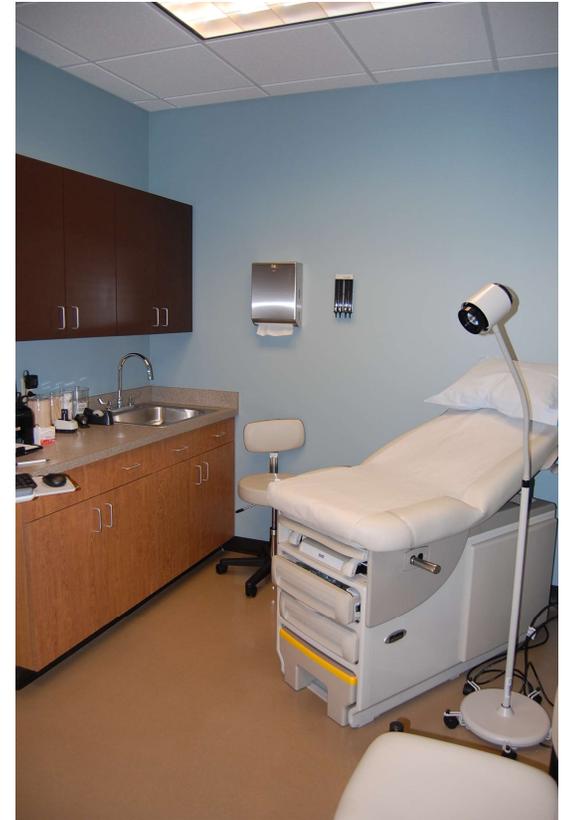
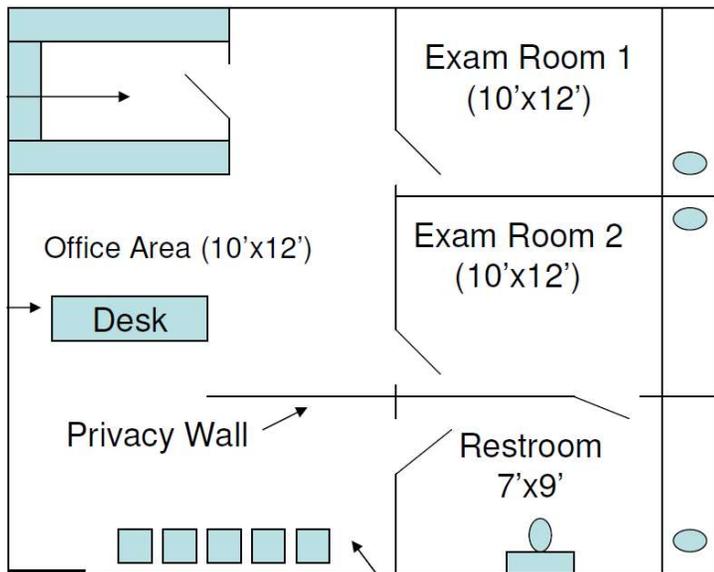
Claim Count 16,004
Average Headcount 342

	Zelis	CIGNA	Differential
Claims \$\$ Network	88.2%	92.8%	
Claims \$\$ Non-Net	11.8%	7.2%	4.6%
*Average % Discount	22.3%	43.8%	21.5%
	\$1,561,106	\$3,080,711	\$1,519,605
Addl OON Discounts	\$0	\$194,182	\$194,182
Total Discounts	\$1,561,106	\$3,274,893	\$1,713,787
Access Fee PPO/Precert	\$35,089	\$82,285	-\$47,196
% of Savings Fee	\$63,895	\$0	\$63,895
** Net Savings:	\$0		\$1,730,486

* Based on Provider Specific Repricing. 3-Digit Zip averages 33.6%.

** Implementation of the CIGNA PPO Network will also result in reduced reinsurance costs at renewal.

ON/NEAR-SITE HEALTH CENTER MODEL



City of Morgantown

Governing Body Retreat

June 19-20, 2020



A PART OF





MORGANTOWN STRATEGIC GOALS



Attractive Amenities

Explore new and enhanced amenities that focus on riverfront advantage, arts and culture, family-friendly recreation, and preserving green spaces.



Cooperative Relationships and Connections

Morgantown has improved the community's health, well-being, and safety through sustained, collaborative relationships with public, non-profit, and private sector partners.



Excellent, Equitable City Services

Morgantown is committed to creating a safe community that treats all people equally. We provide excellent services by operating efficiently, consistently, and transparently, and seek to continuously improve in response to community needs and priorities.



Transportation and Infrastructure

Morgantown has developed a coordinated focus to create an accessible and active transportation system through innovative partnerships.



Fiscal Stability

Morgantown is fiscally stable with a diverse and successful local economy built by capitalizing on its existing resources to support new investment and redevelopment.



Vibrant Downtown

Morgantown has a safe, welcoming, and lively downtown that provides unique experiences to residents and visitors, promotes mixed-use development, fosters entrepreneurship, and encourages investment.



Strong Neighborhoods

Morgantown uses innovative incentives, development policies, and community engagement to connect strong, unique neighborhoods and expand attainable workforce housing.



Arts and Culture

Morgantown utilizes arts and culture strategically to enhance quality of life and spur economic development by supporting artists and local art organizations, creating opportunities for residents and visitors, and maximizing City-owned facilities that support arts and culture.



Welcoming and Inclusive Community

Morgantown is a healthy, inclusive community that welcomes people with diverse backgrounds to fully participate and value City life.



Emergency Planning and Resiliency

Morgantown recognizes the importance of preparing for local, regional, and national events that may have adverse impacts on the community's health, safety, and well-being.

The City of Morgantown, West Virginia, held a Governing Body Retreat on June 19th and 20th, 2020. The retreat was planned and facilitated by The Novak Consulting Group, now a part of Raftelis.

Day One

Introductions & Expectations

The retreat began with the Mayor, City Council, Interim City Manager, and City Clerk introducing themselves and sharing expectations that they have for the retreat:

- To tweak what we've done in the past and come up with new ideas
- Seeing what Council's priorities are, given some of the factors impacting our community and nation right now
- Here to support the Council and staff
- Interest in seeing where we are as a group and how that guides us moving forward
- Learning more about what Council's role is and should be within our City
- Looking forward to seeing where Council would like staff's effort to focus, particularly as it relates to policy goals
- Would like to clarify what our goals are and figure out how we can better pull in that direction to move forward as a unit
- Build on what we've already done – the core still holds true, but it would be great to improve on it. This time around, I'm really interested in how we can best use our assets (river, airport, etc.) to make our community competitive within the region
- A successful meeting that builds on the goals and aspirations – this time, we can look back at what we've accomplished. The challenges we face today are really different than what we saw two years ago
- I want to continue the momentum that was established originally and have moved in a good direction to accomplish them. With the pandemic, we've seen a whole new series of exposed weaknesses, and we need to come together to address them as a community. The retreat is a good first start – it will be a heavy lift, but very necessary.

The Public is looking for...	The Staff is looking for...	My City Council Colleagues are Looking for...
Good, patient listener	Consistent	Allow others to disagree when appropriate
Honest and Trustworthy	Justice	Endurance
Responsive, good judgment	Defer to their expertise when appropriate	No one ideal
Attend and participate in Neighborhood Associations – Visible in the community	Willing to learn about issues	Act in good faith (improving the greater good)
Allow their voices to be heard	Justice	Desire different skill sets from different Council members
Personality, charm, gracious, representative	Professionalism	Informed on the processes and systems
Reachable and responsive	Willingness to be educated	Wants to be heard
Community-minded, not selfish or self-interested	Knowledgeable	Seeking first to understand
Someone who will listen to them	Effectiveness	To listen and cooperate to do our best
Returns phone calls and emails	Help keep community calm and collaborate when helpful	Willing to hear and learn of differing viewpoints
Be engaged in the community you represent	Keep City moving forward and solvent	Curious about underlying values, beliefs, and experiences driving opinions
Judgment and foresight – anticipate and prepare for challenges	Support and attend to each department	Willing negotiation
Accessible	To provide the resources and support they need	Willing to push for other counselors' concerns as a team
Bold – state a position	Team player – supportive, engaged	Even-tempered
Willingness to admit error of thought and action	Discretion when addressing problems	Support each other when appropriate
Prompt and responsive to my concerns	Treat all with respect as people rather than replicable titles	Keep comments short and focused
To represent their interest and concerns	Be fiscally responsible	Support each other
Members of the public do not want or request the same things	Committed to staff well-being and the idea that staff well-being and City well-being go hand in hand	Decision-making without self-interest
Someone who will take my five kittens	Fair and open-minded	Justice
Succinctness	Supportive	Social equity
Cooperation with other governing entities	Understanding of political and personal pressures	Wants someone ethical
Commitment to fundamental, comprehensible values	Someone who doesn't throw staff under the bus	Honest and transparent
Accountability	Defend their rights as employees and humans (healthcare, basic equipment, pay, etc.)	Accountability
Justice	Wants to be valued and respected	Professionalism
Adhere to your stated values		Someone who can also compromise

Communication Expectations

Participants were asked, “What are the things that you’d like to be informed of? What is happening that you’re not currently informed about that you would like to know more about?”

- Policies, planning, and action items related to how the City of Morgantown is handling homelessness, addiction, and vagrancy
- Who the administration is working with, partnerships, etc.
- What issues the City is dealing with, generally, and how they are being handled – what’s occupying staff’s time? (e.g., traffic, social issues, issues with the University)
- Facts and metrics that inform conceptual narratives
- If items are on the agenda, there needs to be backup/supporting documents
- Context and fact packs related to totally new issues that have arisen (this has improved)
- Advanced notice on partnerships and activities associated with joint ventures (e.g., the kayak rental program)
- When issues are important but can’t be imminently at the top of the priority list (due to staff capacity/availability, etc.)
- Departmental status updates (needs, ongoing activities, peer activities, etc.) as part of the budget process (increase the budget calendar), as they relate to the strategic initiatives, etc.
- Disruptions in the community (road work, impacted service delivery, outages, etc.)

True Today – True in Ten Years

The Board was asked to share their responses to two questions:

What is **true** about Morgantown today that you **hope** will still be true in ten years?

What is **not true** about Morgantown today that you **hope** will be true in ten years?

True Today – still true in 10 Years	<u>Not</u> True today – <u>hope</u> it will be true in ten years
Public desire for involvement	Strong connectivity and alternate modes of transportation
Excellent services and activities	Better transportation
Professional Fire Department	Local control of state roads in City to control large truck traffic
A safe community	Our airport business park and extension of the runway are complete
Our Police Department is proactive and citizen-focused	Great roads and sidewalks with the emphasis on pedestrians and bikes and a two-block pedestrian mall downtown
Morgantown is a safe place to raise children with caring neighbors and professionals	Expanded economic activities
Financially solvent	Annexation of close-in neighborhoods
The events around sporting, arts, music, lectures due to having a major university in town	More open to diversity, especially in the police and fire department
Environmental stewardship	More City-friendly County and State government
Our airport is the busiest airport in the state	Improve the poor/untrusting relationships between various players
Good parks	Our neighborhoods and business districts are walkable, bikeable, and connected to the trail
Strong parks and rec and the rail trail	Our boards, commissions, and administration reflect our community's diversity and trust in our efforts
Great natural resources (river, lake, green spaces)	Ample, affordable workforce housing
Good recreation resources (rail trail, parks, etc.)	We will have a functioning system to identify, address, and manage social services issues
The rail trail is one of the best things about the City	Thriving family and child-focused events, activities, and service: childcare, Boys and Girls Club, museums, and renewed library facilities
Our economy is resilient and reflects diverse resources and a well-educated workforce	Highly coordinated social services for vulnerable populations
Our neighborhoods have committed, passionate advocates	More cultural amenities downtown (music, theatre, etc.)
Neighborhoods are a real asset in our community	A coordinated delivery of social services that successfully address our homelessness and addiction issues

True Today – still true in 10 Years	<u>Not</u> True today – <u>hope</u> it will be true in ten years
Vibrant residential neighborhoods	Our community has thriving markers of an intellectual community that furthers ongoing community investment and action (bookstores, theaters, etc.)
We have a beautiful and distinctive community	Affordable housing
We are a caring and inclusive community	Our arts community is central to Morgantown
Great intellectual community	Morgantown is a thriving river town and makes full use of the river and the riverfront
Welcoming and friendly	A more vibrant downtown
Inclusive community	Vibrant downtown and wharf district
Small-town feel with some of the amenities of a larger community	Vibrant and active downtown
Possibly the best place for young LGBT+ people	We have a thriving downtown
Inclusive community	Our neighborhoods and businesses
City Council is open to the concerns of its citizens regarding equity and justice issues	Much expanded park system
Best place in West Virginia to live	Blighted property is razed or corrected, and ordinances are in place to achieve this
Multi-cultural and diverse community	We will have a fully-funded emergency plan in place that includes multiple contingencies
	Innovative programs to bring small businesses downtown
	Measurable progress with economic redevelopment initiatives, especially the wharf, downtown, etc.

Closing

When the day came to a close, each person was invited to share a word to describe their feelings about the day's activities:

- Hopeful
- Uncertain
- Collaboration
- Unsure
- Broad
- Important
- Appreciative
- Appreciative
- Happy to see everyone
- Expectant

Day Two

Processing the Pandemic and Protests

The COVID-19 pandemic and subsequent Black Lives Matter (BLM) protests have dramatically altered our world and the context for establishing policy. Participants reflected on how the pandemic and protests have affected the City, the community, and individual views as a policymaker. Responses included the following:

- Demonstrates the relationship of one thing to another and the cascading effects of one major disruptor. The most disturbing thing was that it illustrated some of the weaknesses in the social systems. Earlier, we compared Charleston, WV, and Charlotte, NC – they started around the same place, but are very different today. It depends on the policies you put in place – they either contribute to or are the result of what occurs. We need to be careful and reevaluate what needs to be done.
- Pandemic has pointed out a lack of emergency preparation plans or if we have them, I don't feel like I understand the Council's role in large-scale disasters. Struggled throughout the pandemic because I feel like we should have an active role in situations like this. Has been concerning that, as a Council Member, I'm not sure what our plan and response is. In the future, I'd like a strong plan for succession, communications, emergency response actions, etc. On the other side, with the BLM protests and demonstrations, as a policymaker, I have a very personal connection to this movement through my son, and I struggle between the emotional response and being more detached to set policy. Was encouraged by the Morgantown Police Department's response to the protestors.
- With regard to the pandemic, I've developed a macro perspective – the pandemic revealed our strengths (remarkable police force, resources for public safety), but it also revealed the weaknesses of relying on the county, the state, and the federal government. Historically, we've deferred in areas where we don't have the funding or the expertise to manage a response, but we need to have a plan and be able to look after the folks we're charged with caring for. On a micro level, it highlights our mutual vulnerability and the need for grace – this is an overwhelming situation. Society and families aren't always designed to accommodate children – community and neighborhood safety nets are important, and we need more of them, and the balance between work and home life has been upended. I'd like to see more proactive planning for disasters as a major strategic outcome. With BLM, it's like we're piling disaster over disaster. Before COVID-19, we were incredibly worried about the opioids and drugs in our community. The issues being raised by the BLM movement are not new – we're all responsible, we're all accountable, and right now, we have an opportunity to do better. The opportunity to advocate for folks who feel disenfranchised is profound. Has also highlighted the really exemplary work of MPD, disaster planning, anticipating the reality of human nature and experience – would like to think about how to build on the work of MPD and use that as a model.
- On a macro level, what all this has shown us is a failure of the American system. We do need universal health insurance – the bills as a result of COVID-19 are outrageous. The tragedies associated with COVID-19 aren't limited to New York, Miami, and Seattle. Now, cases are rising in places that felt like this wasn't going to affect them. Similarly, with BLM, these were issues in places that “don't apply to us.” Everything comes back to race – this is a failing in the United States. Locally, as things were closing and our budget became obsolete, we got a City Council agenda that was business as usual but didn't address people losing their jobs, businesses shutting down, the University not being in session, etc. We don't have a lot of power to address these things, but I want to be able to look at these issues. Police have been

supportive of protestors and have behaved very appropriately. Need to look at the police – where we recruit from, how to improve diversity. Trying to increase social services – we are doing things; maybe we’re not doing enough. Lost annexation, housing is becoming unaffordable, four different police forces operating within the City. Need to publicize what we do and what we can do; look at police force diversity; work to reduce racism and discrimination at the University; etc. Everyone needs to do better.

- In terms of things that haven’t been mentioned, need to have our own emergency plans and also plan as part of a larger group. Need to beef up contingencies – if we want to help meet the needs of people who are food or housing insecure during a pandemic, we need to have these safety nets, and it’s always possible that other disasters will come up. Concerned that some of the small businesses are struggling to get people to wear masks – want the City to set the example. Keeping COVID-19 down is really imperative to activities resuming – a resurgence could be devastating if groups aren’t careful. For transportation, when PRT is less useful because capacity is down, the corridor between the two campuses – need to work on safety measures, additional safety measures, and getting people back and forth. It’s important to have those in place because they’ll be used and help to build different patterns. In terms of BLM, I’ve watched our police force for many years, done ride-a-longs, watched them be innovative with crowd control, dealing with the homeless – they’ve already done a lot of reformation work. Don’t want to look for change where none is needed and that we’re working collaboratively with a police force to implement actual improvements.
- The pandemic has created a disconnect because I’m less connected and engaged with community and friends – have become COVID-ed out. Will still wear a mask and be careful, but I’m done. With regard to BLM, being a white male in our society is like a guilty privilege and comes with the responsibility of making other people feel welcome.
- The pandemic has revealed how good our people and especially our employees are. Our first responders have done a remarkable job. First responders were great at responding but also protecting themselves. Have demonstrated flexibility and resiliency. This has caused me to question, “What does it mean to be prepared, especially when dealing with less conventional crises?” In some ways, we were highly prepared. Echo the need for stronger financial contingencies – we’ve been very fortunate, as we’ve seen continued economic growth, which I don’t think that we can continue to anticipate that. On the issue of BLM, this has been an opportunity to see where we are, as a City and an institution, regarding justice and injustice. What we’re discovering is that we’re doing a lot of things right. As I reflect, I don’t think that we should rely on a crisis to identify what we’re doing well and what we’re doing less well. We should have a regular process to check in, communicate about what we’re doing well and where we can improve, and what comes next.

Strategic Goals

The results of the True Today – True in Ten Years exercise were categorized into the following Strategic Goals:

1. Attractive Amenities
2. Cooperative Relationships and Connections
3. Excellent, Equitable City Services
4. Fiscal Stability
5. Transportation and Infrastructure
6. Vibrant Downtown
7. Strong Neighborhoods
8. Arts and Culture
9. Welcoming and Inclusive Community
10. Emergency Planning and Resiliency

Strategic Goal Definitions

The prior Strategic Plan identified nine Strategic Goals that provided a framework for organizational activities and Council priorities. The Mayor and City Council have received regular updates on the status of the Strategic Plan from the City Manager. Based on the results of the True Today – True in 10 Years exercises, some of the previous Strategic Goals were less relevant and were combined with others, some had their definitions adjusted, and four new Strategic Goals were added, as shown in the following table.

Strategic Goal	Adjustments
<p>Attractive Amenities Explore new and enhanced amenities that focus on riverfront advantage, arts and culture, family-friendly recreation, and preserving green spaces.</p>	<p>Attractive Amenities No Changes</p>
<p>Cooperative Relationships Develop strong and lasting relationships with community stakeholders that are built on an equitable, sustainable, and collaborative share of resources.</p>	<p>Cooperative Relationships and Connections Morgantown has improved the community’s health, well-being, and safety through sustained, collaborative relationships with public, non-profit, and private sector partners.</p>
<p>Excellent City Services Maintain quality public services that promote ethical behavior, utilize emerging technologies, and increase optimization.</p>	<p>Excellent, Equitable City Services Morgantown is committed to creating a safe community that treats all people equally. We provide excellent services by operating efficiently, consistently, and transparently, and seek to continuously improve in response to community needs and priorities.</p>
<p>Transportation and Infrastructure Develop an efficient transportation system that promotes alternative modes, integrates pedestrians, and increases safety for all forms of traffic (motorized and non-motorized).</p>	<p>Transportation and Infrastructure Morgantown has developed a coordinated focus to create an accessible and active transportation system through innovative partnerships.*</p>
<p>Fiscal Stability Discover sound practices for sustainable funding, cost recovery for services, new grant opportunities, and added revenue sources to adequately fund a robust municipal operation.</p>	<p>Fiscal Stability Morgantown is fiscally stable with a diverse and successful local economy built by capitalizing on its existing resources to support new investment and redevelopment.</p>
<p>Vibrant Downtown Encourage and explore new downtown development, businesses, and activities that create a memorable experience.</p>	<p>Vibrant Downtown Morgantown has a safe, welcoming, and lively downtown that provides unique experiences to residents and visitors, promotes mixed-use development, fosters entrepreneurship, and encourages investment.</p>
	<p>Strong Neighborhoods Morgantown uses innovative incentives, development policies, and community engagement to connect strong, unique neighborhoods and expand attainable workforce housing.</p>
	<p>Arts and Culture Morgantown utilizes arts and culture strategically to enhance quality of life and spur economic development by supporting artists and local art organizations, creating opportunities for residents and visitors, and maximizing City-owned facilities that support arts and culture.</p>

Strategic Goal	Adjustments
	<p>Welcoming and Inclusive Community Morgantown is a healthy, inclusive community that welcomes people with diverse backgrounds to fully participate and value City life.</p>
	<p>Emergency Planning and Resiliency Morgantown recognizes the importance of preparing for local, regional, and national events that may have adverse impacts on the community's health, safety, and well-being.</p>

**Active Transportation describes all human-powered forms of travel, such as walking, cycling, in-line skating, skateboarding, skiing, canoeing, and more. Walking and cycling are among the most popular and can be combined with other modes, such as public transit.*

Individual Priorities

The Mayor and Councilmembers were each asked to present three priorities for the next year. Those priorities were then categorized into the following focus areas:

	Focus Area	Priority
1	Excellent and Equitable City Services	<ul style="list-style-type: none"> • Institute a Civilian Police Review Board • Add a mental health worker to MPD to be available for mental health and addiction calls/training • Plan and lay the foundation we need (e.g., housing study)
2	Cooperative Relationships and Connections	<ul style="list-style-type: none"> • Mandate a no-eviction policy for people harmed by the pandemic • Continue unsheltered/recovery community downtown unofficial taskforce through incorporation as a working group and creation of a social service worker City staff position • Come up with a health plan for everyone who lives in the City • Facilitate coordinated wrap-around social services for vulnerable populations • Support the development of the Ramada Inn project to better support our social services
3	Emergency Planning and Resiliency	<ul style="list-style-type: none"> • Develop, publish, and train council, administration, and public on contingency plans for disasters and pan-/epidemic so that we can independently and immediately mobilize our community when disasters arise • Deal with the repercussions of COVID-19 from an administrative, economic, financial, and social standpoint
4	Fiscal Stability	<ul style="list-style-type: none"> • Reprioritize major initiatives and be open to new win-win opportunities
5	Attractive Amenities	<ul style="list-style-type: none"> • Fund our attractive amenities while funding our needed City services and be focused on improving amenities and quality of life • Align the City and BOPARC to take advantage of the capabilities of both
6	Healthy, Welcoming, Inclusive Community	<ul style="list-style-type: none"> •
7	Vibrant Downtown	<ul style="list-style-type: none"> • Support policies to improve the vibrancy of downtown (e.g., make downtown more pedestrian-friendly, install outdoor venues) • Revitalize downtown with unique entrepreneurship programs, partnerships with the SBA and WVU innovation hub, and mentorship programs/guidance regarding codes, permitting, and increasing the arts • Promote and facilitate urban redevelopment opportunities (e.g., downtown, wharf, riverfront, airport)
8	Strong Neighborhoods	<ul style="list-style-type: none"> • Expand our housing availability by encouraging innovation (multi-use, tiny homes, incentives, pathways for ownership programs) • Complete housing needs assessment and identify planning and development strategies that facilitate the production of neighborhood compatible workforce housing
9	Transportation and Infrastructure	<ul style="list-style-type: none"> • Place safety and traffic calming signs around schools and bus stops • Develop, fund, and implement a City bicycle and pedestrian plan that connects neighborhoods, businesses, riverfront trails, parks, etc.; make it practical, fun, and safe
10	Thriving Arts and Culture	<ul style="list-style-type: none"> • Develop and fund a City arts and culture program, utilizing 2% for art or another strategy to highlight Morgantown arts and culture opportunities

Parting Thoughts/Adjourn

Each person shared a parting thought as they adjourned for the day:

- Am concerned that we've expressed a lot of desires, which can be a burden, especially as we transition. I'm quite happy with what's happened so far and our administration's ability to respond. I want to reassure – my expectations are flexible.
- So happy to see everyone and to hear everyone's best thoughts.
- It's a lot to take in – very necessary. As we develop some of these specifics, we probably won't have the budget to work on things now, so if we can do small steps or plan for when we have the resources, it will keep things moving forward.
- I'd like to keep these goals in front of us – they should be visible and revisited to remind us what we did and what we're trying to do.
- I feel like Council has really refined its goals through this process. The projects are ambitions, but there are some focus areas that are workable.
- We're not alone in tackling these – we have established Boards, Commissions, and working groups that could focus on these. If we can improve our communications and take them to the Boards and have the Council representatives report back to Council, we can keep moving on things. I think that the idea of reprioritizing and being flexible as opportunities present themselves is great, and we need to remember the amazing opportunities that we have.
- I think there's a bit more focus than there was two years ago in terms of goals and priorities; last time, it felt so broad that it wasn't as helpful. Might be good to have measurable goals and action items to intentionally help us to work the plan.
- Great for everyone to get together – nice to hear the wants, needs, concerns. We went pretty far into the weeds, and I think we saw a genuine concern and desire to serve the community.
- Interesting to see the differences and the changes from two years ago. Continuing to drill down will help this list to feel more achievable and to see the progress that we're making. It's a hefty list with a lot on it – we'll work to develop this into a useable plan that recognizes budget, staff time, other priorities, etc.
- Glad we got to see eyeball to eyeball together, though I'm still comfortable being home these days. The world has changed, and we have to acknowledge that. Some of the other things that we've been working on will have to fall by the wayside while we deal with both the pandemic and the protests – this is the main thing that we need to focus on. I want to work to fix some of the glaring social problems at the national and state level.
- Appreciative of being able to participate; good to be able to hear the priorities. I fully support additional contingency planning.
- Look forward to working together – I really care and am passionate about being a good leader. I want the best benefits for my membership – for them to be safe, to have the best equipment – and it's good to be here.