

**REGULAR MEETING May 15, 2018:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, May 16, 2018 at 7:01 p.m.

**PRESENT:** City Manager Paul Brake, City Clerk Linda Tucker, City Attorney Ryan Simonton, Mayor Kawecki, and Council Members: Rachel Fetty, Ryan Wallace, Jenny Selin, Ron Dulaney, Deputy Mayor Mark Brazaitis and Barry Wendell.

The meeting was called to order by Mayor Kawecki.

**APPROVAL OF MINUTES:** May 1, 2018 Regular Meeting minutes were approved as amended by consensus.

**CORRESPONDENCE:** Mayor Kawecki read a proclamation declaring May 2018 as Building Safety Month and presented a proclamation recognizing May 15, 2018 as a day to honor literacy volunteers in Mon and Preston Counties. Councilor Fetty noted an e-mail from Liss Victory of an unfortunate situation between the Parking Authority and a citizen that received a ticket years ago wanting to resolve the issue amicably. **Ex. A.** She received an e-mail from Carmen Dunn explaining the reasons why Avalon needs paved. **Ex. B.** She also received an e-mail from a resident requesting that Waitman between Simpson & Dorsey should be paved this year. Deputy Mayor Brazaitis thanked the City Manager for helping the Appalachian Book Project get a permit for a “Solidarity Walk” on September 15, 2018. He thanked Bob Jones a citizen for his kindness by working with Health Right to help a homeless citizen. **Ex C.** Councilor Dulaney mentioned an e-mail from Tim Guminey, 356 Kingwood Street, mentioning the proposed blue curb parking changes and that he owns a multi-family rental in Wiles Hill and lost a tenant because of the new parking district restrictions. He asked Council to look at this parking permit ordinance closer and to reconsider his loading zone in front of his business. **Ex. D.**

**PUBLIC HEARING: AN ORDINANCE AMENDING ARTICLE 367 OF THE CITY CODE GOVERNING PARKING DISTRICTS:**

Mayor Kawecki declared the Public Hearing open.

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING ARTICLE 367 OF THE CITY CODE GOVERNING PARKING DISTRICTS:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 367 OF THE CITY CODE GOVERNING PARKING DISTRICTS.

City Manager explained that the amendment includes the new language to better define parking districts and their elements, as well as redefine time limits on visitor parking permits. He noted that it allows adjustments to parking districts as needed, and it establishes an upward adjustment of the fee included in these services. Council suspended the rules to have Dana McKenzie, Parking Authority Director answer questions to Council. After discussion. Motion by Fetty, second by Selin to propose an amendment that permits would not be issued until 30 days after the ordinance was implemented. Motion failed. 6-1. (Fetty voted No) Mayor called for a motion on the Ordinance for more discussion. Motion by Wallace, second by Wendell. After more discussion, questions were called. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** Mayor Kawecki reported that the following boards and commissions have openings on the Board of Zoning Appeals, Metropolitan Theatre Commission and Museum Commission.

**PUBLIC PORTION:**

Mayor Kawecki declared the Public Portion open.

Christine Wallace, 7 Warrick Street, announced that May 18, 2018 is "Bike to Work Day" at the Riverfront and the May Bike Social Ride will be from 6-9 pm. She stated that the Bike Bonanza will be held on May 19, 2018 and the first 125 attendees will receive a free helmet. She reported that on May 26<sup>th</sup>, 2018 Boparc partnered with the Morgantown Running Store to start the Morgantown Youth Running Club for the summer. She announced the following events May 22, 2018, Kids Safety Expo, WVU; May 23, 2018, Dolly Parton's Imagination Library and August 17-18, 2018, Spring/Spin Triathlon.

There being no one else wishing to speak, Mayor Kawecki declared the Public Portion closed.

**SPECIAL COMMITTEE REPORTS:** Deputy Mayor Brazaitis reported that at the Neighborhood Coordinating Council Meeting there was a presentation on the U.S. Census. He noted that it is important that everyone in the community be involved to enable us for grants and members for the House of Representatives. Ex. C. Councilor Selin mentioned the collaborative effort between the DOH, WVU and the City and Federal Agencies as they continue to work on pedestrian safety issues.

**NEW BUSINESS:**

**AN ORDINANCE AMENDING 2017-18 GENERAL FUND:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE FY 2017-2018 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE APART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

City Manager explained, motion by Deputy Mayor Brazaitis, second by Dulaney, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AMENDING 2017-18 COAL SEVERANCE FUND:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE FY 2017-2018 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE APART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

City Manager explained, motion by Wallace, second by Selin, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

**A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH DOT FOR PLEASANT STREET ALTERNATIVES PROJECT:** The below entitled Resolution was presented for approval.

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE MORGANTOWN PLEASANT STREET STREETScape TRANSPORTATION ALTERNATIVES PROJECT.

City Manager explained, after discussion, motion by Deputy Mayor Brazaitis, second by Wallace, to approve the above entitled Resolution. Motion carried 7-0.

**CITY MANAGER'S REPORT:**

**New Business:**

**1. Letter of Support – AARP Community Challenge 2018 Grant**

A grant proposal will be submitted to the AARP Community Challenge program to purchase and install park type of benches for the downtown area. The grant program is aimed at making quick action projects that will help our community area become more livable. The grant application is seeking \$7,500 for nine (9) benches. These will be placed in the landscaped bump out areas along High Street in downtown.

Although AARP is focused on older generation demographic, the grant program states that they are interested in community elements that support great places for all people of all ages. In the City's 2017 – 2019 Strategic Plan Document, we have identified encouraging and creating a vibrant downtown as one of our key priorities. Specially, in Objective 1, it states "research new tools for the entire downtown to fund public spaces, improvements, and new programming opportunities."

The grant does not require a grant match, however the in-kind labor to install and other site preparation expenses will be shared equally by the City and Main Street Morgantown. The grant application is due on Wednesday, May 16 and we will know by July if the City is a recipient. Assuming the City is successful in securing the funding, the project must be completed by early November.

It is not required but am suggesting that the City submit a letter of support. In doing so, staff recommends City Council approval to compile this letter.

City Manager explained, after discussion, motion by Deputy Mayor Brazaitis, second by Wallace, to approve the letter of support. Motion carried 7-0.

**2. Award Bid – PEMP Erection and Finished Project for Airport T-Hanger**

Back on the April 17, 2017 meeting, City Council authorize the City Manager to obtain materials for the airport T-Hanger Project. As mentioned at this meeting, the City Manager is bringing back the bid tabulations of the Pre-Engineering Metal Building (PEMB) components for Hanger 2 and Hanger 3 at the Morgantown Municipal Airport.

A bid opening occurred on Thursday, May 10 and we received two bids for the PEMB project. Attached, you will find a memorandum from our airport engineer, detailing the scope of work and tabulation of the bids. They are also recommending include the Add Alternatives #1 to finish Hanger 1. In doing so, our consultant is recommending Lytle Construction Corporation in the bid amount of \$772,500. The funds are currently set aside in the Capital Escrow budget (no budget amendments are needed). Council action is needed in awarding the bid to recommended contractor.

We anticipate the hanger structures should be completed by the end of August. Additional site work (e.g. restoration of the ground, approach paving, underground utilities, etc.) will still need to be completed before the hangers can be utilized. The entire work should be finished by fall.

City Manager explained, after discussion, motion by Deputy Mayor Brazaitis, second by Wendell, to accept the Bid from Lytle Construction Corporation in the amount of \$772,500 to complete the hangar structures. Motion carried 7-0.

**REPORT FROM CITY CLERK:** No Report

**REPORT FROM CITY ATTORNEY:** City Attorney Ryan Simonton presented (Ex E.) to Council the three Home Rule Amendments: Campaign finance reporting, Exercise certain authority over roads and highways within city

boundaries and use the Board of Zoning Appeals as the appeals board for the Subdivisions and Land Development Ordinance. City Manager explained and then referred to the City Attorney for further dialogue. Council suspended the rules to ask questions about the Home Rule Process. After discussion, Council by consensus approved the City Attorney to move forward with the plan as it is known that an ordinance will be presented at a COW where amendments can be made.

**REPORT FROM COUNCIL MEMBERS:**

- Councilor Fetty: Councilor Fetty announced the various activities in May for National Kids to Park Day in Morgantown. She stated that the First Ward Neighborhood Association will meet on 5/21/18 at M-Tech at 6:30 p.m.
- Councilor Wallace: Councilor Wallace announced that the Wiles Hill Highland Park Neighborhood Association Meeting is on 5/16/2018 at 6:30 p.m.
- Councilor Selin: Councilor Selin noted the Botanic Garden Dinner Series, Bike to Work Day and the Gene Vance Day on May 19<sup>th</sup>, 2018.
- Councilor Dulaney: Councilor Dulaney mentioned two items from the Planning Commission that will be coming to Council at a COW, one is “mixed and multi-use residential development” and the other relates to “Veterinary Clinic” uses. Woodburn School Redevelopment Commission Chair Chris Haddox met with City Manager Paul Brake about the plumbing issues at the school and out of that meeting it was understood that the plumbing will be fixed for the Boys & Girls Club. He announced that on 5-24-18 Woodburn Redevelopment Commission will meet at 6:30 pm and History Museum will meet on 5-17-18 at 6:00 p.m.
- Deputy Mayor Brazaitis: Deputy Mayor Brazaitis mentioned attending the Mylan/WVU announcement and is glad they are donating to 4H programs via Extension. He noted that the community should encourage the future farmers, scientist and entrepreneurs. He mentioned it would be nice if Mylan would rehire the 500 employees, but on another note asked the Mylan CEO to join the City. He congratulated the winners of the election and noted that Council looks forward to working with the newly constituted Board of Education.
- Councilor Wendell: To see Councilor Wendell’s report reference attached. **Ex. F.**
- Mayor Kawecki: Mayor Kawecki made the following Announcements: 7<sup>th</sup> Annual Gene Vance Day Saturday May 19<sup>th</sup> at 11:00 am, in front of Monongalia County Court House; Terrarium Garden Workshop at the Botanic Gardens Saturday, May 12<sup>th</sup> at 1:00 pm; Planting Containers at the Botanic Gardens Sunday May 20<sup>th</sup> at 2:00 pm; Craft-it-up Rock Painting at the Morgantown Public Library Monday May 21<sup>st</sup> 6:30 pm to 8:00 pm; Morgantown Book Club at the Morgantown Public Library Thursday, May 24<sup>th</sup> at 6:00 pm.

**EXECUTIVE SESSION:** Motion by Wallace, second by Deputy Mayor Brazaitis, to go into executive session. Pursuant to West Virginia Code Section 6-9A-4(B) (12) to discuss property acquisition in the 5<sup>th</sup> Ward. Motion carried by acclamation. Present: City Manager, City Attorney and Council. Time: 9:05 p.m.

**ADJOURNMENT:** There being no further business motion by Wallace, second by Dulaney to adjourn at 10:18 p.m.

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City Clerk

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Mayor

**\*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD IN THE CITY CLERKS OFFICE\***

# Harassment from Morgantown Parking Authority - Please Help

Liss Victory <lissvictory@gmail.com>

Mon 5/7/2018 12:00 PM

To: Rachel Fetty <rfetty@morgantownwv.gov>;

Cc: Jenny Selin (C.C. Ward 4) <jselin@morgantownwv.gov>; Krish Mohan <ramannoodlescomedy@gmail.com>;

Hello Ms. Fetty,

My fiancé, Krish Mohan, just got off the phone with Dana McKenzie, who chose to end the call by hanging up on him. Mr. McKenzie was incredibly rude throughout the conversation. Krish is trying to rectify a parking ticket which has accumulated too many fines for us to afford, mainly because we never knew about this ticket until recently. Because it was sent to the wrong address. Repeatedly and constantly. Upsetting the current residents of the address so much that they have contacted Krish.

- The ticket was sent to the wrong address.
- Krish was not informed about it until the current residents of the wrong address contacted him, saying they felt harassed by these constant letters.
- The accumulation of fees is more than we can afford to pay.
- Krish wants to pay the original cost of the ticket.
- Krish should not be liable for the fees incurred over the time because *he was not contacted* by Morgantown Parking Authority.
- Krish called and left several messages for Mr. McKenzie, which were never returned.

We really want to resolve this issue. The unprofessionalism we encountered from Morgantown Parking Authority should be considered unacceptable by their council members, which is why I am emailing you for help.

Krish and I are struggling performance artists. We're not rich. And turning a \$10 ticket that we didn't know about into a \$70 ticket hurts us financially. We really enjoy putting on shows in Morgantown and bringing special events to the community.

But, the way we have been treated does not encourage us to return, or inspire us to encourage our friends to bring talent to Morgantown. Quite the opposite. If we can't resolve this reasonably and amiably, we would most certainly warn other artists to avoid Morgantown. And not return ourselves.

We're hoping you can take some time to help us out and do what's in the best interest of your community and the folks out there who are struggling while trying to make the world a better place.

Thank you for your time.

Liss Victory @lissvictory

∴ Singer / Songwriter ∴

814.403.2989

[lissvictory.com](http://lissvictory.com)

# Avalon Street Paving

CARMEN DUNN <csdunn@comcast.net>

Thu 4/19/2018 3:41 PM

To: Paul Brake <pbrake@morgantownwv.gov>; Damien Davis <ddavis@morgantownwv.gov>; Rachel Fetty <rfetty@morgantownwv.gov>;

📎 5 attachments (25 MB)

Dorsey to Avalon (1).JPG; Dorsey to Avalon (2).JPG; 1216 Avalon.JPG; 1213 Avalon.JPG; 1204 Avalon.JPG;

My name is Carmen Dunn and I live at 1209 Avalon Street. I am writing concerning the proposed paving schedule for the next 5 years. My neighbors and I have asked continually for our road to be paved to no avail. I personally have contacted our past and present City Councilman/woman expressing the need for paving on Avalon Street.

Avalon Street is a Dead End, however, 2/3 of the traffic on this road is from drivers attempting to get to Marjorie Gardens. We have three total "No Outlet" signs and I personally painted the guardrail at the end of the street neon yellow to draw attention to the guardrail. All these attempts have only slightly decreased the Marjorie Gardens traffic. Despite it being a Dead End, it DOES have excessive traffic due to those attempting to enter Marjorie Gardens. Those attempting to find Marjorie Gardens simply look down Avalon Street from Dorsey Avenue, see the apartments and turn in, not paying any attention to the signage. Not until they get half way down the street and see the guardrail do they figure out it doesn't go to Marjorie Gardens. They then turn in our driveways or run through the lawns of those living at the end of the street in order to reach their destination. So, the Dynatest program DOESN'T work for our circumstance.

In addition, to the excessive traffic, the road is tilted to the right and the ditches created probably 30+ years ago are not catching the street water as they are supposed to. Water flows down the right edge of the road instead of into the ditches, as it should, causing erosion along side the upper house's driveways. At our own expense, my husband cemented in a diversion with a drain beside our driveway for water to be able to flow into the ditch instead of continuing down the road. Due to the drainage problem, the end of my driveway has become cracked up and the street is eroding in front of my driveway. This will soon create large potholes.

Avalon Street has never been paved by the City of Morgantown since being annexed into the City in 1994. Our road was last paved by the homeowners in the 1980's. I only know this because I grew up on the street below, Macomb Street. Macomb Street was paved last year. Macomb Street is a Dead End Street (occupying 15 houses) and does not contain excessive traffic for any reason. West Virginia Avenue (Dead End Side) is scheduled for paving this year. It's also Dead Ends and contains no reason for excessive traffic. The Dynatest doesn't prove to be the answer to objectively picking what streets receive paving.

In conclusion, my neighbors and I ask that you revisit efforts through the public works department to pave our street.

I have attached pictures showing some of the poor conditions that exist on Avalon Street due to age, wear/tear and improper water flow.

**ATTACHMENT DESCRIPTIONS: IMPORTANT - OTHER ATTACHMENTS IN SEPARATE E-MAILS DUE TO SIZE**

Dorsey to Avalon 1&2 - Indicates deterioration occurring at beginning of street and the elevation difference that exists between Dorsey Ave. and Avalon St.

1216, 1213 and 1204 Avalon - Potholes that exist near these particular addresses.

1209 Avalon 1&2 - Indicates the deterioration and potholes that are forming at the bottom of my driveway due to age, wear/tear and improper water flow that occurs down the roadside instead of the ditches. Second picture shows cement diversion that my husband built allowing the water to run into the ditch.

1201 Avalon 1&2 - First picture indicates poor patchwork performed after digging up the road. Second picture shows how the end of the road is breaking away due to Marjorie Garden visitor's turning around or driving over the edge of the road while going through this homeowner's yard to get to Marjorie Gardens.

Overall Deterioration - Shows the overall deterioration and cracking occurring to the road due to the age, wear/tear of the current pavement.

I look forward to your response.

Respectfully,

Carmen Dunn

304-282-1008



**Mark Brazaitis, deputy mayor, councilor from Ward 6**

**5-15-2018**

Correspondence

The city manager kindly provided instructions to student members of the Appalachian Prison Book Project about how to apply for city permission to hold a “Solidarity Walk,” scheduled for September 15.

Bob Jones – Morgantown citizen – expressed concern about a particular homeless citizen. He is working with Health Right to help the gentleman. Thank you to Bob for his kindness.

Special Committee Reports:

At the Neighborhood Coordinating Council, we heard an important presentation on the U.S. census. It will be imperative that we count EVERYONE in our community, as the number of our representatives in the U.S. House of Representatives—and the kinds of grants we’re eligible for—depend on it.

**Councilor report**

Several of us attended the announcement yesterday from Mylan and WVU: I am of course glad to see Mylan donate to 4H programs via WVU Extension. We need to encourage our future farmers, scientists, and entrepreneurs. To expand its goodwill, it would be great to see the company rehire the 500 employees in Morgantown it laid off and, in a true commitment to its hometown, join the city. On the latter point, I did offer that invitation to Mylan’s CEO.

Congratulations to the winners in the recent elections. I know we’re all looking forward to working with the newly constituted Board of Education. But also congratulations to everyone who ran and didn’t win. It’s important that voters have a choice—a choice of visions for our future and for the candidates who have those visions. As we know here, it isn’t necessarily easy to put oneself in front of the public, but it’s essential that people do so in order to honor and sustain our democracy.

Met Theater Commission—Fox News televised the WV Republican U.S. Senate candidate debate, and it generated prime attention to Morgantown. Exciting shows at the Theater, including Jenny Lewis, are upcoming.

Councilor Delaney and I attended the recent Jerome Park Neighborhood Association meeting to discuss their hopes for a memorial garden and improvements in the Paul Preserve, a wonderful green space (though as we learned, a little too carelessly used by dog owners, despite the availability of plastic bags). Let it not be said that any issue is too small for this city council: Neighbors, please clean up after your canines!

Both UHS and MHS graduations are this weekend. Congratulations to the graduates!



**Linda Tucker**

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**From:** Ronald Dulaney  
**Sent:** Wednesday, May 16, 2018 2:18 PM  
**To:** Linda Tucker  
**Subject:** Fwd: Proposed blue curb parking changes

Linda, I failed to provide this to you last night - for inclusion in the minutes.

Thank you.

Best,

Ron

Begin forwarded message:

**From:** Tim Guminey <[tim@mywvuhome.com](mailto:tim@mywvuhome.com)>  
**Date:** May 14, 2018 at 9:43:17 AM EDT  
**To:** [Rwallace@morgantownwv.gov](mailto:Rwallace@morgantownwv.gov), [Rdulaney@morgantownwv.gov](mailto:Rdulaney@morgantownwv.gov)  
**Cc:** Jay Guminey <[jay@mywvuhome.com](mailto:jay@mywvuhome.com)>  
**Subject:** Proposed blue curb parking changes

Council members

I would like to take the time to give you a recent business transaction that didn't happen all because of the changes coming to blue curb parking. I own a multi-family rental in the Wiles Hill parking district. I recently had a customer back out of leasing a unit after they found out about the proposed parking changes. She has a child with special needs that requires close proximity to Ruby Hospital but at the same time requires nurses and educational staff to operate within the home. Because of the proposed rate changes as well as limited availability for passes she chose to locate outside of the cities parking districts. As she stated it's already hard to find visiting nurses let alone ones that are subject to parking fines and fees. I lost business income, the city lost B &O, and my customer had to move outside of Morgantown. Everyone lost in the situation. I think city council and staff needs to take into account this case before making a recommendation on this issue. For verification I will include my customers name and telephone number so you can give her a call. Melissa Coffman (304) 692-6593.

On a somewhat related note my request made in October 2017 for a loading zone in front of business at 356 Kingwood street has still not become a reality do to city staff. I have lost income, the city has lost B&O, and the city is developing an anti-local business reputation. Nobody has come out ahead in either of these situations, but the city is the Biggest Loser.

Thanks Tim

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*Tim Guminey*  
**G&G Rentals L.L.C.**  
*Quality, Quiet, Convenient Morgantown Housing*

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# THE CITY OF MORGANTOWN

## Home Rule Plan Amendment

### Introduction

The City of Morgantown (“Morgantown”) has been approved to participate in West Virginia’s Municipal Home Rule Pilot Program, Phase II (“Home Rule Program”) and its initial written plan has been approved by the Municipal Home Rule Board (the “Board”). Pursuant to *W. Va. Code* § 8-1-5a(k), “[a] municipality selected to participate in the Municipal Home Rule Pilot Program may amend its written plan at any time.” A first amendment to the City’s written plan was approved by the Board on September 14, 2015. A second amendment to the City’s written plan was approved by the Board on October 3, 2016. The most recent amendment to the City’s written plan was approved by the Board on October 2, 2017, granting authority for Fire Marshals’ arson and explosives offenses arrest authority, limiting expansion of nonconforming agricultural, industrial, and manufacturing uses; waiver of the certified mail requirement for zoning changes that alter density; disposition of real estate without auction; expenditure of money on schools by agreement with the governing agency; and elimination of the property ownership requirement for park board membership. Morgantown has successfully implemented initiatives in its current plan and seeks the amendments below to promote additional community benefits through the Home Rule Program.

The City proposes amendment of its written plan to include the following:

1. Campaign finance reporting. Reporting of expenditures on political campaigns is regulated by West Virginia Code Chapter 3, Article 8. The City seeks authority to add reporting requirements for municipal elections, which would be managed locally.
2. Exercise certain authority over roads and highways within city boundaries. As approved for the City of Weirton in its 2014 Home Rule Plan, the City seeks authority to regulate the roads within its corporate limits to provide local management of safety issues that may not be adequately addressed by a statewide rulemaking system or regional maintenance plan.
3. Use the Board of Zoning Appeals as the appeals board for the Subdivision and Land Development ordinance. State Code authorizes decisions enforcing an adopted Subdivision and Land Development Ordinance be appealable to an administrative board. The City

seeks to utilize the existing Board of Zoning Appeals to hear such appeals in order to promote efficient governance and consistent decisions on local development issues.

The applicable laws and reasons for amendment are set out below.

## Proposed Initiatives

1. Campaign Finance reporting.
  - a. Applicable laws: West Virginia Code Chapter 3, Article 8. (Attached as **Exhibit 1**).
  - b. Limitations presented by law: State law provides for campaign finance reporting to local election officials in accordance with prescribed timelines. The law does not explicitly provide municipal authority to require additional reporting in municipal elections.
  - c. Home Rule solution: The City will adopt an ordinance establishing reporting requirements for expenditures on political campaigns, which will augment the existing system provided by state law and allow prompt receipt and publication of City campaign finance reporting immediately prior to each election. The City only seeks authority to require additional reporting for municipal elections and administered by City election officials. The authority would not alter or abrogate any statewide requirement, nor would it impose additional duties upon the Secretary of State's office or other state agency.
  
2. Exercise certain authority over roads and highways within city boundaries. The City will establish and enforce laws regulating traffic on the roads within the City which present local concerns not adequately addressed by statewide regulation. The City will manage use of the rights-of-way outside the state route system consistent with appropriate professional standards and community uses. The City will train enforcement officers to conduct checks of proper weight and size of vehicles traveling the roadways within city limits.
  - a. Applicable laws: West Virginia Code sections 17C-2-8, 17C-6-3, 17C-17-12, attached as **Exhibit 2**.
  - b. Limitations presented by law: State law requires the City to manage the public roads within its corporate limits but has been construed to prevent the City from undertaking safety measures on roads within the state road system. The state road system encompasses the majority of Morgantown's historic downtown and includes roads with dimensions and uses distinct from highways used for long distance travel. The use of generally-applicable rules on some of these routes leads

to grave safety issues and improper traffic management. The City is precluded from repairing damaged roads, replacing defective lighting, painting and signing pedestrian crosswalks, and ensuring roadway dimensions accommodate the vehicles operating within the lanes provided. These limitations lead to daily negative impacts on the community through traffic delays and automobile damage due to deteriorated roadway conditions. The community has also experience several automobile-pedestrian collisions on state routes, and citizens look to their local officials to prevent these tragic events. Authority to regulate and maintain these routes could allow the City to respond more efficiently to concerns about appropriate lighting, signage, and roadway or crossing conditions.

- c. Home Rule solution: The City seeks authority to regulate and maintain state routes within the City as it may regulate and maintain other public roads. The City's initial goals include (1) establishing maximum vehicle loads equal to those on the Interstate Highway System to avoid preferential use of city streets more suited to multimodal uses; (2) training enforcement officers to check weights of vehicles traveling on city streets; (3) establishing maximum vehicle widths for certain roadways; (4) limiting vehicle speed below twenty-five miles per hour in appropriate areas; and (5) prioritizing repair and maintenance of high-traffic roads in the City's downtown core along with facilities for pedestrian use of such roadways, including crosswalk markings and signage. Any such changes or regulations would remain the responsibility of the City without imposing liability or maintenance costs upon the West Virginia Department of Transportation Division of Highways ("DOH"). The City would implement this authority by ordinance designating appropriate elected bodies or administrative officials as decisionmakers and requiring a notification or negotiation process with appropriate personnel from DOH who concurrently manage the roadways. This authority has been successfully implemented through the Home Rule program by the City of Weirton.
3. Use the Board of Zoning Appeals with respect to the Subdivision and Land Development Ordinance.
    - a. Applicable laws: West Virginia Code section 8A-4-2, attached as **Exhibit 3**.
    - b. Limitations presented by law: State law authorizes establishment of a board to hear appeals of decision enforcing a jurisdiction's subdivision and land development ordinance. *W. Va. Code* § 8A-4-2(b)(1). The board would have the same powers over the Subdivision and Land Development Ordinance as are exercised by a Board of Zoning Appeals with respect to an enacted Zoning Ordinance. Morgantown is planning to update its Subdivision and Land Development Ordinance but intends to continue integrating the subdivision process within its Planning and Zoning Code. Due to the integrated issues and the land use expertise among members of the Board of Zoning Appeals, the City believes its citizens would benefit from a more efficient appeals process by designating the existing Board of Zoning Appeals

as the board exercising authority pursuant to *W. Va. Code* § 8A-4-2(b)(1) under the Subdivision and Land Development Ordinance.

- c. Home Rule solution: Upon adoption of a Subdivision and Land Development Ordinance pursuant to West Virginia Code Chapter 8A, Article 4, or concurrent therewith, the City will adopt an ordinance designating the Board of Zoning Appeals as the body authorized to hear appeals and exercise other authorities with respect to the Subdivision and Land Development Ordinance pursuant to *W. Va. Code* § 8A-4-2(b)(1).

CKE

## Linda Tucker

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**From:** Barry Wendell  
**Sent:** Sunday, May 20, 2018 2:46 PM  
**To:** Linda Tucker  
**Subject:** Councilor Report from May 15

People have spoken tonight about the bike events this week. I would add that Pennsylvania is building a path from the state line to Point Marion. I rode the Rail Trail to the state line last weekend, and saw that it was under construction. This will be a great addition to our local bicycling network.

I am mourning the passing of Kevin Kamenetz this week. He was Baltimore County Executive and a candidate for Governor in Maryland's Democratic primary, and he had a heart attack at home after attending a candidate forum that night. This should be a warning to all of us to take it easy. Kevin grew up in my neighborhood and his older brother, Rodger Kamenetz, was a classmate of mine from second to eighth grade.

I sent the Dominion-Post an announcement about my nephew's wedding in Key West, Florida on March 25, and they were kind enough to publish it last Sunday. Rabbi Joe Hample officiated.

The Jewish holiday of Shavuot begins Saturday night and runs until after sunset Sunday or Monday, for those who observe two days. It marks fifty days since Passover and is said to be the day we received the Torah at Mt. Sinai. We have traveled from liberation to revelation. The Christian Pentecost is a similar holiday.

I should say something about Israel. The American Embassy move to Jerusalem is for show. It doesn't really change anything. What's notable is that the clergy who spoke at the opening, John Hagee and Robert Jeffress, are both notoriously anti-Islam, anti-Jewish and anti-LGBT. This will not help bring about peace, nor will it please most American Jews.

As to the events in Gaza, this is a human rights disaster. Israel, Hamas, the United States and the other Arab nations have had a share in creating this situation. Skilled diplomacy might alleviate the suffering of the people there, but there is no one to step up at this time..This is not genocide. What is happening in Syria and Yemen is genocide.

Finally, my class at Osher Life-Long Learning at WVU, "The Great Hits of 1965" ends this Thursday at 1 P.M. at Mountaineer Mall. I'll be introducing Simon and Garfunkel's "The Sounds of Silence," and The Beatles' album "Rubber Soul." Stop by.