



# The City of Morgantown

430 Spruce Street  
Morgantown, West Virginia 26505  
(304) 284-7439  
www.morgantownwv.gov

## AGENDA

### MORGANTOWN CITY COUNCIL REGULAR MEETING

Monongalia County Commission Chambers, 243 High Street, 2nd Floor, Morgantown, WV 26505

Tuesday, August 02, 2022 at 7:00 PM

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **PLEDGE:**
4. **APPROVAL OF MINUTES:**
  - A.** July 19, 2022, Special Meeting minutes
  - B.** July 19, 2022, Regular Meeting minutes
  - C.** July 26, 2022, Special Meeting minutes
5. **CORRESPONDENCE:**
6. **PUBLIC HEARINGS:**
  - A.** An Ordinance Amending the FY 2022-2023 Annual Budget of the City of Morgantown as shown in the Revised Budget (Revision 01) attached hereto and made a part of this Ordinance as the same applies to the General Fund
  - B.** An Ordinance Amending the FY 2022-2023 Annual Budget of the City of Morgantown as shown in the Revised Budget (Revision 01) attached hereto and made a part of this Ordinance as the same applies to the Coal Severance Fund
7. **UNFINISHED BUSINESS:**
  - A.** Boards & Commissions
8. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:**
9. **SPECIAL COMMITTEE REPORTS:**
  - A.** Civilian Police Review & Advisory Board - Mayor Selin, Ex-officio

- B. Special Committee of Unsheltered Homelessness - Members: Mayor Selin, Deputy Mayor Trumble, Councilor Vega, Councilor Harshbarger, Councilor Butcher

**10. CONSENT AGENDA:**

- A.** Consideration of **APPROVAL** of (Second reading) of **An Ordinance Amending the FY 2022-2023 Annual Budget of the City of Morgantown as shown in the Revised Budget (Revision 01) attached hereto and made a part of this Ordinance as the same applies to the General Fund** (*First reading 7/19/2022*)
- B.** Consideration of **APPROVAL** of (Second reading) of **An Ordinance Amending the FY 2022-2023 Annual Budget of the City of Morgantown as shown in the Revised Budget (Revision 01) attached hereto and made a part of this Ordinance as the same applies to the Coal Severance Fund** (*First reading 7/19/2022*)

**11. NEW BUSINESS:**

- A.** Consideration of **APPROVAL** of **A Resolution Authorizing & Accepting a Grant from the Federal Aviation Administration (FAA) for the Runway Extension at the Morgantown Municipal Airport**
- B.** Consideration of **APPROVAL** of **A Fairs & Festival Permit for the Warren Zieders Concert at Ruby Amphitheater on September 22, 2022, 5pm - 11pm**
- C.** Consideration of **APPROVAL** of **A Fairs & Festival Permit for the Kip Moore Concert at Ruby Amphitheater on September 23, 2022, 5pm - 11pm**
- D.** Consideration to **Receive and File the Planning Commission's recommendation to deny a petition to reclassify 815 Price Street (Tax District 13, Tax Map 26, Parcel 183) from an R-1A, Single-Family Residential District to an R-2, Single-Family and Two-Family District (Case No. RZ22-01)**
- E.** Consideration to **Receive and File the Planning Commission's recommendation to deny a petition to reclassify 305 Glendon Avenue (Tax District 13, Tax Map 26, Parcel 186) from an R-1A, Single-Family Residential District to an R-2, Single-Family and Two-Family District (Case No. RZ22-02)**

**12. CITY MANAGER'S REPORT:**

**13. REPORT FROM CITY CLERK:**

**14. REPORT FROM CITY ATTORNEY:**

**15. REPORT FROM COUNCIL MEMBERS:**

**16. EXECUTIVE SESSION:**

- A. Pursuant to West Virginia State Code section 6-9A-4(b)(9) to discuss matters protected by attorney-client privilege or potential litigation.

**17. ADJOURNMENT:**

**For accommodations please call or text 304-288-7072**

# City of Morgantown

## SPECIAL MEETING July 19, 2022

**Special Meeting July 19, 2022:** The Special Meeting of the Common Council of the City of Morgantown was held in Monongalia County Commission Chambers on Tuesday, July 19, 2022, at 6:04 p.m.

**PRESENT:** Mayor Jenny Selin, Deputy Mayor Danielle Trumble, Council Members Joe Abu-Ghannam, Bill Kawecki, Ixya Vega, Dave Harshbarger and Brian Butcher.

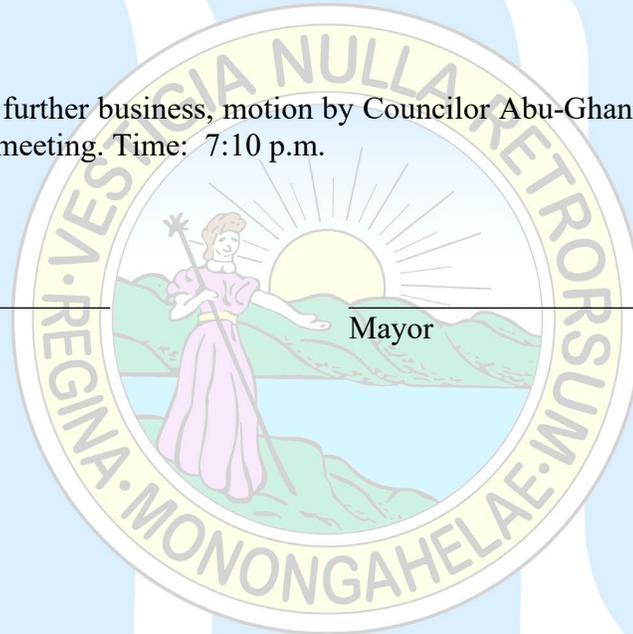
The meeting was called to order by Mayor Selin.

**Executive Session:** Pursuant to West Virginia Code Section 6-9a-4(b)(2)(a) to discuss matters in considering new appointments for Board and Commissions. Motion by Deputy Mayor Trumble, second by Councilor Butcher, to go into executive session. Motion carried by acclamation. Present: City Council. Time: 6:05 p.m.

**ADJOURNMENT:**

There being no further business, motion by Councilor Abu-Ghannam, second by Councilor Kawecki, to adjourn the meeting. Time: 7:10 p.m.

\_\_\_\_\_  
City Clerk



\_\_\_\_\_  
Mayor

# City of Morgantown

## SPECIAL MEETING July 26, 2022

**Special Meeting July 26, 2022:** The Special Meeting of the Common Council of the City of Morgantown was held in the Public Safety Building Conference Room on Tuesday, July 26, 2022, at 6:01 p.m.

**PRESENT:** Mayor Jenny Selin, Deputy Mayor Danielle Trumble, Council Members Joe Abu-Ghannam, Bill Kawecki, and Dave Harshbarger. Ixya Vega and Brian Butcher were absent. Brian Butcher was present after roll call was taken by City Clerk Christine Wade.

The meeting was called to order by Mayor Selin.

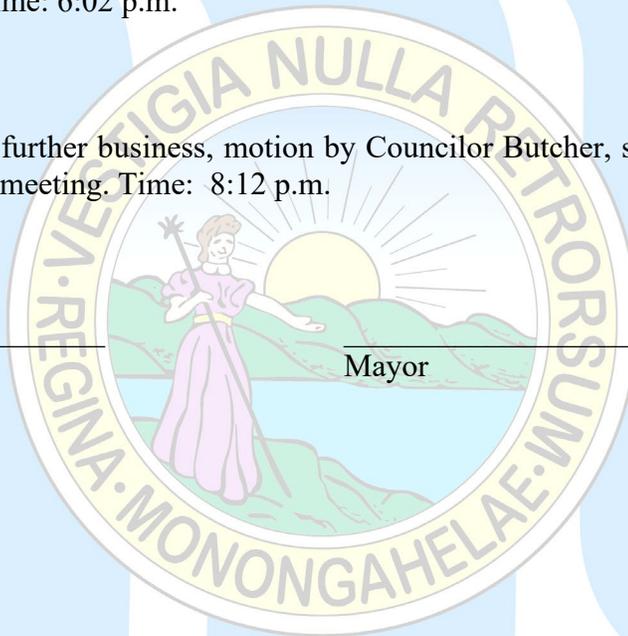
**Executive Session:** Pursuant to West Virginia Code Section 6-9a-4(b)(2)(a) to discuss matters in considering new appointments for Board and Commissions. Motion by Deputy Mayor Trumble, second by Councilor Abu-Ghannam, to go into executive session. Motion carried by acclamation. Present: City Council. Time: 6:02 p.m.

**ADJOURNMENT:**

There being no further business, motion by Councilor Butcher, second by Councilor Abu-Ghannam, to adjourn the meeting. Time: 8:12 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



**AN ORDINANCE AMENDING THE FY 2022-2023 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.**

The City of Morgantown hereby ordains:

That the FY 2022-2023 Annual Budget of the General Fund of the City of Morgantown is amended as shown in the revised budget (Revision 01) attached hereto and made a part of this ordinance.

First Reading: July 19, 2022

Adopted:

\_\_\_\_\_  
Mayor

Filed:

Recorded:

\_\_\_\_\_  
City Clerk

**REQUEST FOR REVISION TO APPROVED BUDGET**

Item 6A.

Ora Ash, Deputy State Auditor  
 West Virginia State Auditor's Office  
**200 West Main Street**  
 Clarksburg, WV 26301  
 Phone: 627-2415 ext. 5114  
 Fax: **304-340-5090**  
 Email: **lgs@wvsao.gov**

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

CONTROL NUMBER \_\_\_\_\_  
 Fiscal Year Ending: **2022-2023**  
 Fund: **001**  
 Revision Number: **1**  
 Pages: **1 of 1**

\_\_\_\_\_  
 City of Morgantown  
 GOVERNMENT ENTITY

Person To Contact Regarding Request:  
 Name: **Kevin Tennant**  
 Phone: **304-284-7407**  
 Fax: **304-284-7418**  
 Email: **kevin.tennant@morgantownwv.gov**

\_\_\_\_\_  
 389 Spruce Street  
 STREET OR PO BOX  
 Morgantown 26508  
 CITY ZIP CODE

\_\_\_\_\_  
**Municipality**  
 Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	3,250,000	3,396,457		6,646,457
370	Charges to Other Funds	336,629		10,000	326,629
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)** 3,386,457

**Explanation for Account # 378, Municipal Specific:** \_\_\_\_\_  
**Explanation for Account # 369, Contributions from Other Funds:** \_\_\_\_\_

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
412	City Manager's Office	899,949	150,554		1,050,503
414	Finance Office	1,162,040	25,768		1,187,808
415	City Clerk	279,875	5,694		285,569
416	Police Judge's Office	277,683	8,386		286,069
417	City Attorney	434,400	50,000		484,400
420	Engineering	233,855	3,062		236,917
422	Personnel Office	665,015	11,286		676,301
436	Building Inspection	1,185,603	266,786		1,452,389
437	Planning & Zoning	367,374	13,656		381,030
439	Data Processing	697,563	5,976		703,539

**NET INCREASE/(DECREASE) Expenditures** 3,386,457

**APPROVED BY THE STATE AUDITOR**  
 BY: \_\_\_\_\_  
 Deputy State Auditor, Local Government Services Division Date

\_\_\_\_\_  
 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

**EXPENDITURES (CONT'D)**

City of Morgantown

LGSD: BR

City of Morgantown

CONTROL NUMBER:

2022-2023

001

1

BUDGET REVISION REQUEST-SUPPLEMENT

FY

FUND

REV#

ACCOUNT NUMBER	ACCOUNT CATEGORY	PREVIOUSLY APPROVED AMOUNT	INCREASE	DECREASE	REVISED AMOUNT
440	City Hall	1,394,374	41,508		1,435,882
444	Contributions / Transfers to Other Funds	4,074,302	579,956		4,654,258
569	Local Government Access Channel	278,951	13,436		292,387
699	Contingencies*	637,560	862,440		1,500,000
700	Police Department	9,548,136	775,769		10,323,905
706	Fire Department	6,955,923	367,111		7,323,034
750	Streets and Highways	3,167,096	140,019		3,307,115
754	Central Garage	872,783	20,680		893,463
950	Beautification Programs	343,002	8,506		351,508
758	Airports	189,811	23,148		212,959
906	Arts & Humanities	474,436	12,716		487,152
	#N/A				
<b>NET INCREASE/(DECREASE) Expenditures (this page)</b>					<b>2,845,289</b>

**AN ORDINANCE AMENDING THE FY 2022-2023 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.**

The City of Morgantown hereby ordains:

That the FY 2022-2023 Annual Budget of the Coal Severance Fund of the City of Morgantown is amended as shown in the revised budget (Revision 01) attached hereto and made a part of this ordinance.

First Reading: July 19, 2022

Adopted:

\_\_\_\_\_  
Mayor

Filed:

Recorded:

\_\_\_\_\_  
City Clerk

**REQUEST FOR REVISION TO APPROVED BUDGET**

Ora Ash, Deputy State Auditor  
 West Virginia State Auditor's Office  
**200 West Main Street**  
 Clarksburg, WV 26301  
 Phone: 627-2415 ext. 5114  
 Fax: **304-340-5090**  
 Email: **igs@wvsao.gov**

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

CONTROL NUMBER \_\_\_\_\_  
 Fiscal Year Ending: **2022-2023**  
 Fund: **002**  
 Revision Number: **1**  
 Pages: **1 of 1**

\_\_\_\_\_  
 City of Morgantown  
 GOVERNMENT ENTITY

Person To Contact Regarding Request:  
 Name: **Kevin Tennant**  
 Phone: **304-284-7407**  
 Fax: **304-284-7418**  
 Email: **kevin.tennant@morgantownwv.gov**

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**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
310	Coal Severance Tax	55,000	25,000		80,000
299	Unassigned Fund Balance	5,000	85,111		90,111
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)** 110,111

**Explanation for Account # 378, Municipal Specific:** \_\_\_\_\_  
**Explanation for Account # 369, Contributions from Other Funds:** \_\_\_\_\_

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
900	Parks & Recreation	55,100	107,111		162,211
699	Contingencies*	5,000	3,000		8,000
	#N/A				

**NET INCREASE/(DECREASE) Expenditures** 110,111

**APPROVED BY THE STATE AUDITOR**  
 BY: \_\_\_\_\_  
 Deputy State Auditor, Local Government Services Division Date

\_\_\_\_\_  
 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

**Boards & Commissions VACANT Positions:**

Updated: 7/27/2022

- **Board of Zoning Appeals: 2 Vacant – City Resident (Minimum 3yr City Resident)**  
 1 – 3yr – 3yr term: 1/1/2020 – 12/31/2022  
 1 – 2yr – 3yr term: 1/1/2022 – 12/31/2024
- **Civilian Police Review & Advisory Board: 9 Vacant – City Resident or Work within City boundary**  
 3 – 1yr – 3yr term: 5/18/2022 – 5/17/2025  
 3 – 2yr – 3yr term: 5/18/2021 – 5/17/2023  
 3 – 3yr – 3yr term: 5/18/2021 – 5/17/2024
- **Fire Code Board of Appeals: 2 Vacant**  
 2 – 3yr terms: 5/2/2022 – 4/30/2025 (Legal, and a Professional Engineer)
- **Health & Wellness Commission: 1 Vacant – City Resident**  
 1 – 2yr – 3yr term: 1/1/2020 – 12/31/2022
- **Human Rights Commission: 1 Vacant – City Resident**  
 1 - 1yr – 2yr term: 7/1/2021 – 6/30/2023
- **“ICC” Building Code Board of Appeals: 3 Vacant (Master Electrician or Civil Engineer)**  
 1 – 5yr – 5yr term: 5/1/2020 – 4/30/2025  
 1 – 1yr – 5yr term: 5/1/2021 – 4/30/2026  
 1 – 2yr – 5yr term: 5/1/2022 – 4/30/2027
- **Library Board of Directors: 1 Vacant – City Resident**  
 1 – 3yr – 5yr term: 7/1/2022 – 6/30/2027
- **Personnel Board: 1 Vacant – City Resident**  
 1 – 3yr – 2yr – 3yr term: 7/1/2022 – 6/30/2025
- **Planning Commission: 1 Vacant – City Resident Ward Specific**  
 1 – 1yr – 3yr term: 7<sup>th</sup> Ward 1/1/2022 – 12/30/2024
- **Sister Cities Commission: 4 Vacant**  
 3 – 2yr – 3yr terms: 6/1/2021 – 5/31/2024  
 1 – 1yr – 3yr term: 6/1/2020 – 5/31/2023
- **Traffic Commission: 1 Vacant – City Resident Ward Specific**  
 1 – 3yr term: 4<sup>th</sup> Ward – 4/4/2021 – 4/3/2024

- **Transit Authority Board of Directors: 1 Vacant – City Resident**  
1 – 1yr – 3yr term: 1/1/2021 – 12/31/2023
  
- **Tree Board: 1 Vacant**  
1 – 3yr – 3yr term: 11/15/2020 – 11/14/2023
  
- **Urban Landscape Commission: 3 Vacant – City Resident**  
1 – 2yr – 3yr term: 7/1/2022 – 6/30/2025 – Landscape Design  
1 – 3yr – 3yr term: 7/1/2020 – 6/30/2023 – Horticulture  
1 – 1yr – 3yr term: 7/1/2021 – 6/30/2024 – Plant Health
  
- **Ward & Boundary Commission: 2 Vacant – City Resident Ward Specific**  
2 – 2yr terms: 7/1/2021 – 6/30/2023 - Wards 3, & 7
  
- **Woodburn Commission: 2 Vacant**  
2yr – 3yr terms: 1/1/2022 – 12/31/2024

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First Reading:

Adopted:

\_\_\_\_\_  
Mayor

Filed:

Recorded:

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City Clerk



**REQUEST FOR REVISION TO APPROVED BUDGET**

Item 10A.

Ora Ash, Deputy State Auditor  
 West Virginia State Auditor's Office  
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City of Morgantown  
 GOVERNMENT ENTITY

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**Explanation for Account # 378, Municipal Specific:**  
**Explanation for Account # 369, Contributions from Other Funds:**

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

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**NET INCREASE/(DECREASE) Expenditures** 3,386,457

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

AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

**EXPENDITURES (CONT'D)**

City of Morgantown

LGSD: BR

City of Morgantown

CONTROL NUMBER:

2022-2023

001

1

BUDGET REVISION REQUEST-SUPPLEMENT

FY

FUND

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First Reading: July 19, 2022

Adopted:

\_\_\_\_\_  
Mayor

Filed:

Recorded:

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City Clerk

**REQUEST FOR REVISION TO APPROVED BUDGET**

Item 10B.

Ora Ash, Deputy State Auditor  
 West Virginia State Auditor's Office  
**200 West Main Street**  
 Clarksburg, WV 26301  
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**NET INCREASE/(DECREASE) Revenues (ALL PAGES)** 110,111

**Explanation for Account # 378, Municipal Specific:**  
**Explanation for Account # 369, Contributions from Other Funds:**

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
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699	Contingencies*	5,000	3,000		8,000
	#N/A				

**NET INCREASE/(DECREASE) Expenditures** 110,111

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

AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

Resolution No. 2022-\_\_

**RESOLUTION**

The City Council of The City of Morgantown hereby resolves that the City Manager is authorized to accept grant funds from the Federal Aviation Administration for use in connection with the extension of the runway at Morgantown Municipal Airport in the amount of \$350,142.00, more or less, and to obligate funds in the amount of \$18,429.00, more or less, as the local match required for receipt of such grant funds, and in connection therewith to execute and deliver any documents necessary or helpful to accomplishing the purposes of the grant.

The City Council of The City of Morgantown further resolves that the City Manager is authorized to accept from the State of West Virginia funds in the amount of \$9,214.70, more or less, to be contributed as a portion of the required local matching funds recited above and to further the purposes of the Federal Aviation Administration grant and runway extension project, and that the City Manager is authorized to execute and deliver any documents necessary or helpful to accomplishing the purposes of such funding and/or grant.

Adopted this \_\_\_\_ day of August, 2022:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



July 21, 2022

City of Morgantown  
C/o City Clerk  
430 Spruce Street  
Morgantown, WV 26505

Re: Fair and Festival Permit

Honorable City Council and City Clerk:

Drusky Entertainment in cooperation with John Chad Inc would like request a sponsorship letter for a Fair and Festival permit from the West Virginia Alcohol Beverage Control Administration for an event occurring from September 23<sup>rd</sup> 2022 at 5pm to September 23<sup>rd</sup> 2022 at 1100 pm at the Ruby Amphitheater serving nonintoxicating beer for the Kip Moore concert.

Thank you for your kind consideration.

Sincerely

**Kindest regards,**

*Brian Drusky*

---

Brian Drusky  
President/ Owner Drusky Entertainment LLC

**Drusky Entertainment, 4885-A McKnight Rd Suite 283, Pittsburgh, PA 15237  
Phone: 412-368-1631 Fax: 480-393-5707  
Email: BrianDrusky@Druskyentertainment.com**



July 21, 2022

City of Morgantown  
C/o City Clerk  
430 Spruce Street  
Morgantown, WV 26505

Re: Fair and Festival Permit

Honorable City Council and City Clerk:

Drusky Entertainment in cooperation with John Chad Inc, would like request a sponsorship letter for a Fair and Festival permit from the West Virginia Alcohol Beverage Control Administration for an event occurring from September 22<sup>nd</sup> 2022 at 5pm to September 22<sup>nd</sup> 2022 at 1100 pm at the Ruby Amphitheater serving nonintoxicating beer for the Warren Zieders concert.

Thank you for your kind consideration.

Sincerely

**Kindest regards,**

---

Brian Drusky  
President/ Owner Drusky Entertainment LLC

**Drusky Entertainment, 4885-A McKnight Rd Suite 283, Pittsburgh, PA 15237  
Phone: 412-368-1631 Fax: 480-393-5707  
Email: BrianDrusky@Druskyentertainment.com**



Development Services  
389 Spruce Street  
Morgantown, WV 26505  
304.24.7431

## MEMORANDUM

To: Honorable Members of Morgantown City Council

Cc: A. Kim Haws, City Manager  
Emily Muzzarelli, Assistant City Manager  
Ryan Simonton, City Attorney  
Christine Wade, City Clerk

From: Rickie Yeager, Development Services Director

A handwritten signature in blue ink, appearing to read "Rickie Yeager".

Date: July 22, 2022

Re: Proposed Zoning Map Amendments  
RZ22-01 / Hageboeck Holding Company, LLC / 815 Price Street  
RZ22-02/ Hageboeck Holding Company, LLC / 305 Glendon Avenue

On May 12, 2022, the Planning Commission held a public hearing to consider the above referenced petitions to rezone 815 Price Street and 305 Glendon Avenue from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family Residential District. Both properties are single-family dwellings with four bedrooms. The property owner is seeking to rezone the properties so the fourth bedroom can be rented. The current zoning designation does not allow more than three unrelated persons to live in a single-family dwelling unit per Section 1329 of the City's Planning and Zoning Code.

After consideration, the Planning Commission unanimously voted to forward a recommendation to Morgantown City Council to deny the above referenced zoning map amendment petitions. If there are no objections, Morgantown City Council may receive and file the Commission's recommendation at its next regularly scheduled meeting on August 2, 2022. Enclosed with this communication is a copy of the applicant's petitions, combined staff report and meeting minutes from the public hearing on May 12<sup>th</sup>.

If you have any questions, please contact me at 304.284.7413 or by email at [ryeager@morgantowv.gov](mailto:ryeager@morgantowv.gov).

Thank you.



OFFICE USE  
CASE NO. RZ22-01

# APPLICATION FOR ZONING MAP AMENDMENT

Fee:  Less than one acre = \$250.00  One acre or greater = \$500.00 [Z-RZ]

(PLEASE TYPE OR PRINT IN INK)

I. OWNER / APPLICANT			
Name:	Hageboeck Holding Company, LLC		Phone: 304.545.6045
Mailing Address:	9935 Tudor Court		Mobile: 304.545.6045
	Street	Fishers IN 46037	Email: Charles.hageboeck@gmail.com
	City	State	Zip

II. AGENT / CONTACT INFORMATION			
Name:	Jasmin Patrick - Bel-Cross Properties		Phone: 304.296.7930
Mailing Address:	76 High Street		Mobile: 304.276.4370
	Street	Morgantown WV 26505	Email: jasmin@belcross.com
	City	State	Zip
Mailings:	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		

III. PROPERTY			
Street Address (if assigned):	815 Price Street, Morgantown WV 26505		
Tax Map(s) #:	Parcel(s) #:	Size (sq. ft. or acres):	
Current Zoning Classification:	R-1A	Proposed Zoning Classification:	R-2
Current Land Use:	Single Family	Proposed Land Use*:	

\*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.

IV. ATTEST		
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.		
Hageboeck Holding Company, LLC	Jasmin Patrick - Bel-Cross Properties	3-3-2022
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

250.00  
Z-RZ  
2022-00014725  
Kim M. Reid  
5/3/2022 1:49:28 PM  
Zoning Map Amendment Application  
For Deposit Only  
City of Morgantown



OFFICE USE  
CASE NO. R222-02

# APPLICATION FOR ZONING MAP AMENDMENT

Fee:  Less than one acre = \$250.00  One acre or greater = \$500.00 [Z-RZ]

(PLEASE TYPE OR PRINT IN INK)

## I. OWNER / APPLICANT

Name:	Hageboeck Holding Company, LLC		Phone:	304.545.6045
Mailing Address:	9935 Tudor Court		Mobile:	304.545.6045
	Street	Fishers	IN	46037
	City	State	Zip	Email: Charles.hageboeck@gmail.com

## II. AGENT / CONTACT INFORMATION

Name:	Jasmin Patrick (Bel-Cross Properties)		Phone:	304.296.7930
Mailing Address:	76 High Street		Mobile:	304.276.4370
	Street	Morgantown WV	26505	Email: jasmin@belcross.com
	City	State	Zip	
Mailings:	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact			

## III. PROPERTY

Street Address (if assigned):	305 Glendon Avenue, Morgantown WV 26505		
Tax Map(s) #:	Parcel(s) #:	Size (sq. ft. or acres):	
Current Zoning Classification:	R-1A	Proposed Zoning Classification:	R-2
Current Land Use:	Single Family	Proposed Land Use*:	

\*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.

## IV. ATTEST

I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.

Hageboeck Holding Company, LLC	Jasmin Patrick	3-3-2022
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

\$250.00  
 Z-RZ  
 2022-00014-95  
 KTM NTG:10  
 3/3/2022 1:49:23 PM  
 Zoning Map Amendment Appl  
 For Deposit Only  
 City of Morgantown



# MORGANTOWN PLANNING COMMISSION

May 12, 2022

6:30 p.m.

City Council Chambers | City Hall – 389 Spruce Street

## COMBINED STAFF REPORT

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Sam Loretta, 1<sup>st</sup> Ward

**Planning Commissioners:**

Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Michael Shuman, 5<sup>th</sup> Ward

Danielle Trumble, City Council

AJ Hammond, City Admin.

Vacant

**CASE NO:** RZ22-01 / Hageboeck Holding Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holding Company, LLC / 305 Glendon Avenue

**REQUEST and LOCATION:**

Request by Jasmin Patrick of Bel-Cross Properties on behalf of the property owner

**TAX MAP NUMBER (s) and ZONING DESCRIPTION:**

City Tax District 13, Tax Map 26, Parcels 183 and 186, R-1A, Single-Family Residential District.

**SURROUNDING ZONING:**

North, South and West: R-1A, Single-Family Residential District and R-2, Single-Family and Two-Family Residential District

East: R-1A, Single-Family Residential District

**BACKGROUND:**

The applicant manages the above referenced rental property. The properties are registered with the City as single-family (rental) dwellings with four bedrooms, three occupants and has an active Letter of Compliance on file with the Code Enforcement Division. Addendum A of the report shows the subject sites and where they are located in the R-1A District.

The rental properties are permitted in the R-1A District, because of the following exception regarding the definition of 'family' in Section 1329 of the City's Codified Ordinances:

*(6)(a) Occupancy for legal, pre-existing, non-conforming dwelling units in single-family residential zoning districts shall be no more than three unrelated persons and any children related to either of them by blood, marriage, or legal adoption.*

Note, only single-family dwellings are permitted in a R-1A District.

In a R-2 District, single-family dwellings, townhouses, and two-family dwellings are permitted by right in accordance with the City's Permitted Land Use Table (Table 1331.05.01). Mixed-use, multi-family, and lodging/rooming houses are allowed as a 'conditional use' subject to review and approval by the City's Board of Zoning Appeals. Additionally, the definition of 'family' and restrictions associated therewith do not apply to the R-2 District. Please see the code excerpt below:

*(b) Within all other zoning districts, dwelling unit occupancy will be determined by the West Virginia State Building Code as adopted and implemented by the City.*

**Development Services**

Rickie Yeager, AICP  
Director

Rodney Bohner  
Senior Planner

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



# MORGANTOWN PLANNING COMMISSION

May 12, 2022

6:30 p.m.

City Council Chambers | City Hall – 389 Spruce Street

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Sam Loretta, 1<sup>st</sup> Ward

**Planning Commissioners:**

Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Michael Shuman, 5<sup>th</sup> Ward

Danielle Trumble, City Council

AJ Hammond, City Admin.

Vacant

**ANALYSIS (COMPREHESIVE PLAN CONCURRENCE):**

As recommended in Chapter 9 “Implementation” of the 2013 Comprehensive Plan Update, Addendum B of this report identifies how the proposed zoning map amendments relate to the Plan’s pattern and character, conceptual growth framework, and land management maps. More specifically, please note the following:

**Pattern and Character Map:**

The properties are identified as ‘University’ in the Pattern and Character Map. University is defined in the plan as a district that *contains the campuses of West Virginia University, including Downtown, Evansdale, Law School, Health Sciences Campus, and Athletic Department Campuses. Building size and their relationships to each other and to streets vary but the districts are generally walkable, This district does not include the University’s agricultural campuses (which are considered rural in character).*

**Conceptual Growth Framework Map:**

The properties are located in an area where growth is generally encouraged, as well as infill and redevelopment.

**Land Management Map:**

Looking forward, the Land Management Map continued to associate the properties closely with West Virginia University. More specifically, the concept area is defined as ‘WVU Campus Development’ in the plan and the following development types are generally considered appropriate in said district (pattern and character map):

- Two-family residential
- Multi-family residential
- Civic and Institutional
- Neighborhood Center Mixed-Use
- Urban Center Mixed-use
- Office/Research
- Limited Industrial
- Greenspace

While the plan in 2013 may have envisioned the expansion of housing facilities in this area, Parcels 183 and 186 were never owned by or associated with West Virginia University. What is clear is that Price Street and Waverly Street were identified as boundary lines for the WVU Campus Development District and Neighborhood Revitalization District per the Land Management Map. Both districts encourage multiple development typologies that are context sensitive.

**STAFF RECOMMENDATION:**

After review, staff finds the proposed zoning map amendment to be consistent with the City’s Comprehensive Plan – Land Management Map/Plan and the principles associated therewith. Staff further recommends that the properties be rezoned from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family District.

**Development Services**

Rickie Yeager, AICP  
Director

Rodney Bohner  
Senior Planner

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

# STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

## Staff Enhanced Site Map



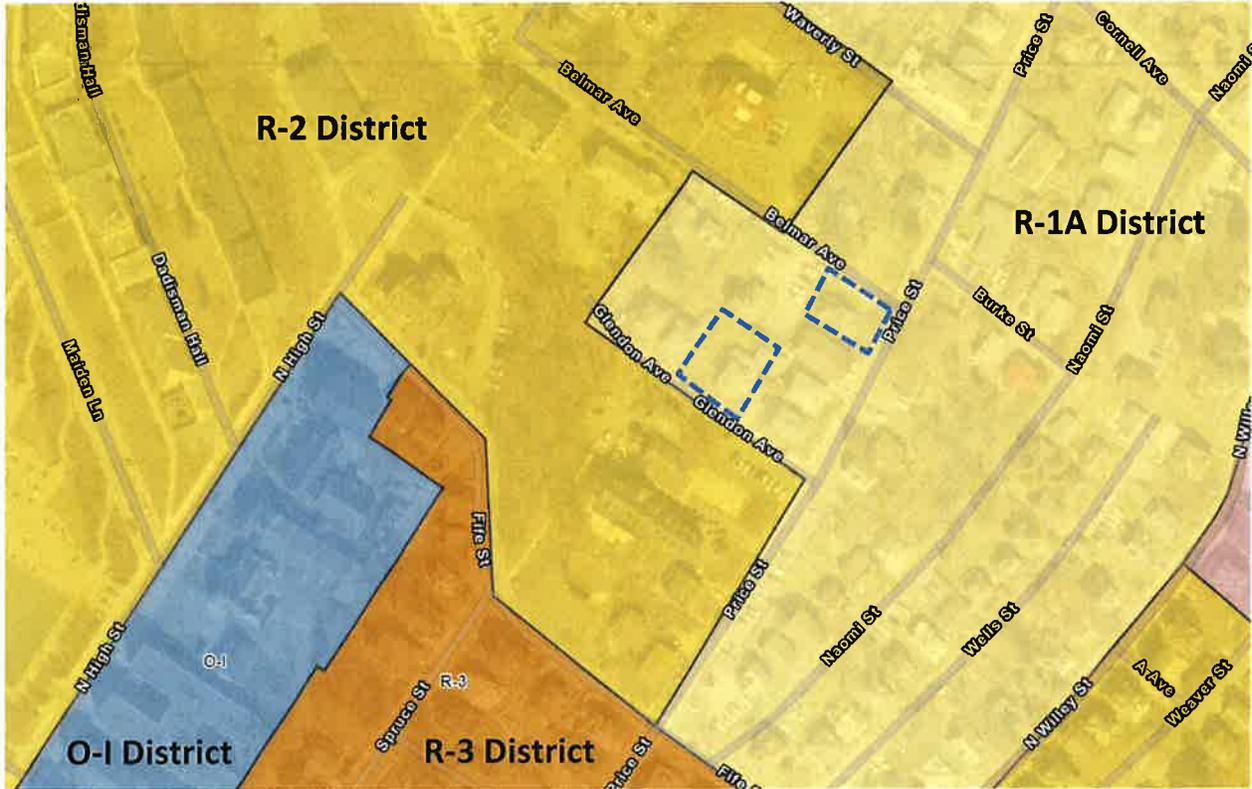
Source: Monongalia County Parcel Viewer Map

## Staff Enhanced Zoning Map

# STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue



Approximate boundaries for Parcels 183 and 186

Source: City of Morgantown Zoning Map

## STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

**Street View of Parcel 183 (815 Price Street)**



**Street View of Parcel 183 (Glendon Avenue)**



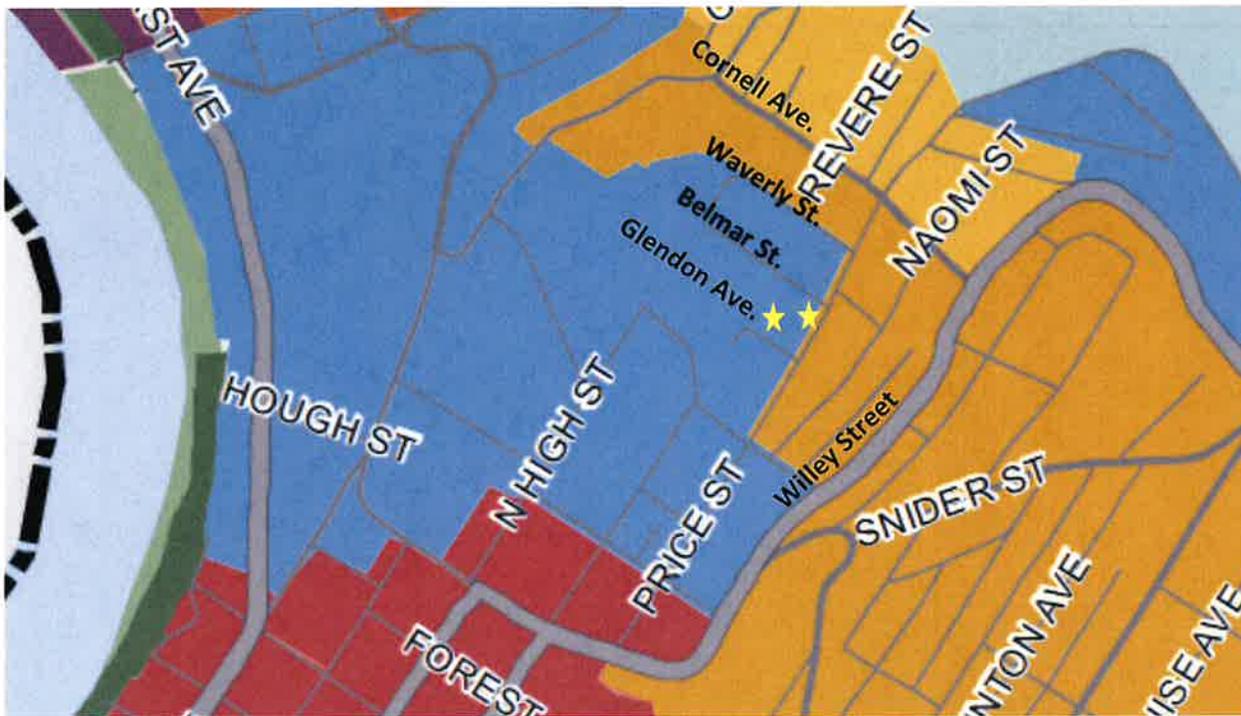
Source: Google Maps

# STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

## Staff Enhanced Character and Pattern Map (2013)



★ Approximate location of Parcels 183 ad 186.

- Core
- Neighborhood 1
- Neighborhood 2
- Neighborhood 3
- Neighborhood 4
- Commercial Node
- University
- Office / Institutional / Industrial Campus
- Civic Campus
- Special District
- Commercial Corridor
- Urban Corridor
- Neighborhood Corridor
- Mountain / Valley Corridor
- Rural
- Natural
- Park
- Roads
- Water Bodies
- Morgantown Boundary
- Study Area

# STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

## Staff Enhanced Conceptual Growth Framework Map (2013)



Approximate location of Parcels 183 and 186



Encouraged Growth



Infill and Redevelopment



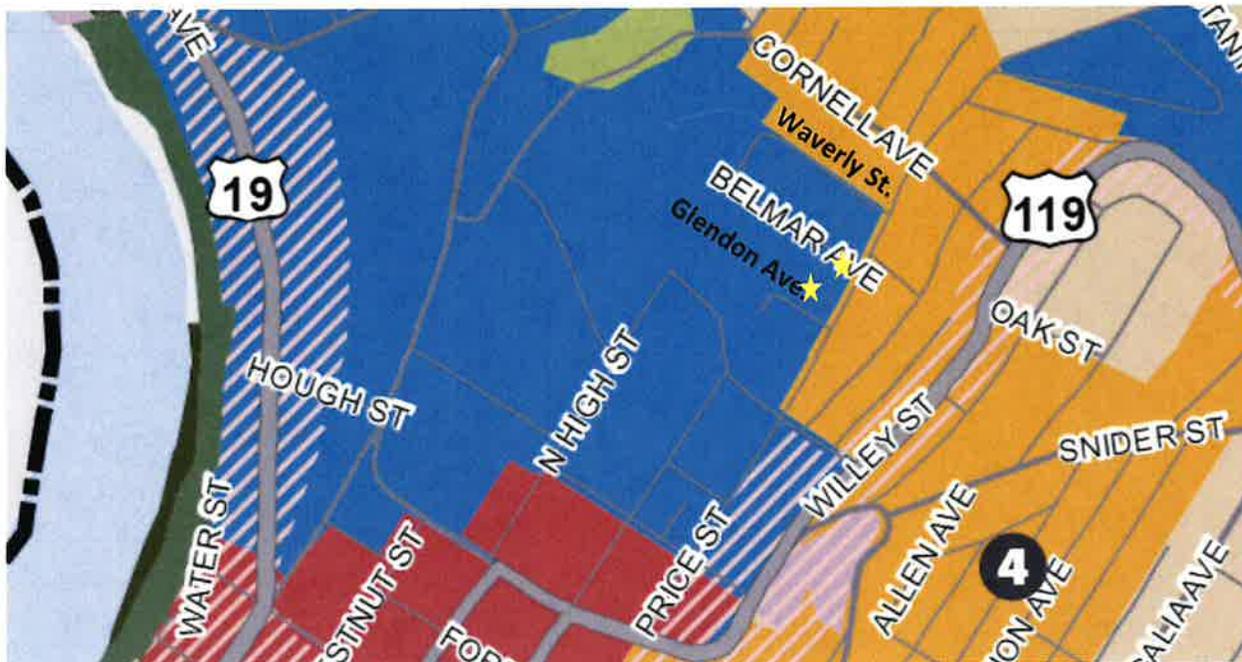
Controlled Growth

# STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

Staff Enhanced Land Management Map (2013)



★ Approximate location of Parcels 183 and 186.

- Preserve
- Reserve
- Limited Growth
- Neighborhood Conservation
- Downtown Enhancement
- Corridor Enhancement
- WVU Campus Development
- Neighborhood Revitalization
- Infill and Redevelopment
- Encouraged Growth
- Controlled Growth/Traditional Neighborhood Area
- Developed Areas
- Roads
- Water Bodies
- Morgantown Boundary
- Study Area

**MORGANTOWN PLANNING COMMISSION**

**MINUTES**

**6:30 p.m.**

**May 12, 2022**

**Council Chambers**

**COMMISSIONERS PRESENT:** Pete DeMasters, William Blosser, AJ Hammond, Tim Stranko, Danielle Trumble and Bill Petros

**COMMISSIONERS ABSENT:** Mike Shuman

**STAFF PRESENT:** Rodney Bohner, City Planner

**CALL TO ORDER/ROLL CALL:** The meeting to order at 6:30 p.m. Mr. DeMasters asked if it was ok to bypass reading of the pre meeting announcement. All in favor.

**I. PUBLIC COMMENT:** None.

**II. MATTERS OF BUSINESS:** Approval of meeting minutes of February 10, 2022 and April 18, 2022. Motion and second to approve as presented. All in favor, minutes approved.

**III. UNFINISHED BUSINESS:** None

**IV. NEW BUSINESS:**

- A. RZ22-01 / Hageboeck Holding Co., LLC / 815 Price Street:** Request by Jasmin Patrick on behalf of Hageboeck Holding Co., LLC for a Zoning Map Amendment to rezone Tax District 13, Map 26, Parcel 183 from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two- Family Residential District.

Bohner presented the combined staff reports for RZ22-01 and RZ22-02 and noted the petitioner was present.

**STAFF RECOMMENDATION:**

After review, staff finds the proposed zoning map amendment to be consistent with the City's Comprehensive Plan – Land Management Map/Plan and the principles associated therewith. Staff further recommends that the properties be rezoned from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family District.

DeMasters asked for clarity on the current zoning. Bohner again reviewed the slides showing the current zoning and proposed changes.

Jasmine, representing Bel Cross Properties discussed the zoning request. The property owner owns the surrounding properties in addition to these. She stated that the reason for the change in zoning is because they would like to rent to an additional tenant. Current City Code will only allow three tenants, even though there are four bedrooms in the homes. Bel Cross Properties also own the parking lot across the street so parking would not be an issue. She reconfirmed that there would be no structural changes whatsoever, only the safety requirements with the Code Enforcement Office.

Public hearing was opened. No one present in favor.

Don Eifenbein, who lives on Cornell Avenue. He stated that they have lived and worked in Morgantown since the 1980's. He opposes the rezoning of this property. Some issues he mentioned include increased traffic, increased noise, other unsightly property issues. He states that the purpose of the zoning ordinance in place now is to protect the single-family residential areas and to protect the character of existing development. He states that he is afraid if this is granted, other property owners will want to follow suit. He feels that if the property owners want a multifamily rental they need to buy property in a zoning area where it is allowed.

Carol Becilla spoke in opposition, agreeing with the previous speaker. She lives at 831 Price Street and has lived there for thirty years. She does not want to change from R1A. Ms. Becilla states that this will be a negative impact on her neighborhood. She feels that this is an issue that does not need to keep being revisited. Mr. Becilla is also present and has a petition.

Mark Becilla, 831 Price Street. He presented a list of concerned residences to Mr. DeMasters. He states that he has lived on this street all of his life. The previous owners of the property kept the property up well and had good tenants. He is hoping that Bel Cross can live up to this standard. He referenced the Land Management Map of 2013. He does not feel that WVU is planning to expand into this area. Mr. Becilla doesn't believe that just because a house has four bedrooms, doesn't mean they all need to be used as an actual bedroom. There are many other uses that would not require rezoning. He states that all the residents value their neighborhood on the hill and would like it to remain unchanged.

Mr. DeMasters stated he would keep the petition for the record.

Arthur Twigg, 909 Brown Street. The owner of the property is Irene Twigg, the eldest person on the hill at 96. Mr. Twigg states that she no longer drives due to traffic issues created all the rentals in the area. He believes that rezoning would be an issue because the current homeowners living in the area will be penalized.

DeMasters asked for questions. Mr. Eifenbein asked about the staff recommendation. Mr. DeMasters noted that we will not cross examine the Planner and that the staff recommendation stands.

Mr. Stranko noted the speakers were all well-spoken and referenced the Land Management Map. Stranko states it does not trump the zoning code. He went on to discuss the second ward and what happened as this neighborhood was rezoned.

Danielle Trumble noted that this happened in her neighborhood as well. She states that she is also not in favor of the rezoning.

Mr. Hammond also agrees with the other commissioners, and also notes that he is not in favor of spot zoning.

Stranko asked if the application is denied, would it be referred to City Council. DeMasters noted that yes it would be a recommendation to Council to deny.

DeMasters talked about the desire of homeowners to make more money and completely understands that. He believes that we have zoning for a reason and this is zoned R-1A. He states he would look at this request more favorably if it were to do the entire neighborhood and not just a couple properties. He also does not believe in spot zoning.

Regarding RZ22-01 Stranko moved to forward the application to City Council with the recommendation of denial, seconded by Blosser. The vote was unanimous.

- B. RZ22-02 / Hageboeck Holding Co., LLC / 305 Glendon Avenue:** Request by Jasmin Patrick on behalf of Hageboeck Holding Co., LLC for a Zoning Map Amendment to rezone Tax District 13, Tax Map 26, Parcel 186 from a R-1A, Single-Family District to a R-2, Single-Family and Two-Family Residential District.

Regarding RZ22-02 Stranko moved to forward the application to City Council with the recommendation of denial, seconded by Blosser. The vote was unanimous.

- C. MJS22-01 / R&R Holdings 3, LLC / 1345 Van Voorhis Road.** Application for a Major Subdivision of City Tax District 15, Tax Map 54, Parcels 163, 164 and 165 at Van Voorhis Rd and Southview Street.

Bohner presented the staff report and noted the petitioner was present.

Devon Shrewsbury, Ascent Consulting and Engineering. She stated she has been working with MUB and hopes to have approval before the public hearing. In regard to the public street, it will be public, but a name has not been decided upon.

Shrewsbury says that she will present the plans and the client is working with her attorney to amend the restrictions to adhere to the R-1 district requirements.

DeMaster's noted that if they did not have all the materials together by June 9, it could always push to the July meeting.

Trumble asked about public street and if it would convey to the City for maintenance. Shrewsbury noted that she believes this is the plan.

Petros asked about the stormwater management. Shrewsbury explained the process she is working with MUB to establish. Petros is expecting comments from residents based on the history of flooding in this area. Stranko asked about conveying the stormwater system to the city. Shrewsbury noted that there will be a maintenance agreement with MUB. DeMaster's asked about the reduction requirements and Shrewsbury noted that they are 1, 2, 10 and 50 for MUB.

Blosser asked about sidewalks. Currently there are none, but in the future they may be added with the improvement processes.

Petros asked about Van Voorhis improvement process. Bohner noted that is a state road and he is not sure of the specifics of the project. Shrewsbury noted there is a landscape buffer to help to accommodate this.

Public hearing was opened and closed being none present.

#### **STAFF RECOMMENDATION:**

After review, staff recommends that the Planning Commission accept the applicant's proposed major subdivision application and schedule a public hearing to consider the matter on Thursday, June 9, 2022, at 6:30 p.m. in the City Council Chambers (389 Spruce Street) in accordance with the Commission's regular meeting schedule for 2020, provided the following conditions are met:

1. All the deficiencies listed above are addressed (resolved) and new documents (where appropriate) are submitted to the Dev. Services Department for distribution to the Planning Commission and appropriate staff.
2. Staff schedules a Technical Review Committee meeting with appropriate City agencies to review the proposed major subdivision. Any additional deficiencies discovered shall be addressed prior to the public hearing. Comments from the Technical Review Committee meeting will be presented at the public hearing on June 9, 2022.

Stranko moved to accept the application and schedule a public hearing on June 9 at 6:30. Seconded by Blosser. Vote was unanimous.

**VI. OTHER BUSINESS:**

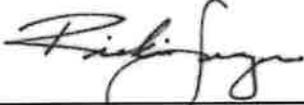
**A. Committee Reports-** None.

**B. Staff Comments-** Bohner thanked the committee for having him. Trumble asked again for the meeting minutes to be posted online. Stranko asked about Carol Pyles acknowledgement. Trumble noted that the City Clerks office had been working with Rickie Yeager to make this happen.

**VII. ADJOURNMENT:** Meeting adjourned at 7:25

MINUTES APPROVED: July 14, 2022

COMMISSION SECRETARY:

---

Rickie Yeager, AICP





**Development Services**  
389 Spruce Street  
Morgantown, WV 26505  
304.24.7431

## MEMORANDUM

To: Honorable Members of Morgantown City Council

Cc: A. Kim Haws, City Manager  
Emily Muzzarelli, Assistant City Manager  
Ryan Simonton, City Attorney  
Christine Wade, City Clerk

From: Rickie Yeager, Development Services Director

A handwritten signature in blue ink that reads "Rickie Yeager".

Date: July 22, 2022

Re: Proposed Zoning Map Amendments  
RZ22-01 / Hageboeck Holding Company, LLC / 815 Price Street  
RZ22-02/ Hageboeck Holding Company, LLC / 305 Glendon Avenue

On May 12, 2022, the Planning Commission held a public hearing to consider the above referenced petitions to rezone 815 Price Street and 305 Glendon Avenue from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family Residential District. Both properties are single-family dwellings with four bedrooms. The property owner is seeking to rezone the properties so the fourth bedroom can be rented. The current zoning designation does not allow more than three unrelated persons to live in a single-family dwelling unit per Section 1329 of the City's Planning and Zoning Code.

After consideration, the Planning Commission unanimously voted to forward a recommendation to Morgantown City Council to deny the above referenced zoning map amendment petitions. If there are no objections, Morgantown City Council may receive and file the Commission's recommendation at its next regularly scheduled meeting on August 2, 2022. Enclosed with this communication is a copy of the applicant's petitions, combined staff report and meeting minutes from the public hearing on May 12<sup>th</sup>.

If you have any questions, please contact me at 304.284.7413 or by email at [ryeager@morgantowv.gov](mailto:ryeager@morgantowv.gov).

Thank you.



OFFICE USE  
CASE NO. RZ22-01

# APPLICATION FOR ZONING MAP AMENDMENT

Fee:  Less than one acre = \$250.00  One acre or greater = \$500.00 [Z-RZ]

(PLEASE TYPE OR PRINT IN INK)

I. OWNER / APPLICANT			
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Mailing Address:	9935 Tudor Court		Mobile: 304.545.6045
	Street	Fishers IN 46037	Email: Charles.hageboeck@gmail.com
	City	State	Zip

II. AGENT / CONTACT INFORMATION			
Name:	Jasmin Patrick - Bel-Cross Properties		Phone: 304.296.7930
Mailing Address:	76 High Street		Mobile: 304.276.4370
	Street	Morgantown WV 26505	Email: jasmin@belcross.com
	City	State	Zip
Mailings:	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact		

III. PROPERTY			
Street Address (if assigned):	815 Price Street, Morgantown WV 26505		
Tax Map(s) #:	Parcel(s) #:	Size (sq. ft. or acres):	
Current Zoning Classification:	R-1A	Proposed Zoning Classification:	R-2
Current Land Use:	Single Family	Proposed Land Use*:	

\*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.

IV. ATTEST		
I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.		
Hageboeck Holding Company, LLC	Jasmin Patrick - Bel-Cross Properties	3-3-2022
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

250.00  
Z-RZ  
2022-00014725  
Kim N. Reid  
5/3/2022 1:49:00 PM  
Zoning Map Amendment Application  
For Deposit Only  
City of Morgantown



OFFICE USE  
CASE NO. R222-02

# APPLICATION FOR ZONING MAP AMENDMENT

Fee:  Less than one acre = \$250.00  One acre or greater = \$500.00 [Z-RZ]

(PLEASE TYPE OR PRINT IN INK)

## I. OWNER / APPLICANT

Name:	Hageboeck Holding Company, LLC			Phone:	304.545.6045
Mailing Address:	9935 Tudor Court			Mobile:	304.545.6045
	Street	City	State	Zip	Email:
	Fishers	IN		46037	Charles.hageboeck@gmail.com

## II. AGENT / CONTACT INFORMATION

Name:	Jasmin Patrick (Bel-Cross Properties)			Phone:	304.296.7930
Mailing Address:	76 High Street			Mobile:	304.276.4370
	Street	City	State	Zip	Email:
	Morgantown	WV		26505	jasmin@belcross.com
Mailings:	Send all correspondence to (check one): <input type="checkbox"/> Applicant OR <input checked="" type="checkbox"/> Agent/Contact				

## III. PROPERTY

Street Address (if assigned):	305 Glendon Avenue, Morgantown WV 26505				
Tax Map(s) #:	Parcel(s) #:	Size (sq. ft. or acres):			
Current Zoning Classification:	R-1A	Proposed Zoning Classification:	R-2		
Current Land Use:	Single Family	Proposed Land Use*:			

\*The Planning Commission does not take proposed use into consideration. The question is asked merely for staff to determine if the proposed district allows the intended use.

## IV. ATTEST

I hereby certify that I am the owner of record of the named property, or that this application is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and I agree to conform to all applicable laws of this jurisdiction, whether specified herein or not. I certify that I have read and examined this document and know the same to be true and correct. The undersigned has the power to authorize and does hereby authorize City of Morgantown representatives on official business to enter the subject property as necessary to process the application and enforce related approvals and conditions.

Hageboeck Holding Company, LLC	Jasmin Patrick	3-3-2022
Type/Print Name of Applicant/Agent	Type/Print Name of Applicant/Agent	Date

\$250.00  
 Z-RZ  
 2022-00014-95  
 KTM NTG:10  
 3/3/2022 1:49:23 PM  
 Zoning Map Amendment Appl  
 For Deposit Only  
 City of Morgantown



# MORGANTOWN PLANNING COMMISSION

May 12, 2022  
6:30 p.m.

City Council Chambers | City Hall – 389 Spruce Street

## COMBINED STAFF REPORT

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Sam Loretta, 1<sup>st</sup> Ward

**Planning Commissioners:**

Tim Stranko, 2<sup>nd</sup> Ward

William Blosser, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Michael Shuman, 5<sup>th</sup> Ward

Danielle Trumble, City Council

AJ Hammond, City Admin.

Vacant

**CASE NO:** RZ22-01 / Hageboeck Holding Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holding Company, LLC / 305 Glendon Avenue

**REQUEST and LOCATION:**

Request by Jasmin Patrick of Bel-Cross Properties on behalf of the property owner

**TAX MAP NUMBER (s) and ZONING DESCRIPTION:**

City Tax District 13, Tax Map 26, Parcels 183 and 186, R-1A, Single-Family Residential District.

**SURROUNDING ZONING:**

North, South and West: R-1A, Single-Family Residential District and R-2, Single-Family and Two-Family Residential District

East: R-1A, Single-Family Residential District

**BACKGROUND:**

The applicant manages the above referenced rental property. The properties are registered with the City as single-family (rental) dwellings with four bedrooms, three occupants and has an active Letter of Compliance on file with the Code Enforcement Division. Addendum A of the report shows the subject sites and where they are located in the R-1A District.

The rental properties are permitted in the R-1A District, because of the following exception regarding the definition of 'family' in Section 1329 of the City's Codified Ordinances:

*(6)(a) Occupancy for legal, pre-existing, non-conforming dwelling units in single-family residential zoning districts shall be no more than three unrelated persons and any children related to either of them by blood, marriage, or legal adoption.*

Note, only single-family dwellings are permitted in a R-1A District.

In a R-2 District, single-family dwellings, townhouses, and two-family dwellings are permitted by right in accordance with the City's Permitted Land Use Table (Table 1331.05.01). Mixed-use, multi-family, and lodging/rooming houses are allowed as a 'conditional use' subject to review and approval by the City's Board of Zoning Appeals. Additionally, the definition of 'family' and restrictions associated therewith do not apply to the R-2 District. Please see the code excerpt below:

*(b) Within all other zoning districts, dwelling unit occupancy will be determined by the West Virginia State Building Code as adopted and implemented by the City.*

**Development Services**

Rickie Yeager, AICP  
Director

Rodney Bohner  
Senior Planner

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



# MORGANTOWN PLANNING COMMISSION

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Michael Shuman, 5<sup>th</sup> Ward

Danielle Trumble, City Council

AJ Hammond, City Admin.

Vacant

**ANALYSIS (COMPREHESIVE PLAN CONCURRENCE):**

As recommended in Chapter 9 “Implementation” of the 2013 Comprehensive Plan Update, Addendum B of this report identifies how the proposed zoning map amendments relate to the Plan’s pattern and character, conceptual growth framework, and land management maps. More specifically, please note the following:

**Pattern and Character Map:**

The properties are identified as ‘University’ in the Pattern and Character Map. University is defined in the plan as a district that *contains the campuses of West Virginia University, including Downtown, Evansdale, Law School, Health Sciences Campus, and Athletic Department Campuses. Building size and their relationships to each other and to streets vary but the districts are generally walkable, This district does not include the University’s agricultural campuses (which are considered rural in character).*

**Conceptual Growth Framework Map:**

The properties are located in an area where growth is generally encouraged, as well as infill and redevelopment.

**Land Management Map:**

Looking forward, the Land Management Map continued to associate the properties closely with West Virginia University. More specifically, the concept area is defined as ‘WVU Campus Development’ in the plan and the following development types are generally considered appropriate in said district (pattern and character map):

- Two-family residential
- Multi-family residential
- Civic and Institutional
- Neighborhood Center Mixed-Use
- Urban Center Mixed-use
- Office/Research
- Limited Industrial
- Greenspace

While the plan in 2013 may have envisioned the expansion of housing facilities in this area, Parcels 183 and 186 were never owned by or associated with West Virginia University. What is clear is that Price Street and Waverly Street were identified as boundary lines for the WVU Campus Development District and Neighborhood Revitalization District per the Land Management Map. Both districts encourage multiple development typologies that are context sensitive.

**STAFF RECOMMENDATION:**

After review, staff finds the proposed zoning map amendment to be consistent with the City’s Comprehensive Plan – Land Management Map/Plan and the principles associated therewith. Staff further recommends that the properties be rezoned from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family District.

**Development Services**

Rickie Yeager, AICP  
Director

Rodney Bohner  
Senior Planner

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

# STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

## Staff Enhanced Site Map



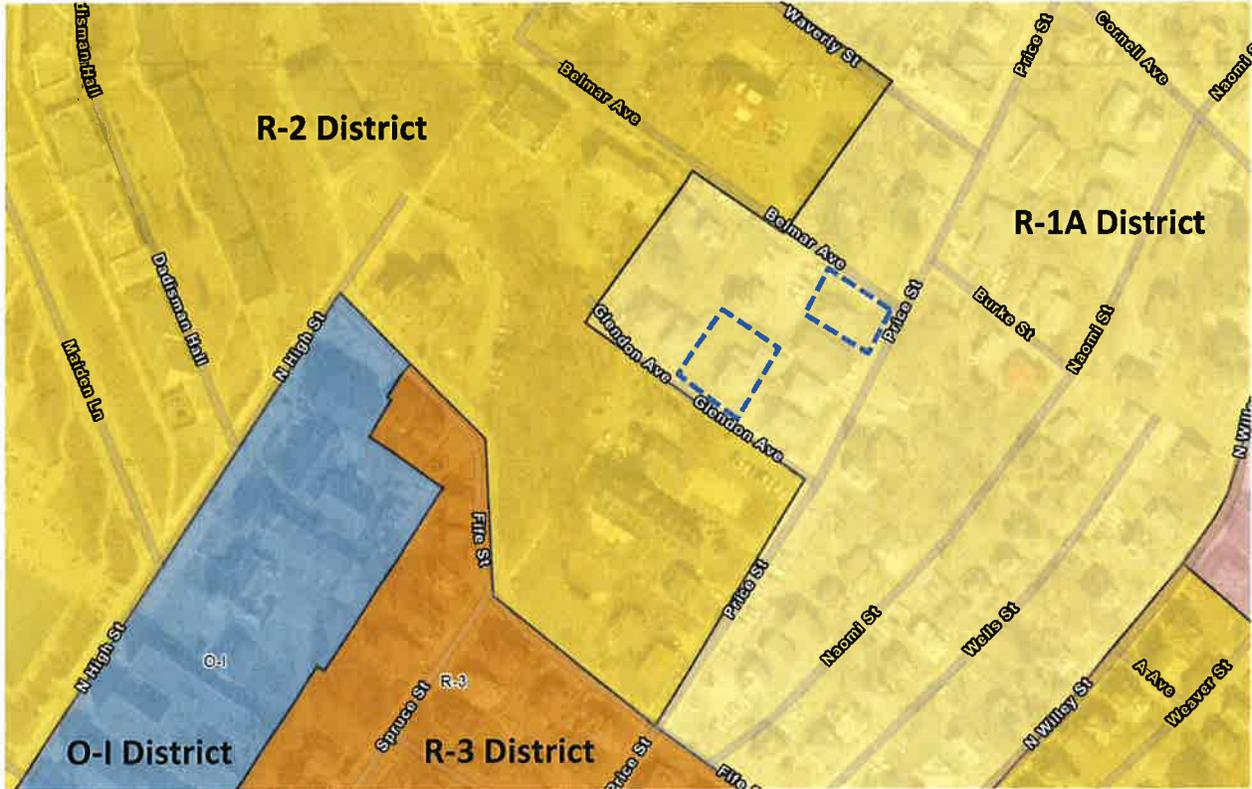
Source: Monongalia County Parcel Viewer Map

## Staff Enhanced Zoning Map

# STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue



Approximate boundaries for Parcels 183 and 186

Source: City of Morgantown Zoning Map

# STAFF REPORT ADDENDUM A

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

**Street View of Parcel 183 (815 Price Street)**



**Street View of Parcel 183 (Glendon Avenue)**



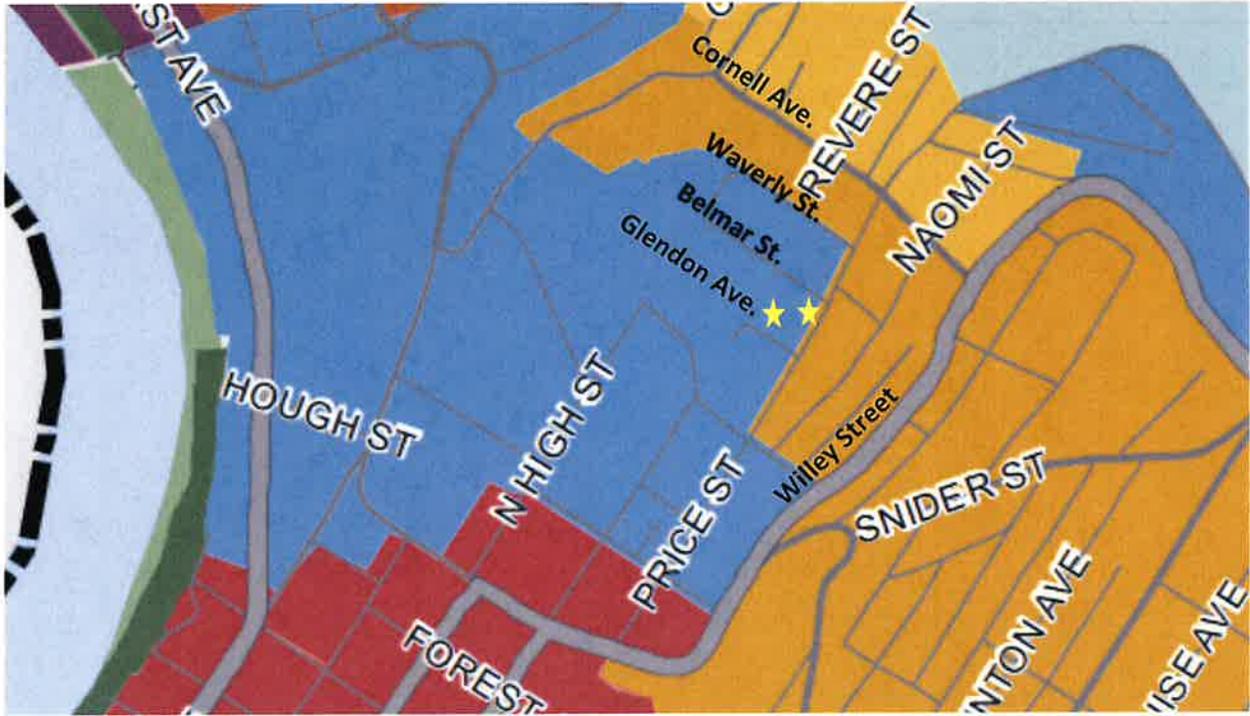
Source: Google Maps

# STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

## Staff Enhanced Character and Pattern Map (2013)



★ Approximate location of Parcels 183 ad 186.

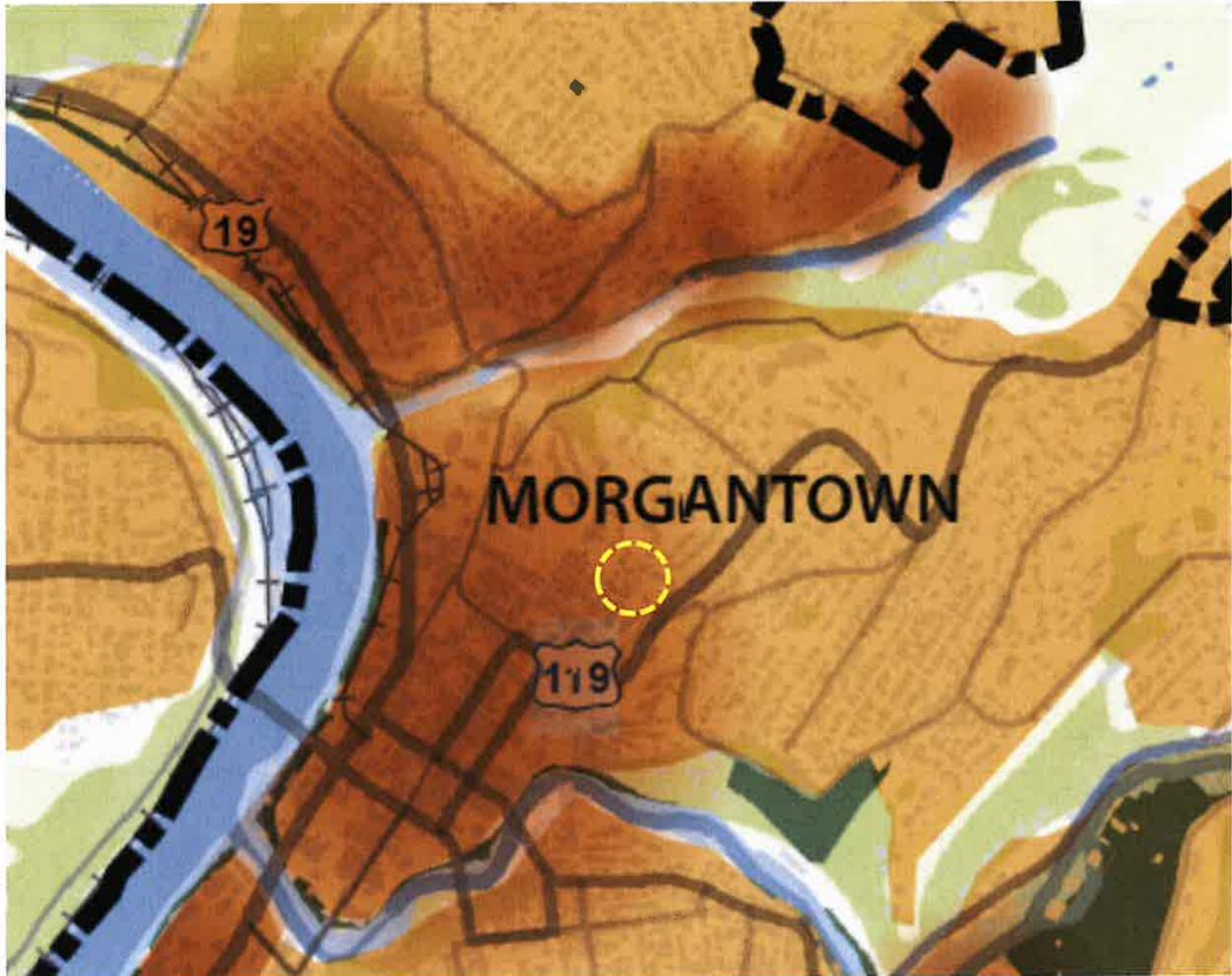
- Core
- Neighborhood 1
- Neighborhood 2
- Neighborhood 3
- Neighborhood 4
- Commercial Node
- University
- Office / Institutional / Industrial Campus
- Civic Campus
- Special District
- Commercial Corridor
- Urban Corridor
- Neighborhood Corridor
- Mountain / Valley Corridor
- Rural
- Natural
- Park
- Roads
- Water Bodies
- Morgantown Boundary
- Study Area

# STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

## Staff Enhanced Conceptual Growth Framework Map (2013)



Approximate location of Parcels 183 and 186

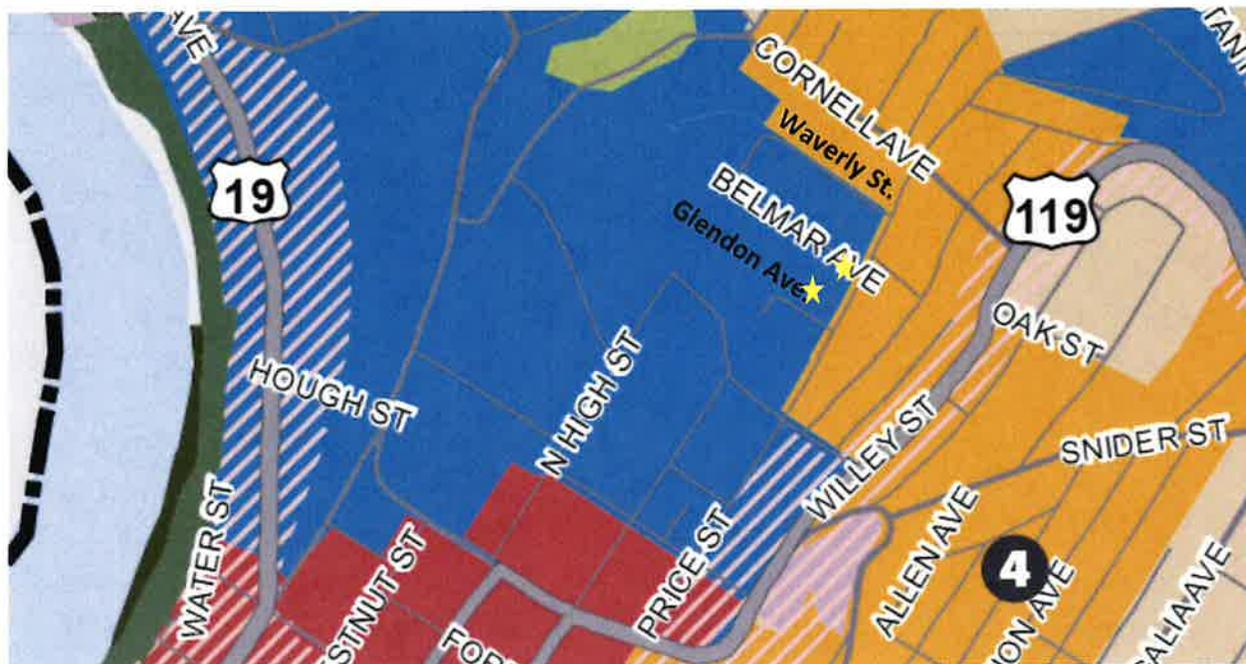
-  Encouraged Growth
-  Infill and Redevelopment
-  Controlled Growth

### STAFF REPORT ADDENDUM B

RZ22-01 / Hageboeck Holdings Company, LLC / 815 Price Street

RZ22-02 / Hageboeck Holdings Company, LLC / 305 Glendon Avenue

#### Staff Enhanced Land Management Map (2013)



★ Approximate location of Parcels 183 and 186.

- Preserve
- Reserve
- Limited Growth
- Neighborhood Conservation
- Downtown Enhancement
- Corridor Enhancement
- WVU Campus Development
- Neighborhood Revitalization
- Infill and Redevelopment
- Encouraged Growth
- Controlled Growth/Traditional Neighborhood Area
- Developed Areas
- Roads
- Water Bodies
- Morgantown Boundary
- Study Area

**MORGANTOWN PLANNING COMMISSION**

**MINUTES**

**6:30 p.m.**

**May 12, 2022**

**Council Chambers**

**COMMISSIONERS PRESENT:** Pete DeMasters, William Blosser, AJ Hammond, Tim Stranko, Danielle Trumble and Bill Petros

**COMMISSIONERS ABSENT:** Mike Shuman

**STAFF PRESENT:** Rodney Bohner, City Planner

**CALL TO ORDER/ROLL CALL:** The meeting to order at 6:30 p.m. Mr. DeMasters asked if it was ok to bypass reading of the pre meeting announcement. All in favor.

**I. PUBLIC COMMENT:** None.

**II. MATTERS OF BUSINESS:** Approval of meeting minutes of February 10, 2022 and April 18, 2022. Motion and second to approve as presented. All in favor, minutes approved.

**III. UNFINISHED BUSINESS:** None

**IV. NEW BUSINESS:**

- A. RZ22-01 / Hageboeck Holding Co., LLC / 815 Price Street:** Request by Jasmin Patrick on behalf of Hageboeck Holding Co., LLC for a Zoning Map Amendment to rezone Tax District 13, Map 26, Parcel 183 from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two- Family Residential District.

Bohner presented the combined staff reports for RZ22-01 and RZ22-02 and noted the petitioner was present.

**STAFF RECOMMENDATION:**

After review, staff finds the proposed zoning map amendment to be consistent with the City's Comprehensive Plan – Land Management Map/Plan and the principles associated therewith. Staff further recommends that the properties be rezoned from a R-1A, Single-Family Residential District to a R-2, Single-Family and Two-Family District.

DeMasters asked for clarity on the current zoning. Bohner again reviewed the slides showing the current zoning and proposed changes.

Jasmine, representing Bel Cross Properties discussed the zoning request. The property owner owns the surrounding properties in addition to these. She stated that the reason for the change in zoning is because they would like to rent to an additional tenant. Current City Code will only allow three tenants, even though there are four bedrooms in the homes. Bel Cross Properties also own the parking lot across the street so parking would not be an issue. She reconfirmed that there would be no structural changes whatsoever, only the safety requirements with the Code Enforcement Office.

Public hearing was opened. No one present in favor.

Don Elfenbein, who lives on Cornell Avenue. He stated that they have lived and worked in Morgantown since the 1980's. He opposes the rezoning of this property. Some issues he mentioned include increased traffic, increased noise, other unsightly property issues. He states that the purpose of the zoning ordinance in place now is to protect the single-family residential areas and to protect the character of existing development. He states that he is afraid if this is granted, other property owners will want to follow suit. He feels that if the property owners want a multifamily rental they need to buy property in a zoning area where it is allowed.

Carol Becilla spoke in opposition, agreeing with the previous speaker. She lives at 831 Price Street and has lived there for thirty years. She does not want to change from R1A. Ms. Becilla states that this will be a negative impact on her neighborhood. She feels that this is an issue that does not need to keep being revisited. Mr. Becilla is also present and has a petition.

Mark Becilla, 831 Price Street. He presented a list of concerned residences to Mr. DeMasters. He states that he has lived on this street all of his life. The previous owners of the property kept the property up well and had good tenants. He is hoping that Bel Cross can live up to this standard. He referenced the Land Management Map of 2013. He does not feel that WVU is planning to expand into this area. Mr. Becilla doesn't believe that just because a house has four bedrooms, doesn't mean they all need to be used as an actual bedroom. There are many other uses that would not require rezoning. He states that all the residents value their neighborhood on the hill and would like it to remain unchanged.

Mr. DeMasters stated he would keep the petition for the record.

Arthur Twigg, 909 Brown Street. The owner of the property is Irene Twigg, the eldest person on the hill at 96. Mr. Twigg states that she no longer drives due to traffic issues created all the rentals in the area. He believes that rezoning would be an issue because the current homeowners living in the area will be penalized.

DeMasters asked for questions. Mr. Eifenbein asked about the staff recommendation. Mr. DeMasters noted that we will not cross examine the Planner and that the staff recommendation stands.

Mr. Stranko noted the speakers were all well-spoken and referenced the Land Management Map. Stranko states it does not trump the zoning code. He went on to discuss the second ward and what happened as this neighborhood was rezoned.

Danielle Trumble noted that this happened in her neighborhood as well. She states that she is also not in favor of the rezoning.

Mr. Hammond also agrees with the other commissioners, and also notes that he is not in favor of spot zoning.

Stranko asked if the application is denied, would it be referred to City Council. DeMasters noted that yes it would be a recommendation to Council to deny.

DeMasters talked about the desire of homeowners to make more money and completely understands that. He believes that we have zoning for a reason and this is zoned R-1A. He states he would look at this request more favorably if it were to do the entire neighborhood and not just a couple properties. He also does not believe in spot zoning.

Regarding RZ22-01 Stranko moved to forward the application to City Council with the recommendation of denial, seconded by Blosser. The vote was unanimous.

- B. RZ22-02 / Hageboeck Holding Co., LLC / 305 Glendon Avenue:** Request by Jasmin Patrick on behalf of Hageboeck Holding Co., LLC for a Zoning Map Amendment to rezone Tax District 13, Tax Map 26, Parcel 186 from a R-1A, Single-Family District to a R-2, Single-Family and Two-Family Residential District.

Regarding RZ22-02 Stranko moved to forward the application to City Council with the recommendation of denial, seconded by Blosser. The vote was unanimous.

- C. MJS22-01 / R&R Holdings 3, LLC / 1345 Van Voorhis Road.** Application for a Major Subdivision of City Tax District 15, Tax Map 54, Parcels 163, 164 and 165 at Van Voorhis Rd and Southview Street.

Bohner presented the staff report and noted the petitioner was present.

Devon Shrewsbury, Ascent Consulting and Engineering. She stated she has been working with MUB and hopes to have approval before the public hearing. In regard to the public street, it will be public, but a name has not been decided upon.

Shrewsbury says that she will present the plans and the client is working with her attorney to amend the restrictions to adhere to the R-1 district requirements.

DeMaster's noted that if they did not have all the materials together by June 9, it could always push to the July meeting.

Trumble asked about public street and if it would convey to the City for maintenance. Shrewsbury noted that she believes this is the plan.

Petros asked about the stormwater management. Shrewsbury explained the process she is working with MUB to establish. Petros is expecting comments from residents based on the history of flooding in this area. Stranko asked about conveying the stormwater system to the city. Shrewsbury noted that there will be a maintenance agreement with MUB. DeMaster's asked about the reduction requirements and Shrewsbury noted that they are 1, 2, 10 and 50 for MUB.

Blosser asked about sidewalks. Currently there are none, but in the future they may be added with the improvement processes.

Petros asked about Van Voorhis improvement process. Bohner noted that is a state road and he is not sure of the specifics of the project. Shrewsbury noted there is a landscape buffer to help to accommodate this.

Public hearing was opened and closed being none present.

#### **STAFF RECOMMENDATION:**

After review, staff recommends that the Planning Commission accept the applicant's proposed major subdivision application and schedule a public hearing to consider the matter on Thursday, June 9, 2022, at 6:30 p.m. in the City Council Chambers (389 Spruce Street) in accordance with the Commission's regular meeting schedule for 2020, provided the following conditions are met:

1. All the deficiencies listed above are addressed (resolved) and new documents (where appropriate) are submitted to the Dev. Services Department for distribution to the Planning Commission and appropriate staff.
2. Staff schedules a Technical Review Committee meeting with appropriate City agencies to review the proposed major subdivision. Any additional deficiencies discovered shall be addressed prior to the public hearing. Comments from the Technical Review Committee meeting will be presented at the public hearing on June 9, 2022.

Stranko moved to accept the application and schedule a public hearing on June 9 at 6:30. Seconded by Blosser. Vote was unanimous.

**VI. OTHER BUSINESS:**

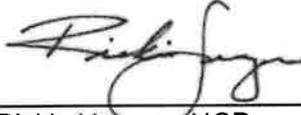
**A. Committee Reports-** None.

**B. Staff Comments-** Bohner thanked the committee for having him. Trumble asked again for the meeting minutes to be posted online. Stranko asked about Carol Pyles acknowledgement. Trumble noted that the City Clerks office had been working with Rickie Yeager to make this happen.

**VII. ADJOURNMENT:** Meeting adjourned at 7:25

MINUTES APPROVED: July 14, 2022

COMMISSION SECRETARY:

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Rickie Yeager, AICP

