



The City of Morgantown

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

Office of the City Clerk

AGENDA **MORGANTOWN CITY COUNCIL** **COMMITTEE OF THE WHOLE** **Tuesday, August 25, 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 may complete the form at <https://www.morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Committee-of-the-Whole-fo-89> 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. 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 08/25/2020" and indicate in the body of the email if you would like your comment read aloud during the public portion of the meeting.

NOTE: Committee of the Whole Meetings of the Morgantown City Council are intended to provide an opportunity for the Council to receive information, ask questions, and identify policy options in an informal setting. No official action is taken at these meetings. At this Committee of the Whole Meeting the following matters are scheduled.

PRESENTATIONS:

1. WVU School of Public Health – Lauri Andress
2. Community Policy – Jacob Powers, Chair Human Rights Commission
3. Certified Arts Community Presentation – Vincent Kitch

PUBLIC PORTION:

ITEMS FOR DISCUSSION:

1. Resolution affirming and strengthening community policing
2. Resolution supporting the City of Morgantown becoming a Certified Arts Community
3. Ordinance authorizing Annexation of Suncrest Elementary School
4. Ordinance authorizing Annexation of Morgantown Community Resources, Inc. Property (Clinton District TM 4, P8.2)
5. Ordinance Placing Proposed Change to Council Member Terms on April 2021 Ballot
6. Ordinance Amending Article 913 – Sidewalks
7. Ordinance Amending Article 909 – Street Design and Classification Manual



INVESTIGATING PLACE & HEALTH IN WEST VIRGINIA

The places where people reside hold the key to the state of health and disease that we see in our health clinics, hospitals, and healthcare reports.

ABOUT

Ultimately, this website and its contents seek to reframe the way West Virginians think about and address population health less automatically as individual responsibility shaped by access to healthcare and more as the outcome of intentional policy decisions that leaders make about the places where people live, work, and play.

[Read More](#)

This short, summary video captures three regions and three issues in West Virginia exploring how place shapes population health starting with transportation in Monongalia County. This is followed by work carried out in Preston County to examine the elderly and issues with food access. The video ends with a look at gentrification through the eyes of medical students as it is experienced by community members living on the west side of the capital city of West Virginia.



CONTRIBUTORS



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Sciences



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Student Researcher

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TRANSPORTATION
THE EQUITY ORIENTATION



TRANSPORTATION

THE EQUITY ORIENTATION

[THE EQUITY ORIENTATION](#)

Lifting up priorities of underrepresented citizens through just and fair inclusion in transportation planning and decision making helps meet their needs and supports a healthy, thriving community.

[PHOTOVOICE](#)

VISION – PURPOSE

[COMMUNITY VOICES & LIVED EXPERIENCES](#)

This section of the website utilizes the stories and photos provided by community members to identify the transportation experiences and needs of underserved, populations in Morgantown and Monongalia County. The website also contains guidance on innovative strategies and resources that transportation planners and decision makers can use to engage with underserved community members in more inclusive and collaborative ways.

[SUGGESTED PRACTICES FOR THE TRANSPORTATION PLANNING COMMUNITY](#)

Defining the Problem

Having access to dependable roads, sidewalks, cars, bikes, and public transportation is necessary for community members to meet their basic needs, take advantage of opportunities, and maintain their quality of life.

Transportation infrastructure includes streets, walkways, highways, bridges and tunnels, and cycling infrastructure. The transportation planning process shapes investments in and determines how infrastructure is designed, engineered, and built so that people may move from place to place.

Transportation infrastructure has an important impact on the economy, environment and quality of life of a region. As such, transportation planning typically includes a large number of stakeholders including communities, government regulators and local industries.

This process, while occurring in the present, deals with the future and projects that will not see the light of day for 10, 15 or 20 years.

Low income, vulnerable populations are perhaps most affected by the transportation planning process and governing bodies' decisions, but are much less likely to be able to participate in the process and subsequently have their needs show up in the long range plans produced for communities, cities, and counties where they live.

The way that transportation planning occurs creates several tensions resulting in the needs of underserved groups being absent from transportation planning.

1. It is long-range planning while people– especially vulnerable groups– have immediate needs that determine their ability to survive day-to-day.
2. It can be difficult to understand the tools used in the transportation planning process.
3. The interests of the business sector and local industries are typically louder, more insistent, and overshadow other citizen groups and underserved populations in the transportation planning process.
4. Structural barriers, time , place, and manner, make it difficult for underserved groups to get involved in the transportation planning process.
5. It is difficult to determine who is responsible for including the underserved in transportation planning.

Doing things differently

Moving beyond traditional approaches , can open pathways for meaningful understanding, input, engagement, and discussion.

Using creative placemaking tools transportation planners can have a much better chance of establishing a dialogue with underserved groups, understanding their needs and including those needs in their planning process and subsequent long-range plans.

These creative place-making strategies can help achieve transportation planning that is community driven, rooted in public participation, and embraces the community in its entirety.

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PHOTOVOICE



Photovoice Interviews with Clients from Bartlett Housing Solutions



Photovoice Interview with Joe Sengewalt, Client Services Manager, Bartlett Housing Solutions



Photovoice Narratives Client at Bartlett Housing Solutions

Photovoice Interviews with Clients from Bartlett Housing Solutions

Photovoice Interview with Joe Sengewalt, Client Services Manager, Bartlett Housing Solutions

Photovoice Narratives Client at Bartlett Housing Solutions

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COMMUNITY VOICES & LIVED EXPERIENCES

These are the stories of and photos from individuals with little or no access to private transportation. Some attended our transportation workshops starting in October 2018. Others stayed at a local homeless shelter that offered different levels of shelter from short term to longer term. At the transportation workshops our team presented information on the transportation system in the greater Morgantown area. In attendance we had representatives from the local metropolitan planning organization and Mountain Line, the public bus line. We listened to the questions and concerns of the participants and provided answers to help them understand how to problem solve their transportation issues.



Edith Daughter of Dialysis Patient



Eve and Esteon Grocery Shopping



Jay Walking Dangerously



Karen Dialysis Patient



John Homeless and Working



Eve and Esteon Shooberoo



Eve and Esteon Personal Rapid Transit



Amanda Single Mom



Jasimine Walking with Her Small Child Version 1



Michelle Single Mom

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SUGGESTED PRACTICES FOR THE TRANSPORTATION PLANNING COMMUNITY



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SUGGESTED PRACTICES FOR THE TRANSPORTATION PLANNING COMMUNITY

Doing Things Differently

Moving beyond traditional approaches to engaging hard to reach groups, can open pathways for meaningful understanding, input, involvement, and discussion. In December, 2019 we tested new learning tools for meaningful engagement with local transportation planners.

The new tools include our transportation planning self-study and instructor modules. You will find this content here in draft form.

We would like to receive any feedback you may have about the self-study and instructor modules. You may email Dr. Address at laadress@hsc.wvu.edu.

We plan to analyze our focus group feedback, any ideas that we receive, interview our community experts again, then revise and present the modules in final form.

Purpose and Goals of Instructor and Self-Study Modules

West Virginia's underrepresented citizens—including seniors, low-wealth, minority, disabled, and the homeless—suffer poor health, poverty, food insecurity and economic challenges that are aggravated by insufficient access to affordable, reliable transportation services. WV's lack of roads, transit, and pedestrian infrastructure exacerbates the community's rate of food insecurity, poor nutrition, obesity, diabetes, traffic injuries and death.

Engaging underrepresented groups in transportation decision making is critical to addressing these issues, and WV's transportation planning agencies strive to meaningfully engage underrepresented citizens in planning efforts. However, these citizens can be hard-to-reach and may be navigating day-to-day struggles that make their participation in civic activities difficult. They may not realize that their input into transportation planning can help improve the quality of their lives and neighborhoods.

To help address these challenges, the Instructor and Self-Study training modules offer transportation planners (1) strategies for teaching underrepresented citizens how the transportation planning process works, (2) new outreach and advertising techniques for engaging underrepresented citizens in transportation planning, and (3) ideas for convening more effective public meetings.

Instructor Modules 1-2-3: Teaching the Transportation Planning Process to Underrepresented Citizens can be used by any person who wants to teach the transportation planning process to underrepresented groups, including transportation agency staff members such as planners and engineers; local leaders, board and committee members; and social service agency personnel. The modules address how the Morgantown Monongalia Metropolitan Planning Organization (MMMPO) and local transportation planning processes work, the relevance of transportation planning to underrepresented citizens' communities and lives, and why and how to get involved.

Self-Study Modules 1-2-3-4: Advertising and Convening Public Meetings with Underrepresented Groups are designed for independent study by transportation agency personnel and others who want to learn strategies for improving outreach to underrepresented populations to engage them in transportation planning. The modules address (1) developing relationships with underrepresented groups, (2) developing effective advertising messaging, (3) identifying advertising/communication venues, and (4) conducting public meetings.

Links to the modules are provided below.

Next Steps in Developing Tools for Doing Things Differently

Additional modules will be developed to teach transportation planners how to use creative placemaking tools (photo narratives, video, role-playing, storytelling, writing, drawing/painting, etc.) that offer a much better chance of establishing a dialogue with underrepresented groups, understanding their needs and including those needs in the planning process and subsequent long-range plans. These creative place-making strategies can help achieve transportation planning that is community driven, rooted in public participation, and embraces the community in its entirety.

Ultimately, this project seeks to assist transportation planners in their efforts to identify the full array of transportation problems and develop solutions to address those problems. When underrepresented citizens' voices are missing from planning efforts, their transportation problems

and needs often remain unidentified and unmet. As a result, transportation solutions can fail to serve the entire community by, for example, focusing on moving cars from point-to-point vs. considering multiple modes of transit such as buses, pedestrian or bicycle pathways that may meet the needs of the broader community. Doing things differently and using new communication, engagement, and creative placemaking approaches can help ensure all voices are represented in the transportation planning process.

Links to modules:

Instructor Modules

[Instructor Module 1: Introduction to Teaching Transportation Planning to Underrepresented Citizens](#) provides an introduction to transportation planners or other trainers about using the accompanying Modules 2 and 3 to teach the transportation planning process to underrepresented citizens.

[Instructor Module 2: How the Transportation Planning Process Works](#) explains components of the transportation planning process; the local, state, and federal agencies involved, including the Morgantown Monongalia County Metropolitan Planning Organization (MMMPO); and the public's role.

[Instructor Module 3: How and Why Underrepresented Citizens Should Get Involved in Transportation Planning](#) examines the importance of underrepresented citizens' involvement in transportation planning, the laws requiring citizen input, and how underrepresented citizens can get involved.

Self-Study Modules

[Self-Study Module 1: Advertising a Meeting—Working with Underrepresented Groups' Trusted Allies and Advocates](#) discusses why a transportation planning agency's current advertising efforts to engage underrepresented citizens may not be achieving the desired results and suggests ways to improve those efforts by working with underrepresented groups' trusted allies and advocates.

[Self-Study Module 2: Advertising a Meeting—Crafting the Message](#) identifies ways to craft effective advertising and outreach messages for underrepresented populations.

[Self-Study Module 3: Advertising a Meeting—Preferred Communication Channels/Venues](#) presents suggestions for using new advertising and outreach venues (i.e. radio, newspaper, web, face-to-face, etc.) to engage underrepresented citizens.

[Self-Study Module 4: Convening a Meeting](#) offers strategies for planning and conducting public meetings so that they are more accessible, understandable, and welcoming to underrepresented citizens.

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RESOLUTION AFFIRMING AND STRENGTHENING COMMUNITY POLICING

Whereas, there is a national crisis in American policing that has reached the city of Morgantown, and

Whereas, 1,000 and more persons in Morgantown demonstrated to express concern with millions of others in the nation and the world about the violent death of George Floyd in Minneapolis due to deadly policing practices, and

Whereas, violence in American policing is systemic and tied to aggressive or unclear law enforcement policies and practices that have disproportionately targeted communities of color and other marginalized groups, and

Whereas, the term “law enforcement” is often misrecognized as a form of policing which can affect the disposition and outlook of officers towards their work and can inhibit community partnerships and community safety, and

Whereas, the City of Morgantown has endeavored to operate its policing according to a Community Policing philosophy which stresses community partnerships and strategies for redirecting crime and disorder, an approach to public safety which provides citizens with more control over the quality of life in our community, and

Whereas, Community Policing respects the rights of individual citizens and residents to express First Amendments rights non-violently, and

Whereas, the City of Morgantown has made important progress in making Community Policing its mode of public safety under the able leadership of Chief Edward Preston, now retired, to which the City would like to continue:

NOW BE IT RESOLVED, the City of Morgantown affirms its progress in Community Policing and resolves to provide continued improvements in its future public safety as follows:

1. Reaffirm and augment the mission and operations of the police department.
2. Establish outcome measures consistent with the community policing mission and regularly report on progress.
3. Strive to add enough racially and ethnically diverse officers to the police department to be at least proportional to the Morgantown population as evidenced through documented recruiting and outreach efforts.
4. Continue to review the background of officer candidates to confirm that any previous experience as an officer was free of improper behaviors and/or excessive use of force as documented from records from previous employers which are transparent enough to make that determination and deny the hiring and/or recertification of officers who, according to federal guidelines, have used unwarranted deadly force.
5. Establish an arrangement with community agencies that enables those agencies to assist the police promptly when needed for follow-up on crisis situations, de-escalations, behavioral and

mental health problems, and intoxication with information/referral and other evidence-based problem-solving.

6. Assist officers in becoming more knowledgeable in coping with mental illness and drug related situations and, when possible, allow civilian mental health workers and homeless-service workers to take the lead in crisis situations with communications, containment, and coordination with appropriate care-giving.
7. Divert persons with mental illness from jail custody to specialized courts or care systems as such specialized courts and care systems are created. Utilize the current mental hygiene processes within the state when appropriate.
8. Expand relationships with neighborhoods, commercial establishments, Monongalia County, and West Virginia University and other constituents and partners for the purpose of making public safety more public and more effective.
9. Continue to protect the ability of protesters to exercise their First Amendment Rights non-violently and to emphasize that violations of property are not to be equated with the violation of human life.
10. Continue the use of body-worn cameras and dash mounted cameras, which are turned on during all citizen interaction, and other means of enhancing transparency, accountability and accessibility by uniformed police in providing public safety services and provide for a means of public request of footage.
11. Continue to require marked police vehicles to be equipped with dashboard cameras.
12. Improve police personnel training by emphasizing best practice antiracism training, training focused on the unique needs of people with disabilities (such as those with sensory processing issues, those who communicate through alternative forms such as sign-language, physical disabilities requiring alternative restraint procedures, and those experiencing mental health crisis) and implicit bias orientation.
13. Re-emphasize in training the use of deadly force only as a last resort when necessary to prevent death or serious bodily injury and establish a clear prohibition by Morgantown Police on the use of the chokehold or other carotid artery holds in restraining or subduing a resistant individual or in bringing an unlawful situation under control.
14. Stress the use of evidence-based preventive and de-escalation intervention skills as well as the establishment of a duty to intervene policy if they see another officer use excessive force.
15. Reduce participation in the aspect of the Federal 1033 program that provides military equipment to local and state police and restrict use of this program for acquisition of military grade tactical assault weapons. Be mindful in choosing which tactical military training is given for use in community policing.
16. Establish diversity liaisons including race, disability, and LGBTQ liaisons to the Police department as resources to assist with plans for training and with the review of cases as needed.
17. Establish a methodology for readily, publicly accessible demographic information regarding arrests and citations, use of force complaints, and harassment complaints.
18. Establish a diverse, qualified, and trained volunteer Community Police Review Board to aid the City of Morgantown in its Community Policing practices and efforts, make recommendations for policy changes, investigate allegations of police misconduct, and other improvements.

BE IT FURTHER RESOLVED the City Council of Morgantown as of this day adopts the recommendations in this Resolution and authorizes the City Manager to proceed toward their implementation.

Date: The _____ day of _____ 2020.

Mayor

City Clerk

**RESOLUTION SUPPORTING THE CITY OF MORGANTOWN BECOMING A CERTIFIED ARTS
COMMUNITY**

WHEREAS, the City of Morgantown wishes to be recognized as a Certified Arts Community in the State of West Virginia and serve as a destination known for creativity and culture; and

WHEREAS, the City Council recognizes the importance of arts and culture in economic development, quality of life, tourism development, educational opportunity, and civic involvement; and has identified “Arts and Culture” as a strategic goal of the City; and

WHEREAS, the City proudly owns and operates the historic Metropolitan Theatre and Ruby Amphitheater, and provides significant financial contributions to the Morgantown History Museum, as cultural anchors in our community; and

WHEREAS, the City created a new position of Director of Arts & Cultural Development to lead efforts in increasing the promotion of arts and culture throughout the city and the region; and

WHEREAS, a community approved by the West Virginia Commission on the Arts to receive this designation will be eligible to use this designation for marketing purposes and in the development of fundraising and grants.

NOW, THEREFORE, BE IT RESOLVED by the City of Morgantown, this ____ day of _____, 2020, that City Council and the Mayor do hereby SUPPORT and ENCOURAGE an application to be submitted by the Arts & Cultural Development Department to the West Virginia Division of Culture and History, Commission on the Arts, to become a Certified Arts Community.

Mayor

City Clerk

AN ORDINANCE ANNEXING PROPERTY OF THE MONONGALIA COUNTY BOARD OF EDUCATION IN MORGAN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN

WHEREAS, West Virginia Code section 8-6-4 permits a municipality to order annexation of additional territory by ordinance without a vote if a majority of freeholders and qualified voters petition for such annexation; and

WHEREAS, all freeholders and qualified voters in the territory subject of the attached “Petition for Annexation,” which is incorporated into this Ordinance by reference, have petitioned for annexation; and

WHEREAS, the City has enumerated and verified the total number of eligible petitioners and is satisfied that the petition is sufficient in every respect and that the territory to be annexed is contiguous to the current municipal boundaries;

NOW, THEREFORE, the City of Morgantown hereby ordains as follows:

- (1) That the territory described in the Petition for Annexation, being Parcels 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 15.10, of Tax Map Number 1 in Morgan District, Monongalia County, West Virginia, or the property comprising such area currently or formerly assessed as such identified parcels, as more fully described in the Petition for Annexation and exhibit thereto, shall be annexed into the City of Morgantown;
- (2) That the City Clerk is directed to enter upon the journal of the City the finding that the Petition for Annexation is sufficient in every respect and forward a certificate to that effect to the County Commission of Monongalia County, West Virginia, pursuant to *W. Va. Code* § 8-6-4(g), notifying the Commission that it shall enter an order as described in *W. Va. Code* § 8-6-3 describing the annexation of the additional territory to the corporate limits of the City of Morgantown.

This ordinance is effective upon adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

PETITION FOR ANNEXATION

The undersigned, being the sole freeholders of the property situated within the area of proposed annexation, and being the sole qualified voter of the territory, hereby petitions the City Council of the City of Morgantown, West Virginia, to annex the territory described in this Petition and shown and described on the attached map or plat, as required by law, pursuant to West Virginia Code Chapter 8, Article 6, Section 4.

Owner	District	Tax Map No.	Parcel No.	Signature
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.1	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.2	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.2	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.3	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.4	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.5	
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.6	
The Board of Education of the	Morgan	1	15.7	

County of Monongalia, West Virginia				<i>E.R. Campbell, Jr.</i>
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.8	<i>E.R. Campbell, Jr.</i>
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.9	<i>E.R. Campbell, Jr.</i>
The Board of Education of the County of Monongalia, West Virginia	Morgan	1	15.10	<i>E.R. Campbell, Jr.</i>

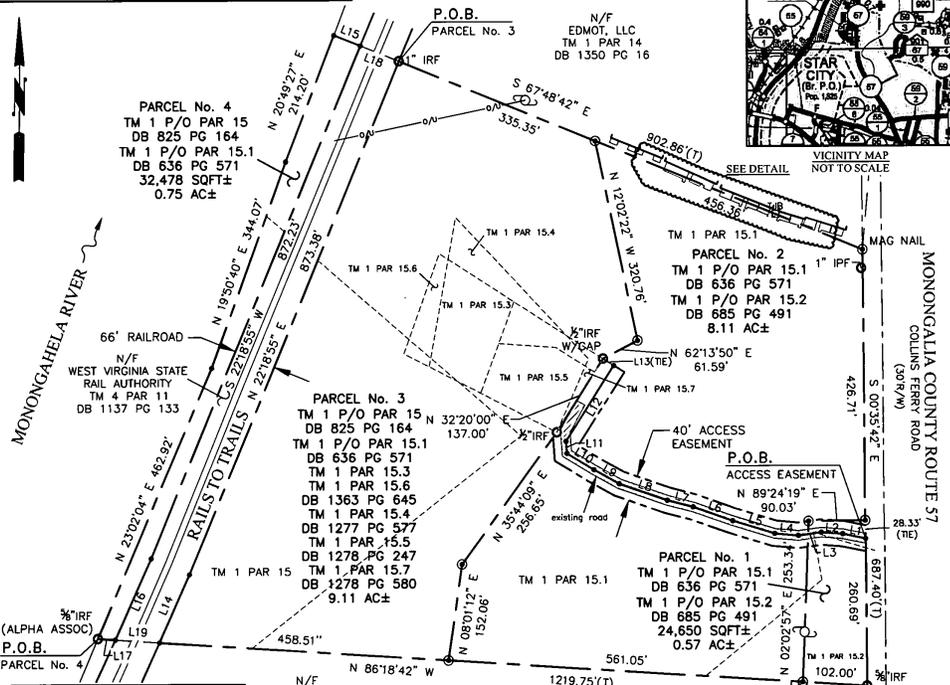
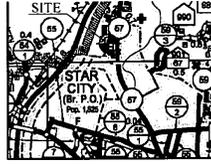
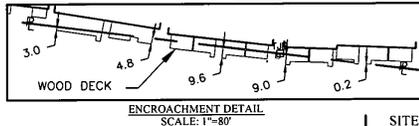
Dr. Eddie R. Campbell, Jr., Ed. D., the duly authorized representative of The Board of Education of the County of Monongalia, West Virginia, the sole freeholder of the parcels and sole qualified voter of the territory identified in the foregoing "Petition for Annexation," hereby petitions the City of Morgantown for annexation of the parcels and portions thereof identified in the table and attached exhibit.

E.R. Campbell, Jr.

 Dr. Eddie R. Campbell, Jr., Superintendent

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NOTE: THE TRACTS SHOWN BEING PART OF THE SAME LANDS CONVEYED TO MOBILE HOMES PARK & SALES, INC. AS RECORDED IN DEED BOOK 636 PAGE 571, DEED BOOK 685 PAGE 491, DEED BOOK 825 PAGE 164 & DEED BOOK 1277 PAGE 577, WILLIAM W. MARSTILLER IN DEED BOOK 1278 PAGE 247 & DEED BOOK 1278 PAGE 580, AND WILLIAM W. & RACHEL L. MARSTILLER IN DEED BOOK 1363 PAGE 645 AT THE OFFICE OF THE CLERK, MONONGALIA COUNTY, WEST VIRGINIA.



LINE	BEARING	DISTANCE
L1	N 78°22'59" W	36.95'
L2	N 85°45'41" W	34.07'
L3	S 82°13'58" W	36.39'
L4	N 84°53'35" W	37.76'
L5	N 73°01'25" W	69.48'
L6	N 70°33'12" W	65.85'
L7	N 75°29'34" W	42.31'
L8	N 70°55'37" W	80.55'
L9	N 61°02'47" W	45.52'
L10	N 58°34'11" W	50.07'
L11	N 04°36'48" W	19.25'
L12	N 32°20'00" E	141.31'
L13	S 57°40'00" E	20.00'(TIE)
L14	N 24°02'39" E	116.33'
L15	S 67°48'42" E	45.15'
L16	S 24°02'39" E	139.82'
L17	N 86°18'42" W	27.79'
L18	S 67°48'42" E	66.00'(TIE)
L19	N 86°18'42" W	70.40'(TIE)

- LEGEND/ABBREVIATIONS
- PL = PROPERTY LINE
 - TL = TELEPHONE LINE
 - PT = POINT
 - MF = MONUMENT FOUND (AS NOTED)
 - (T) = TOTAL
 - R/W = RIGHT-OF-WAY
 - P.O.B. = POINT OF BEGINNING
 - TM = TAX MAP NUMBER
 - PAR = PARCEL NUMBER
 - P/O = PART OF
 - N/F = NOW OR FORMERLY
 - IRF = REBAR FOUND (size as noted)
 - (S 45° 45' E 100.0') = DEED BEARING & DISTANCE

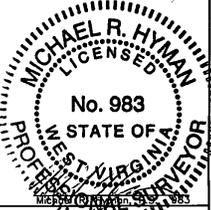
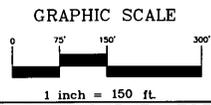
N/F
MOBILE HOMES PARK & SALES, INC.
TM 1 PAR 15
DB 825 PG 164
TM 1 PAR 15.1
DB 636 PG 571
TM 1 PAR 15.2
DB 685 PG 491
TM 1 PAR 15.4
DB 1277 PG 577

N/F
WILLIAM W. & RACHEL L. MARSTILLER
TM 1 PAR 15.3
TM 1 PAR 15.6
DB 1363 PG 645

N/F
WILLIAM W. MARSTILLER
TM 1 PAR 15.5
DB 1278 PG 247
TM 1 PAR 15.7
DB 1278 PG 580

NOTE: THIS SURVEY WAS CONDUCTED WITHOUT BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS

THIS SURVEY IS NOT VALID WITHOUT ORIGINAL BLUE SIGNATURE AND SEAL. DECLARATIONS MADE HEREIN ON THE DATE INDICATED ARE TO THE OWNERS(S) OR BUYER(S) LISTED BELOW AND ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS OR BUYERS.



PLAT OF SURVEY FOR
MONONGALIA COUNTY BOARD OF EDUCATION

MISC. INFO: BEARINGS BASED ON WEST VIRGINIA STATE PLANE NORTH ZONE, NAD 83

⊙ = 3/4" * 30" REBAR SET

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

TAX MAP	1
PARCEL No.	15, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7
JOB. No.	050-5114
OWNER:	MOBILE HOMES PARK & SALES, INC. & WILLIAM W. MARSTILLER
REFERENCE:	DB 636 PG 571, DB 685 PG 491, DB 825 PG 164, DB 1277 PG 577, DB 1363 PG 645, DB 1278 PG 247, DB 1278 PG 580

SHOWING
PROPOSED CONVEYANCE OF PROPERTY
of the
ALONG MONONGALIA COUNTY ROUTE 57 COLLINS FERRY ROAD
SITUATE
MORGAN DISTRICT
MONONGALIA COUNTY
WEST VIRGINIA

SCALE: 1" = 150'

JUNE 2014

LAYOUT TAB: Layout1
CAD FILE: R:\050-5114 - Bowles, Rice, McDavid, Groff & Love

DRAWN: CI SURVEY: FB BK: OAK

USER: mhyman
 LAYOUT: Layout1
 PLOT DATE/TIME: 6/26/2014 - 2:34pm
 CAD FILE: R:\050-5114 - Bowles, Rice, McDavid, Groff & Love - Marstiller-BOE Survey\Boundary-18.dwg

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AN ORDINANCE ANNEXING PROPERTY OF MORGANTOWN COMMUNITY RESOURCES, INC. IN CLINTON DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN

WHEREAS, West Virginia Code section 8-6-4 permits a municipality to order annexation of additional territory by ordinance without a vote if a majority of freeholders and qualified voters petition for such annexation; and

WHEREAS, all freeholders and qualified voters in the territory subject of the attached “Petition for Annexation,” which is incorporated into this Ordinance by reference, have petitioned for annexation; and

WHEREAS, the City has enumerated and verified the total number of eligible petitioners and is satisfied that the petition is sufficient in every respect and that the territory to be annexed is contiguous to the current municipal boundaries;

NOW, THEREFORE, the City of Morgantown hereby ordains as follows:

- (1) That the territory described in the Petition for Annexation, being Parcel 8.2 of Tax Map Number 4 in Clinton District, Monongalia County, West Virginia, or the property comprising such area currently or formerly assessed as such identified parcel, as more fully described in the Petition for Annexation and exhibit thereto, shall be annexed into the City of Morgantown;
- (2) That the City Clerk is directed to enter upon the journal of the City the finding that the Petition for Annexation is sufficient in every respect and forward a certificate to that effect to the County Commission of Monongalia County, West Virginia, pursuant to *W. Va. Code* § 8-6-4(g), notifying the Commission that it shall enter an order as described in *W. Va. Code* § 8-6-3 describing the annexation of the additional territory to the corporate limits of the City of Morgantown.

This ordinance is effective upon adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

PETITION FOR ANNEXATION

The undersigned, Robert J. O’Neil, being the President of Morgantown Community Resources, Inc., a West Virginia non-profit corporation (the “Corporation”), and the Corporation being the sole freeholder within the area of proposed annexation, hereby petitions the City Council of the City of Morgantown, West Virginia, to annex the lot, parcel, area or territory being described on Exhibit A attached hereto and incorporated herein by this reference and being shown and depicted on Exhibit B attached hereto and incorporated herein by this reference, as required by law, pursuant to West Virginia Code Chapter 8, Article 6, Section 4.

<u>Owner</u>	<u>District</u>	<u>Tax Map No.</u>	<u>Parcel No.</u>	<u>Signature</u>
Morgantown Community Resources, Inc.	Clinton	4	8.2	<i>Robert J. O'Neil</i>

Morgantown Community Resources, Inc.
a West Virginia nonprofit corporation

By: *Robert J. O'Neil*
Robert J. O’Neil, its President

**EXHIBIT A
TO
PETITION FOR ANNEXATION**

Legal Description

All of the following described lot or parcel of real estate, together with all rights, privileges, improvements, rights-of-way and appurtenances thereunto belonging or in anywise appertaining, situate in Clinton District, Monongalia County, West Virginia, and being more particularly described as follows:

Beginning at a fence post in the outline of the tract of land herein and hereby conveyed, and which said fence post is S. 0° 50' E. 207.4 feet, more or less, from a fence post located in the original outline of the 173.64 acre tract of land of which the subject tract is a part and a common corner to property formerly owned by Clarabelle Cook, Leonard S. Walker and wife and Ledrew L. Harner and wife, said corner being further established as being N. 74° 39' W. 347.5 feet from the old Western right-of-way line of U.S. Route 119 (1971), and running thence from said beginning point, being the first fence post above mentioned, as thus established, S. 61° 39' 24" E. 128.28 feet, more or less, to the new right-of-way line of U.S. Route No. 119; thence with two lines of the Western right-of-way line of U.S. Route No. 119, S. 09° 52' 03" W. 70.09 feet; thence S. 05° 47' 11" E. 198.19 feet; thence leaving said right-of-way line and running with eight (8) lines of other lands of the Grantor herein, which said eight (8) lines border on the right-of-way of a public roadway to be constructed by the Grantor herein, as follows: S. 51° 35' 25" W. 89.33 feet to a point; S. 35° 27' 48" W. 134.44 feet to a point; S. 59° 29' 23" W. 130.00 feet to a point; S. 80° 7' 8" W. 157.33 feet to a point; N. 87° 30' 37" W. 115.08 feet to a point; N. 57° 53' 37" W. 120.43 feet to a point; N. 4° 48' 43" W. 542.4 feet to a point in the Southern side of a proposed secondary public access road; thence with the Southern line of said roadway, N. 88° 20' 23" E. 379.68 feet, thence continuing with said roadway, S. 80° 49' 36" E. 163.09 feet to a point in said roadway; thence leaving said roadway and continuing with other lands of the Grantor herein, S. 28° 14' 58" E. 139.70 feet to the point and place of beginning, containing 9.926 acres, more or less.

Together therewith and as appurtenant to the real estate hereinabove described, a right of way and easement over and across the public roadway and the secondary public access roadway referred to in the above description, and which said roadways extend through the other real estate now or formerly owned by Wesco Equipment, Inc. to U.S. Route No. 119.

Together therewith and as appurtenant to the real estate hereinabove described, a right of way and easement as set forth in that certain Easement Agreement between Wesco Equipment, Inc. and Robert H. Mollohan and W. L. Doepken dated August 16, 1973, of record in Deed Book 739, at page 552.

The above described being the same real estate conveyed from 20 Scott Avenue, LLC, a West Virginia limited liability company, to Morgantown Community Resources, Inc., a West Virginia non-profit corporation, by Confirmatory Deed dated June 20, 2019, made effective June 21, 2019 and recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia in Deed Book 1674, Page 323.

**EXHIBIT B
TO
PETITION FOR ANNEXATION**

Plat

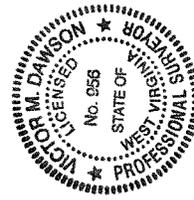
WV NORTH, M4D-83.

LEGEND:

- 5/8" REBAR W/PLASTIC CAP SET
- 1/2" REBAR FOUND
- △ 5/8" REBAR FOUND
- FENCE POST FOUND
- SURVEY TIE LINE
- ADJOINING PROPERTY LINE

NOTES:

1. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS.
2. SEE PLAT OF SURVEY MADE FOR KEITH J PAPPAS PROPERTY BEING CONVEYED TO MICHAEL ANDERSON, BY C.T. ENGINEERING, DATED 03/13/2012, RECORDED IN DEED BOOK 1455 AT PAGE 705.
3. SEE PLAT OF SURVEY OF VISTA DEL RIO, DATED JUNE 5, 1970, BY PAUL W. GUSEMAN, PS No. 185, RECORDED IN PLAT CABINET 2 AT SLIDE 303-A.

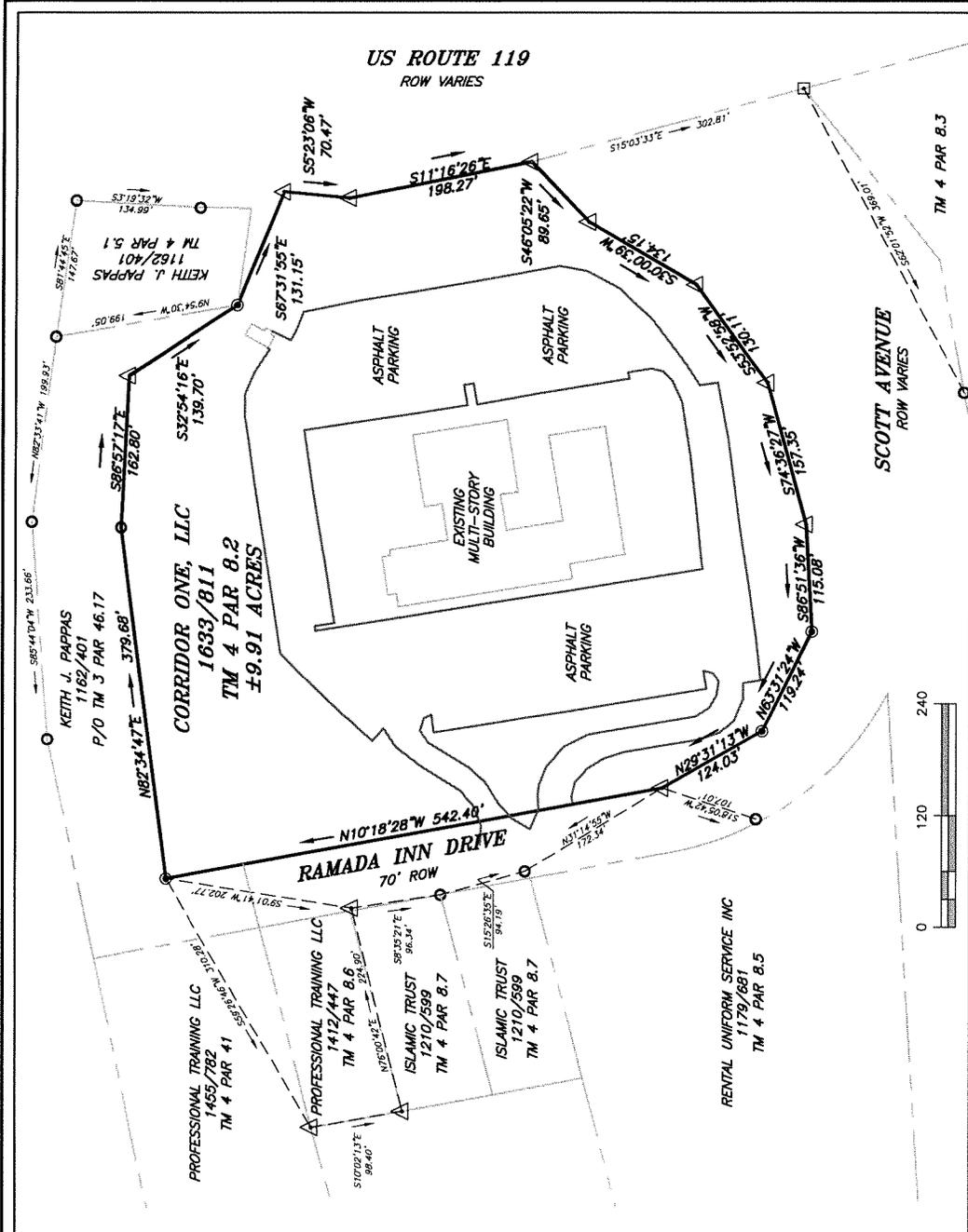


Victor M. Dawson
 VICTOR M. DAWSON PS 856
 PROJECT #: 102-18-0248 FILENAME: RAMADA 18



POTESTA & ASSOCIATES, INC.
 ENGINEERS AND ENVIRONMENTAL CONSULTANTS
 7012 MacCombe Ave. SE, Charleston, WV 25304
 TEL: (804) 342-1400 FAX: (304) 843-9081
 E-Mail Address: potesta@potesta.com

Project: **PLAT OF SURVEY SHOWING THE RAMADA INN PROPERTY CLINTON DIST, MON. Co, WV**
 Scale 1"=120'
 Date 08/10/18
 Dwg. No. **BOUNDARY**



**AN ORDINANCE PROVIDING FOR AN ELECTION TO CONSIDER
AMENDMENT OF THE CITY CHARTER ESTABLISHING THE COMPOSITION,
ELIGIBILITY, ELECTION, AND TERMS OF CITY COUNCIL MEMBERS AND
FOR THEIR NOMINATION AND ELECTION.**

WHEREAS, City Council finds and determines that the qualified voters of the City should determine whether to amend the City Charter as it relates to the terms of its members, providing for staggered four-year terms to promote continuity and experience in the governing body; and

WHEREAS, the voters are authorized to consider such amendment of the Charter at an election conducted by the City pursuant to Articles 4 and 5 of Chapter 8 of the West Virginia Code;

NOW, THEREFORE, The City of Morgantown hereby ordains

(1) that the proposal will be placed on the ballot at the regular election of the members of City Council on Tuesday, April 27, 2021, at which the qualified voters of the City will consider whether to amend the City Charter as provided herein; and

(2) That the form of ballot for such election shall be as follows:

**AMENDING THE MORGANTOWN CITY CHARTER TO ESTABLISH STAGGERED
FOUR-YEAR TERMS FOR COUNCIL MEMBERS**

() Yes. The Charter should be amended as set forth below (new matter underlined, deleted material stricken).

() No. The Charter should not be amended.

**Article II
CITY COUNCIL**

SECTION 2.01. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.

(c) Election and Terms. The regular election of Councilmembers shall be held on the last Tuesday in April, in each odd-numbered year, beginning with the first odd-numbered year following the effective date of this Charter in the manner provided in Article VII. The candidate in each ward who receives the greatest number of votes cast by the qualified voters

of the City at large, shall be declared elected. At the regular election conducted April 27, 2021, the candidate elected from each (odd- / even-) numbered ward shall serve a four-year term, and the candidate selected from each (odd- / even-) numbered ward shall serve a two-year term, beginning on July first following the election. At each election thereafter, E each Councilmember shall serve for a term of ~~two~~ four years, beginning on July first following ~~his~~ the election.

SECTION 2.06. VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

(c) Filling of Vacancies.

(1) The filling of any vacancy in office of a Councilmember as defined under Article II shall take into account the ward wherein the member whose office has been vacated resided at the time of his election, and ~~his~~ the successor shall reside in such ward. Removal of residence from the ward shall vacate the office of the Councilmember residing in such ward at the time of ~~his~~ election, except as provided otherwise in Section 7.05(g) of this Charter.

Article VII NOMINATIONS AND ELECTIONS

SECTION 7.04. DETERMINATION OF ELECTION RESULTS.

(a) Number of Votes. Every voter shall be entitled to cast one vote for one candidate nominated from each ward electing a representative in the election. ~~of the seven wards in the City.~~

SECTION 7.05. WARDS, ADJUSTMENT OF WARD BOUNDARIES.

(b) Ward Boundary Commission. The Council shall appoint seven qualified voters, one from each of the seven wards of the City as they exist at the time of such appointment, who shall comprise a Ward Boundary Commission. The voters chosen shall not be employed by the City in any other capacity. The appointment shall be made not later than the last day of July in the year preceding each regular election ~~30 days after the commencement of each Council's term of office.~~

(c) Report. On or before October 31st of each ~~even-numbered~~ year preceding a regular election, the Commission shall file with the City Clerk a report containing a recommended plan and a map for adjustment of ward boundaries, or recommending that no adjustment be made, all in accordance with the specifications set forth in subsection (d).

(g) Effect of Enactment. The new ward boundaries as of the date of the enactment of an ordinance providing therefor shall supersede previous ward boundaries for all the purposes of the next regular City election including nomination, unless such ordinance is enacted after December

31 of the year preceding the election. The new ward boundaries shall supersede previous ward boundaries for all purposes as of the date of which all Councilmembers elected at that regular City election take office; provided, that a Councilmember who becomes a nonresident of the ward from which the Councilmember was elected solely by reason of a change in the ward boundaries may continue to serve the remainder of the Councilmember's term.

(h) Terms of Members of the Commission. The terms of office of the members of the Commission shall expire on the last day of June of the year of each regular election at the same time as the expiration of the terms of the Council which appointed them. A new Commission shall thereafter be appointed as provided by subsection (b).

This ordinance shall become effective upon adoption. If approved by the voters, the amendments to the Charter set forth above shall become effective immediately upon the certification of the election results or upon the completion of any other precondition established by applicable law.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

AN ORDINANCE AMENDING ARTICLE 913 OF THE CITY CODE REGULATING CONSTRUCTION OF SIDEWALKS AND AMENDING DEVELOPMENT STANDARDS WITHIN THE PLANNING AND ZONING CODE RELATING TO THE CONSTRUCTION OF SIDEWALKS

WHEREAS, West Virginia Code Chapter 8, Article 12, Section 5, paragraphs 1 through 5 authorize the City to construct sidewalks, to permit or require the construction of such sidewalks by the public and property owners, to regulate the construction of such sidewalks, to prescribe the maintenance thereof, and to require adjacent property owners to keep the sidewalks in good order; and

WHEREAS, the City provides general standards for the construction and maintenance of sidewalks within Article 913 of the City Code (the “Sidewalk Code”); and

WHEREAS, the City’s Planning and Zoning Code currently provides development standards for sidewalks in certain zoning districts, and these requirements exist in addition to the general provisions governing sidewalks within the Sidewalk Code; and

WHEREAS, City Code Section 913.16 requires construction of sidewalks when a building is constructed or a street is paved; and

WHEREAS, the Sidewalk Code and the Planning and Zoning Code both provide waiver provisions with different standards; and

WHEREAS, the purpose of both Codes to promote access to sidewalks and a safe walking environment within the City will be promoted by coordinating these provisions; and

WHEREAS, it appears prudent to revise both Codes to ensure clear, consistent, and efficient administration;

NOW, THEREFORE, the City of Morgantown hereby ordains that Articles 913, 1333, 1335, 1337, 1339, 1341, 1343, 1345, 1347, 1351, 1353, 1355, and 1361 of the City Code are amended as follows:

ARTICLE 913
Sidewalks and Paths

913.01 DEFINITIONS.

For purposes of this Article 913, the following terms have the meanings given:

Curb or *Curbline* means a constructed physical barrier within the public right-of-way designed to control stormwater and/or separate automobile traffic from other right-of-way

uses.

Path, Shared Use Path, or Mixed Use Path means any public right-of-way, whether or not adjoining a Street, improved or unimproved, that is designed for travel by pedestrians, bicycles, other nonmotorized transport, electric bicycles, electric scooters, or any one or combinations of these modes of transport.

Sidewalk means the surface between the curblineline and the adjacent property line intended for pedestrian use.

Sidewalk pavement means that part of the sidewalk improved, or required to be improved, with pavement or other material, and may include less than the entire Sidewalk.

Street means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, and the term shall have the same meaning as in *City Code* § 301.40.

~~The term "sidewalk" includes all of the ground between the face of the curb of any public street or alley and the property line of the abutting property owner. The term "sidewalk pavement" means that part of the sidewalk paved or required to be paved, and may be only a portion of the full width of the sidewalk as defined above.~~

913.02 ~~WIDTH OF SIDEWALKS AND PATH DIMENSIONS.~~

~~The sidewalks, paths, and sidewalk pavement of the streets and alleys of the City shall have the dimensions required by the current Street Design and Classification Manual adopted pursuant to Article 909 of this Code. be of such width as Council may, upon recommendation of the City Engineer, establish by orders duly made; and, unless otherwise ordered by Council, the sidewalks on the opposite sides of any street or alley shall be of equal width.~~

913.03. DUTIES OF OWNERS AND OCCUPANTS.

(a) The owners and occupants of property adjoining a Sidewalk shall keep the sidewalk free of obstructions and debris, snow, and ice. The City Manager may issue a written order to any owner or occupant of a property to comply with this obligation. The order shall be delivered by posting at the property and by first-class mail to the property. The addressee of the order shall have 1 day from the date of posting of the notice to comply with the requirements of the order, or to appeal the order as provided in this Article. In all cases where there has been heretofore established, or where there is hereafter established, one or more sidewalks along any street or alley or part thereof within the City, it shall be the duty of the owners or occupants of any ground fronting or abutting on such sidewalks to pave and repave the same, whenever required by an order of Council to do so, and to keep such sidewalks in repair and to keep the same clean. The property owners shall be responsible for any such sidewalk being out of repair.

(b) The owners and occupants of property adjoining a Sidewalk shall maintain and repair

the Sidewalk to keep the Sidewalk in safe and adequate conditions for public uses.

(c) The City Engineer may order the owners or occupants of a property to repair the Sidewalk to comply with applicable standards governing sidewalks or sidewalk pavements within the City by issuing a written order. The order shall be delivered by posting at the property and by first-class mail to the property. The addressee of the order shall have 30 days from the date notice is posted at the property to comply with the requirements of the order, or to appeal the order as provided in this Article.

(d) If the City orders owners or occupants to repair a sidewalk pursuant to this Article, and the City has adopted cost-sharing regulations pursuant to Section 913.08(c) of this Article, the City and owners or occupants shall share in the cost of repair as provided by the cost-sharing regulations.

(e) If the addressee of a written order issued under Section 913.03(a) or 913.03(c) fails to comply with the order within the time prescribed by the order, or, if appealed, within the time prescribed by any decision on the appeal which requires work, repair, or repaving, the City Engineer may cause the work or repairs to be made either by the City employees or by an independent contractor and assess the cost thereof as a lien against the property as provided in Section 913.09.

913.04 GRADING AND PAVING.

Sidewalks, paths, and sidewalk pavement shall be graded and paved, and repaved or repaired, in the manner and with the materials and according to the specifications in the current Street Design and Classification Manual adopted pursuant to Article 909 of this Code as provided in this article.

913.05 PLACING SIDEWALK PAVEMENT ABOVE OR BELOW CURB ELEVATION.

The paved portion of all sidewalks or the sidewalk pavement where there is a grass plot between it and the curb, may, at the direction of the City Engineer ~~with the approval of Council~~, be placed above or below the elevation of the curb in order to conform as nearly as practicable to the topography of the abutting land and street; provided, that the slope of such grass plot shall not be steeper than one and one-half horizontal to one vertical. Where the sidewalk pavement is placed above or below the elevation of the curb, the owner of the corner lot shall provide concrete steps from such sidewalk pavement to the curb, such steps to be of similar materials and workmanship as the sidewalk pavement and the design thereof to be approved by the City Engineer.

913.06 SIDEWALK AND PATH CONSTRUCTION SPECIFICATIONS.

All sidewalks, sidewalk pavement, and paths shall be constructed according to the specifications in the current Street Design and Classification Manual adopted pursuant to

Article 909 of this Code, including any specification particular to a certain classification of streets, of concrete pavement according to the following specifications:

~~—(a) Width and Location. Council shall be order prescribe the width of all concrete sidewalk pavements hereafter paved or repaved, taking into consideration the nature and class of traffic on such street and sidewalk. Such sidewalk pavements shall not be less than three feet in width in R1, R2 and R3 Zoning Districts and within the public right of way as designated by the City administration, so that the grass plot, if any, shall be between the sidewalk pavement and the curb line of the street. (Ord. 7-18-78.)~~

~~—(b) Subgrade. When the subgrade is composed of a fill it shall be laid in layers, not exceeding twelve inches, and the same shall be thoroughly wetted and tamped or rolled. The tops of all fills shall extend at least twelve inches beyond the sidewalk pavement, and in cases where there are no curbs the slope shall not be steeper than one and one half to one.~~

~~—(c) Drainage Course. The drainage course shall consist of coarse aggregate, as hereinafter defined, of a depth of not less than six inches, except where solid rock is encountered, and shall be thoroughly compacted by tamping or rolling.~~

~~—(d) Concrete. The concrete shall consist of a mixture of one part of cement, as hereinafter defined, and three parts of fine aggregate, as hereinafter defined, and three parts of coarse aggregate, as hereinafter defined, to a depth of not less than four inches. It shall be worked to an approximately true surface and shall be roughened. The concrete pavement shall be monolithic and no mortar course shall be permissible for surface.~~

~~—(e) Water Used. All water used in mixing materials for sidewalk pavements shall be clean and free from oil, acid, strong alkalies or vegetable matter.~~

~~—(f) Forms. All forms used for setting sidewalk pavements shall be free from warp, and of sufficient strength to resist springing out of shape. All mortar and dirt shall be carefully removed from forms that have been previously used. All forms shall be well staked to the established lines and grades, as indicated by the stakes set by the City Engineer, and all forms shall be so set as to provide for the specified slope of one fourth of an inch to the foot toward the curb.~~

~~—(g) Expansion Joints. Expansion joints shall be made three fourths of an inch wide for the whole of all sidewalk pavements, and shall be spaced at intervals of not more than forty feet, and shall be filled with sand, felt, tar or other suitable material. The wearing surface at all expansion joints shall be cut clear through with a jointing tool.~~

~~—(h) Drainage. Where the drainage course is at the same elevation as, or above the drainage course of the curb, a blind drain or ditch of suitable size and filled with broken stone shall be laid with a proper degree of fall from the bottom of the drainage course of all sidewalk pavements at such points as will properly drain the water from the drainage course to the curb. Where the drainage course of the sidewalk pavement is below that of the curb, a three inch agricultural tile drain shall be laid in the lower part of the drainage course, and vitrified tile drainage connection made from it to the storm sewer in the street.~~

~~—(i) Precautions Against Freezing. Concrete shall not be mixed or deposited at a freezing temperature, unless special precautions are taken to avoid the use of materials that are frozen or covered with ice crystals, and adequate means are provided to prevent the concrete from freezing after being placed in position and until it is thoroughly hardened; and no such concrete shall be mixed or deposited in freezing weather, without the written consent of the City Engineer.~~

~~(j) "Cement", "Fine Aggregate" and "Coarse Aggregate" Defined. "Cement", as used in this article, shall meet the requirements of the specifications for Portland cement, adopted by the American Society for Testing Materials, as set forth in its bulletins and other publications. "Fine aggregate", as used in this article, shall consist of clean sharp sand, crushed stone or gravel screenings, free from all vegetable loam or other deleterious matter. "Coarse aggregate", as used in this article, shall consist of inert matter, such as crushed stone, brickbats, gravel or cold crushed slag. All such materials shall be hard and durable and free from all deleterious matter.~~

913.07. PERMIT TO LAY SIDEWALK PAVEMENT.

~~(a) The owner of any property abutting on a public street shall, before laying any sidewalk pavement on the part of such street intended to be used for sidewalk purposes, apply to the City Manager Engineer for a permit therefor (a "Sidewalk Permit"), and such permit when granted shall show the location and width of such sidewalk pavement and shall recite the specifications required therefor. If such application is to lay a sidewalk pavement on a street within the fire limits on which the width between the curbs of such street shall be paved has not been determined, Council shall, before a permit is granted, specify by order, resolution or ordinance the width of sidewalk pavements on each side thereof, and the location and width of grass plots, if any; and if a grade has not been established on such street, Council shall not grant such permit until a grade is established on such street by the City Engineer and adopted by Council. In no case where a permit is granted to lay a sidewalk pavement shall the work be commenced until the City Engineer shall have first set stakes or had the same done under his direction, showing the exact location of the same. The City Manager shall have the power and authority to grant such permits, without referring the same to Council, and to report the same at the next meeting of Council when it shall be made a matter of record.~~

~~(b) The application for a Sidewalk Permit shall be accompanied by the fee required by the current "Plan Review and Permitting Fee Schedule" adopted by the City, if any.~~

~~(c) The City Engineer may grant the Sidewalk Permit only if the application demonstrates compliance with the current Street Design and Classification Manual adopted pursuant to Article 909 of this Code and upon payment of any applicable fee. The Sidewalk Permit may be made subject to such conditions as the City Engineer reasonably determines appropriate, including a requirement to post a bond or other security to ensure the full and proper completion of the work. A denial of any application will be made in writing stating the reasons therefor.~~

913.08 ORDER TO OWNER TO GRADE AND PAVE. PAVING OR REPAVING

~~Council may order the owner of any property abutting on any public street or alley within this City to grade that part of the sidewalk of such street abutting on such property, if not then already graded, and to construct thereon a sidewalk pavement, the same to be constructed according to the specifications therefor. Such grade shall conform to the adopted grade of such street. Such order shall designate the width of such sidewalk pavement so ordered to be constructed. The City Manager shall cause notice of such order to be served upon the owner of such property, such notice to be served in the manner provided by the laws~~

~~of the State for the service of notices generally, or by publication in a newspaper of general circulation published in the County in the manner provided by the laws of the State for the publication of notices generally.~~

(a) The owners of property adjoining a public right-of-way may be directed to construct or reconstruct sidewalks and sidewalk pavement on such right-of-way and be responsible for the cost thereof in accordance with West Virginia Code Chapter 8, Article 18, as it may be amended. By agreement of the property owner, approved by City Council, a path may be substituted for the obligation to construct or reconstruct sidewalks and sidewalk pavement.

(b) The City may construct or reconstruct sidewalks within the public right-of-way without assessing the cost thereof against the adjoining property owners upon the following conditions:

- (i) the Pedestrian Safety Plan then in effect designates the area for Connective Network Sidewalks; or
- (ii) the area where the sidewalk will be constructed is entirely within 1,000 feet of a public school, public park, or government building; or
- (iii) The City Engineer makes a prior written determination that the construction of the sidewalk is necessary to establishment or maintenance of a connecting sidewalk network throughout the City. In the event this determination is made, the written determination shall be provided to City Council upon its preparation by the City Engineer and shall be retained by the City Engineer until the construction of the sidewalk is completed.

(c) The City may establish a cost-sharing program to construct or reconstruct sidewalks within the public right-of-way, pursuant to which property owners and/or residents of an area may be required to pay a defined percentage of the total cost of a sidewalk project. The City Engineer shall prepare regulations implementing such cost-sharing program for adoption by Council.

913.09. WORK TO BE DONE BY CITY; ASSESSMENT OF COSTS; LIEN.

If any property owner shall have failed or refused to comply with an order issued pursuant to this Article by the date compliance is required ~~the order provided for by the preceding section within fifteen days after the service or publication thereof~~, then the City Manager may cause such work to be done, and the cost thereof, including a commission of not exceeding twenty percent (20%) of the ~~net~~ cost thereof to the City for the time of City employees in supervising such construction, laying the assessment therefor, and collecting the same, over and above the actual cost to the City of such work, shall be assessed against such property. Such assessment shall bear interest at six percent (6%) per annum and shall be immediately due and payable and may be collected in the same manner provided by law for the collection of City taxes. If such assessment is not paid within thirty days after the same is made, the City Clerk may certify the amount of any such assessment with a description of the property chargeable therewith, and the name of the owner thereof, to the Clerk of the County Court to be recorded in the trust deed books of such Clerk's office; and such assessment shall be and constitute from and after the date of such recordation the first lien against such property, subject only to State, County and

Municipal taxes and prior assessments.

913.10 REPAIRING AND REPAVING. [RESERVED]

~~All owners of property abutting upon a public street where there is a sidewalk shall keep the sidewalk in good repair so as to minimize public or private liability. Any concrete sidewalk which is broken or deteriorated to the extent of needing repair shall be repaired by replacing the entire block or section thereof and not by surface patching.~~

~~—The City Manager on his own initiative may or upon direction of Council shall require any such property owner to make needed repairs by having served upon such owner a notice as provided by Section 913.08. Each thirty day period during which the owner fails to comply with the provisions hereof shall constitute a separate violation.~~

~~—When deemed proper by the City Manager, he may cause the repairs to be made either by the City employees or by an independent contractor and assess the cost thereof as a lien against the property as provided in Section 913.09.~~

913.11 MAINTENANCE; REMOVAL OF SNOW, ICE AND DIRT. [RESERVED]

~~—The owner, lessee, or occupant of property abutting on any street shall keep the sidewalk adjacent thereto in a clean and sanitary condition and free from snow, ice, dirt or refuse. In the event the owner, lessee or occupant of any property shall fail to keep the sidewalk adjacent to such property in a clean and sanitary condition and free from snow, ice, dirt or refuse the City Manager is hereby empowered and authorized to give notice to such property owner, lessee or occupant to clean such sidewalk of snow, ice, dirt or refuse and to put such sidewalk in a clean and sanitary condition, such notice to be served as provided by Section 913.08, and upon the failure or neglect of such property owner, lessee or occupant to put such sidewalk in a clean and sanitary condition and to remove snow, ice, dirt or refuse therefrom within twenty four hours, excluding Sunday, after such notice has been given, the City Manager may cause the same to be done and the cost thereof shall be assessed against such property and become a lien upon such property in the manner provided by Section 913.09.~~

913.12 CONDEMNATION OF SIDEWALK PAVEMENT; ORDER TO RELAY; WORK BY CITY. [RESERVED]

~~—When, in the judgment of Council, the public necessity may require it, any sidewalk pavement may be condemned because of its unsafe condition, or because it is not laid out of suitable materials or in the manner and according to the specifications provided therefor; and the owner of the abutting property may be required to relay the same, after notice of the order of Council, in the same manner as provided by Section 913.08; and upon the refusal or failure of such property owner to do so, the City Manager may cause the same to be done and the cost thereof assessed against such property owner in the manner provided by Section 913.09, and such assessment shall become a lien against such property in the manner provided _____ by _____ Section _____ 913.09.~~

913.13. REPAIR OR REPAVING WHEN PAVEMENT BROKEN.

~~When a~~Any person who shall break or injure damages any sidewalk, sidewalk pavement, or path by driving a truck or vehicle upon or over the same, or in any other manner, ~~he~~ shall be required to pay the cost of repair, including the reasonable cost for work by employees of the City. The City Engineer shall deliver an order requiring payment of the cost to any such person in the manner provided by Section 913.03(c), and, if payment is not received within 30 days it may be collected by any method provided by law. ~~repair it, or if necessary to relay the same and put it in as good condition as it was before such injury occurred; and in the event of his failure to do so, after being served with an order of Council requiring him to do so, the City Manager may have such sidewalk repaired or relaid and the cost of the same shall be charged against such person, and collected by legal process; and where, in order to properly repair such broken or injured sidewalk pavement, it is necessary to repave the same, such repaving shall be with the materials and in the manner and according to the specifications set forth in this article.~~

913.14. SUPERVISION AND INSPECTION OF PAVEMENT CONSTRUCTION; POWER TO STOP IMPROPER WORK.

All sidewalk pavements and paths laid, constructed, or repaired under the provisions of this article shall be under the direct and immediate supervision and inspection of the City Engineer, or ~~his~~ an authorized representative. Any owner of property who may desire to lay a sidewalk pavement or path or repair the same shall, upon being granted permission therefor, notify the City Engineer of the time work is expected to begin ~~he expects to begin such work;~~ and when, in the judgment of the City Engineer such work is not being done with the materials and in the manner and according to the specifications required by this article, ~~he~~ the City Engineer or an authorized representative shall have the power and authority to stop such work until such owner agrees to perform the work as required and provides such assurance as the City Engineer or authorized representative reasonably requires, which may include the requirement to post a bond securing the proper performance of the work. ~~indicates his willingness to do such work with the materials and in the manner and according to the specifications required by this article.~~

913.15. ROOMS OR SPACES UNDER SIDEWALKS.

(a) No person shall excavate or construct any room or space or use the space in and under any sidewalk until and unless the owner of the property adjacent thereto shall have first obtained a permit therefor from the City, such permit to be granted by the City Manager ~~and confirmed by Council;~~ and the City Manager ~~and Council~~ shall have full and absolute discretion in granting or refusing such permit and establishing appropriate conditions for the permit.

(b) In applying for such permit, the applicant shall furnish the design, plans and specifications for the construction of such room or space intended to be used under such sidewalk, and such design, plans and specifications shall be subject to the approval of the City Engineer.

(c) The space between the surface of the sidewalk and the ceiling of any room constructed thereunder shall be not less than eighteen inches in thickness.

(d) Such property owner shall be responsible for the construction and maintenance and safety of any such room under any sidewalk and of the sidewalk over the same, and if any person or his property is injured or damaged as a result of the construction or improper maintenance of any such space under any sidewalk or the sidewalk thereover, the owner of the property adjacent thereto shall protect and save harmless the City from any liability therefor.

(e) Where there now exists a space or room underneath any sidewalk used or intended to be used in connection with the property adjacent thereto, it shall be the duty of the owner of such adjacent property to maintain safely and to keep in good repair such room or space under such sidewalk and the sidewalk thereover, and to protect and save harmless the City from any and all liability to any person who is injured or his property damaged by reason of the failure of such property owner to maintain safely and keep in good repair any such room or space under such sidewalk or the sidewalk thereover.

(f) No openings, chutes or ways shall be made from the surface of the sidewalk or street to any room or space under such sidewalk now or hereafter constructed unless and until a permit therefor shall have been obtained from the City as provided in this Section 913.15.; ~~such permit to be granted by the City Manager and confirmed by Council.~~ The design, plans and specifications therefor shall be subject to approval by the City Engineer. The doors or coverings to such openings, chutes or ways shall be of design and constructed according to the approval of the City Engineer, and the same shall be maintained safely and kept in good repair by the property owner, who shall be responsible for any injuries or damages to persons or property for failure to do so and who shall protect and save harmless the City from any and all liability therefor. Such openings, chutes and ways shall not be left open and unguarded and it shall be the duty of the property owner in connection with whose property the same are being used to protect persons and property from injury or damage while such openings, chutes and ways are being used.

(g) If, upon inspection, any room or space heretofore or hereafter constructed under any sidewalk shall be found to be in an unsafe or unsanitary condition, ~~Council~~ the City Engineer may order the same to be repaired or put in a sanitary condition at the expense of the owner of the adjacent property. If such property owner shall fail to do so, ~~Council~~ the City Engineer may cause the same to be done and the cost thereof charged against and collected from such property owner.

(h) The granting of any permit heretofore or hereafter for the construction and maintenance of any space or room under any sidewalk or street in the City shall not be construed as vesting or granting any permanent or perpetual right, interest or title thereto in or to the owner of the adjacent property, but the same is only a temporary privilege. ~~Council~~ The City Manager may at any time without notice and without the payment of any compensation or damages to the property owner annul and revoke any permit theretofore

granted therefor and take exclusive possession of such space or room under such sidewalk and convert the same to public use or cause the same to be abandoned, and, where necessary, cause the same to be filled at the expense of the owner of the adjacent property. In such event the adjacent property owner shall have no further right or privilege to use such space or room.

913.16. SIDEWALKS REQUIRED WHEN BUILDING CONSTRUCTED OR STREET PAVED.

(a) Findings of Council. Council finds ~~as a fact~~ that sidewalks and paths within the City are deficient as to quantity and quality, which contributes to the hazards confronting pedestrians and in order to initiate a program of providing more sidewalks, it is declared to be the policy of the City to require, unless otherwise directed, the construction or replacement of sidewalks for the use of pedestrians within the City and to require a deposit of funds in the Sidewalk Fund established by this Article when a waiver of sidewalk construction is granted.

(b) Order When Street or Alley Paved; Exception. In furtherance of the stated policy concerning sidewalks, Council shall order the construction or reconstruction of a sidewalk or sidewalks at the same time that it orders the paving or repaving of any street or alley as provided for by Article 911, unless Council makes a special finding in such paving ordinance that existing sidewalk or sidewalks are adequate or the physical characteristics of the terrain, neighborhood or pedestrian traffic would not warrant the construction or reconstruction of sidewalks, in which event the construction or reconstruction of sidewalks in conjunction with the paving of the street or alley shall be waived.

(c) Required When Dwelling or Building Constructed; Exception. In addition to the requirements of this article, any person who applies for ~~obtains~~ a permit to construct a dwelling or building pursuant to the provisions of Part Seventeen - Building and Housing Code, ~~the plans~~ shall include plans for the construction or replacement of a sidewalk or sidewalks along the entire frontage on the public right-of-way of the premises or lot where the building or dwelling will be constructed. ~~Should there be an existing adequate sidewalk adjacent to the property on which construction is to take place and it is so deemed by the City Manager, then this section shall be inapplicable. In all other cases, a sidewalk shall be constructed or replaced unless on appeal to the City Manager such requirement is waived by appropriate order.~~ A sidewalk in compliance with all regulations of the City Code, including any applicable regulation in the Planning and Zoning Code, shall be constructed along with the construction of the building or dwelling unless a waiver or modification is granted. Such modification may include construction of a path on an alternate location, if agreed by the property owner and approved by City Council.

(d) Waiver.

(i) Upon application, the City Engineer may waive these sidewalk construction requirements for one of the following reasons: (A) the Pedestrian Safety Plan then in effect designates the area as one where sidewalks are not preferred; or (B) the City Engineer

determines, after consultation with the Pedestrian Safety Board, or the Traffic Commission, if there is no Pedestrian Safety Board, that pedestrian traffic to and through the area is adequately served by existing infrastructure.

(ii) No waiver shall be granted in the following instances:

(A) property adjoining a part of the State Road System established pursuant to West Virginia Code Chapter 17, Article 4, as it may be amended, other than a controlled access highway;

(B) property adjoining a roadway classified as an “Arterial” way pursuant to Article 909 of the City Code, unless there is a preexisting sidewalk on the opposite side of the roadway

(d) Deposit in Sidewalk Fund.

(i) If the City Engineer determines the requirement to construct a sidewalk should be waived, the applicant shall deposit with the City an amount equal to fifty percent (50%) of the ordinary cost of constructing a sidewalk of the dimensions required to cover the frontage of the subject premises or lot, as determined by the City Engineer.

(ii) The City Engineer may adopt regulations establishing the ordinary cost of construction of sidewalks for purposes of determining the required deposit amount. If no such regulations are in effect, the City Engineer shall determine the ordinary cost of construction upon each waiver request in accordance with the ordinary practices of the engineering profession.

(iii) The waiver shall not be effective until the deposit required by this Section is made, and any waiver granted shall be void if the deposit is not made within ninety days of the determination.

(iv) All such deposits shall be maintained by the City in a fund designated for use in connection with the construction, reconstruction, maintenance, and repair of sidewalks, sidewalk pavements, or paths on the public rights-of-way within the City.

913.17. ADMINISTRATION OF ARTICLE.

The City Engineer shall administer the provisions of this Article and is authorized to adopt written regulations, not inconsistent with the provisions of this Article, implementing the provisions of this Article. The regulations shall describe the process for appeal of any order issued under this Article, if an appeal is permitted. All such regulations shall be filed with the City Clerk upon adoption, and the City Clerk shall keep the regulations as a public record.

1333.07. PERFORMANCE STANDARDS.

(G) Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code along the frontage of a at each lot upon which a use is to be constructed ~~unless waived by the City Engineer for single and two family infill development on practicability merits. New sidewalks shall be at least five (5) feet wide. The City Engineer shall have the discretion to reduce this minimum standard to four (4) feet based on site constraints, or to conform to an existing but incomplete sidewalk along the same side of the street.~~

1335.07. PERFORMANCE STANDARDS.

(F) Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code along the frontage of a at each lot upon which a use is to be constructed ~~unless waived by the City Engineer for single and two family infill development on practicability merits. New sidewalks shall be at least five (5) feet wide. The City Engineer shall have the discretion to reduce this minimum standard to four (4) feet based on site constraints, or to conform to an existing but incomplete sidewalk along the same side of the street.~~

1337.07. PERFORMANCE STANDARDS.

(F) Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code along the frontage of a at each lot upon which a use is to be constructed ~~unless waived by the City Engineer for single and two family infill development on practicability merits. New sidewalks shall be at least five (5) feet wide. The City Engineer shall have the discretion to reduce this minimum standard to four (4) feet based on site constraints, or to conform to an existing but incomplete sidewalk along the same side of the street.~~

1339.07. PERFORMANCE STANDARDS.

(F) Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code along the frontage of a at each lot upon which a use is to be constructed. ~~New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street.~~

1341.07. PERFORMANCE STANDARDS.

(I) Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code along the frontage of a at each lot upon which a use is to be constructed. ~~New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street.~~

1343.07. PERFORMANCE STANDARDS.

(G) Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code ~~along the frontage of a~~ at each lot upon which a use is to be constructed. ~~New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street.~~

1345.07. PERFORMANCE STANDARDS.

(F) Sidewalks:

(1) Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code ~~along the frontage of a~~ at each lot upon which a B-1 use is to be constructed. ~~New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street.~~

(2) A canvas or fabric awning may be placed extending from a building over the sidewalk and into the public right-of-way. Such awning must be placed no lower than nine (9) feet above the sidewalk and extend no closer than three (3) feet from the curb line. An encroachment permit is required.

1347.07. PERFORMANCE STANDARDS.

(F) Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code ~~along the frontage of a~~ at each lot upon which a use is to be constructed. ~~New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street.~~

1351.01. STANDARDS.

(N) Sidewalks and Paths.

Sidewalks and Paths, as defined in Article 913 of the City Code, shall be constructed in accordance with the requirements of Article 913 of the City Code at each lot upon which a use is to be constructed. Where any sidewalk is required by the terms of this Part Thirteen, entitled "Planning and Zoning," excepting private walkways as governed by Section 1351.01(B), the sidewalk shall be constructed upon, or dedicated as, a public right-of-way. A path may be substituted for a sidewalk upon agreement of the property owner and City Council as provided in Article 913.

1353.07. PERFORMANCE STANDARDS.

(E) Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code ~~along the frontage (where feasible) of a~~ at each lot upon which a use is to be constructed. ~~New sidewalks shall be at least six (6) feet wide, or the same width as an existing but incomplete sidewalk along the same side of the street.~~

1355.08. PERFORMANCE STANDARDS.

(E) Supplementary Regulations.

(1) There shall be one principal entrance to the industrial site from any major thoroughfare bordering the tract, which shall be designed so that traffic at its intersection with the major thoroughfare may be controlled and so that there will be adequate storage space for traffic destined to enter the thoroughfare or to leave the industrial site.

(2) There shall be direct entrances or exits from parking areas or structures onto the adjoining major thoroughfare, but a service drive parallel to the main traffic-way may be provided for such access. Traffic on the service drive shall enter the main traffic-way via the principal entry.

(3) The owner or owners shall provide a plan for the installation of adequate facilities for the disposal of human and industrial wastes meeting the approval of the State Department of Health.

(4) The owner or owners of the site shall establish in the restrictions, which are a part of the plot for the subdivision, a perpetuating organization for the maintenance of the industrial site, such as roads and planting areas, the approval of building plans and other improvements, and the future maintenance of the site.

(5) Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code at each lot upon which a use is to be constructed.

1361.03. DESIGN AND PERFORMANCE STANDARDS COMMON TO ALL SUNNYSIDE OVERLAY DISTRICTS.

The following design and performance standards are held in common and shall apply to the SCOD, SSOD, and BCOD overlay districts.

(A) Buildings shall be oriented with the front facing the lot's primary street, or the Monongahela River if the parcel has frontage on the river.

(B) Buildings should be designed to overlook streets and public open spaces so as to create a "self-policing" environment.

(C) Buildings shall not be oriented with the front facing parking or service areas.

(D) On primary streets, street trees shall be provided at a minimum of thirty-five (35) feet on center.

(E) Building facades that are adjacent to public streets and/or open spaces shall have a high degree of ground floor transparency (at least sixty (60) percent).

(F) The siting of buildings should avoid the creation of unusable open spaces and should respect and complement view corridors to and from the hillside and the riverfront.

(G) Building massing should be the tallest at street corners. In order to achieve this, buildings constructed on a corner of two primary streets should be at least five (5) stories in height, provided that all other requirements of the zoning ordinance are adhered to.

(H) Ground floor retail and service-type uses located within mixed-use buildings along primary streets shall not be included in height calculations.

(I) For buildings taller than four (4) stories or seventy-five (75) feet in height, any additional floors in excess of four (4) stories shall be recessed or set back at least twelve (12) feet from the build-to line.

(J) A minimum of seventy-five (75) percent of the length of a building face shall be constructed at the build-to line, if established herein, along a primary street. The remaining twenty-five (25) percent may be set back a maximum of ten (10) feet from the build-to line.

(K) Land between the front facade of a building and a public street shall be landscaped to integrate with the neighborhood's sidewalk system. In any area or setback between a building and sidewalk, one or a combination of the following shall be provided:

(1) Landscaping/planting beds consisting of shrubbery and /or trees, or

(2) Special paving areas designed as plaza space. No grass or sod areas shall be allowed in this space.

(L) ~~On primary streets, sidewalks shall be a minimum of eight (8) feet in width.~~ Sidewalks shall be constructed in accordance with the requirements of Article 913 of the City Code at each lot upon which a use is to be constructed. The requirements of this Article 1361 with respect to the appearance and constituent materials of sidewalks shall prevail over conflicting requirements of Article 913.

(M) Front yard setbacks along secondary streets shall be a minimum of five (5) feet, and a maximum of fifteen (15) feet.

(N) Within areas of single family and two family dwellings, front yard setbacks of in- fill development shall not deviate by more than five (5) feet from the average front yard setbacks of the neighboring residences.

(O) Building Form and Scale:

(1) Total fenestration shall be at least fifty (50) percent for building facades facing primary streets and/or public open spaces. For the ground floor, the ratio shall be at least sixty (60) percent.

(2) All ground floor retail areas along primary streets and/or public open spaces shall have awnings over entrances and ground floor windows, extending out at least four (4) feet from the facade. Such awnings may be extended to cover public sidewalks, provided they are set back at least eighteen (18) inches from the curb line of the street.

(3) Overall building widths along primary streets may vary, but building facades shall be designed in ten (10) to twenty (20) foot increments, so as to achieve the appearance of a series of distinct, adjoining buildings.

(4) The articulation of buildings, and window proportions, shall be vertical for buildings constructed along primary streets.

(5) The minimum building height for a parcel on a primary street, shall be three (3) stories. On secondary streets, the minimum building height shall be two (2) stories.

(6) The majority of window openings shall be slightly recessed (4-8 inches) from the exterior building wall to create a distinct and uniform shadow line for the building's primary facade.

(7) Unless no feasible alternative exists, fire escapes shall not be constructed on or attached to the front facade of any building or structure. The City of Morgantown Fire Department shall be the determining authority as to whether a feasible alternative exists.

(P) Building Materials:

(1) Except for single and two family dwellings, the first two (2) floors of a building shall be constructed of natural materials. Natural materials include stone, brick, and wood siding, but do not include materials such as, or similar to, wood roof shingles, reflective glass, split faced concrete block, imitation stone, and imitation stucco or Drivit. Thirty-five (35) percent of the

remaining building facade(s) on the public right-of-way or any facade(s) facing a single-family residence shall also be constructed of natural materials.

(2) Vinyl siding or other composite materials shall not exceed thirty-five (35) percent of a building face that abuts a right-of-way.

(3) In general, brick and a recessed window vocabulary should predominate along the northern end of Beechurst and along University Avenue. Materials should transition into a mixed palette of brick, metal and glass toward the southern end of Beechurst. The Riverfront should utilize more contemporary materials such as metal and glass.

(4) Building materials which promote energy efficiency and sustainability should constitute a minimum of thirty-five (35) percent of the total materials used to construct a building.

(Q) Street Hierarchies and Land Use:

(1) Except for single and two family dwellings, buildings constructed along primary streets shall have sixty (60) percent or more of their ground floor space dedicated to retail, restaurant, office or personal service uses. Residential uses shall be permitted on the ground floor in the remaining space, but shall not enfront the primary street.

(2) The minimum number of off-street parking spaces for multi-family dwellings shall be one-half a space (0.5) per occupant as determined by the West Virginia State Building Code and adopted and implemented by the City. The minimum number of off-street parking spaces for mixed-use and over-store dwellings shall be one-half a space (0.5) per occupant as determined by the West Virginia State Building Code and adopted and implemented by the City plus required spaces for commercial use(s).

(3) Surface parking lots between buildings shall be designed as interior landscaped courtyards where cars are screened from the right-of-way; surface lots shall not be constructed where two (2) public rights-of-way intersect.

(4) Parking structures abutting open spaces or fronting on primary streets shall be designed with building-like facades.

(5) Parking garages three (3) stories or higher shall provide ground floor retail or service uses in an amount not less than thirty-five (35) percent of the ground floor area, located along the frontage of the garage.

(6) Private parking areas shall be accessed from secondary streets and/or alleys. Access from primary streets shall only be utilized when other options are not available.

(7) To minimize curb cuts along primary and secondary streets, residential garages or car ports or driveways shall be located at the rear of the property and accessed from an alley, when available.

(8) Parking areas and properties containing multifamily or commercial buildings shall provide linkages of similar design and quality to adjacent off-site pedestrian amenities such as sidewalks, bike paths, etc.

(9) Parking areas containing ten (10) or more stalls shall be lighted to create safe, attractive nighttime environments. Such lighting shall not be designed or situated in such a manner as to cause spillover glare onto adjoining properties. Building entrances and significant architectural or landscape features should be illuminated with low-intensity, indirect lighting sources directed toward the feature.

This ordinance shall be effective 30 days from adoption.

First Reading: _____

Second Reading: _____

Adopted: _____

Filed: _____

Mayor

City Clerk

AN ORDINANCE AMENDING ARTICLE 909 GOVERNING ADOPTION AND MODIFICATION OF THE CITY OF MORGANTOWN STREET DESIGN AND CLASSIFICATION MANUAL

909.01 ADOPTION OF STANDARDS; APPEAL.

(a) The "City of Morgantown Street Design and Classification Manual" dated March 1, 1981, and the contents therein, is hereby adopted by reference. The City Engineer is authorized and directed to modify, revise, and update the City of Morgantown Street Design and Classification Manual (hereinafter, the "Manual") in accordance with this Section. Each revision to the Manual shall be made in writing and shall be dated and signed by the City Engineer. Each revision shall be retained by the City Engineer and catalogued to reflect the effective dates of each version of the Manual. The City Engineer shall keep a complete current Manual reflecting all revisions thereto.

(b) Any person, firm or corporation desiring to have a street, roadway or alley right of way opened for public use has a right to appeal the minimum design recommended by the Engineering Department by submitting to the Engineering Department design criteria data prepared by a registered professional engineer of soil support values, traffic counts or vehicular load factors using accepted engineering procedures. After review of such additional data, the City Engineer shall again recommend the minimum design for the street desired to be opened. If the person, firm or corporation appealing is therefor dissatisfied with the City Engineer's recommended minimum design he shall submit a request to Council within thirty days of the City Engineer's second recommendation. Council shall promptly hold a public hearing, consider all the data and the City Engineer's recommendation and by resolution adopt that design in the City Street Design and Classification Manual that it finds appropriate.

(c) When a street is to be opened for development, the person opening the street may delay the placement of permanent pavement until the construction associated with the development is completed. The person making the request shall arrange to place in an escrow account, the amount necessary to cover the cost of placing the permanent pavement. The drainage, utility and base requirements should be completed before development begins. The asphalt or concrete pavement, sidewalks and curb, should be placed lastly, using the escrow funds to pay for the construction.

(d) The "West Virginia Department of Highways Standard Specifications Roads and Bridges, adopted 1978," as it may be amended or superseded, is hereby adopted by reference as the specifications governing materials and methods of construction for all street work.

(e) The City Engineer shall classify the ~~make a recommendation to Council of the classification of specific~~ City streets according to the street classification definitions contained in the City Street Design and Classification Manual. Such classification list shall be reviewed by the City Engineer periodically and updated in accordance with procedures for updating the Manual. ~~recommendations for changes submitted to Council for approval.~~

This ordinance shall be effective upon adoption.

FIRST READING: _____

SECOND READING: _____

ADOPTED: _____

FILED: _____

Mayor

City Clerk