



The City of Morgantown

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

Office of the City Clerk

AGENDA
MORGANTOWN CITY COUNCIL
COMMITTEE OF THE WHOLE
Tuesday, January 29, 2019
7:00 p.m.

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. Audit Presentation – Tetrick and Bartlett
2. Morgantown Municipal Green Team – Annual Report 2018
Jim Kotcon, Energy Chair, Municipal Green Team

PUBLIC PORTION:

ITEMS FOR DISCUSSION:

1. Audit Presentation – Tetrick and Bartlett
2. Morgantown Municipal Green Team – Annual Report 2018
Jim Kotcon, Energy Chair, Municipal Green Team
3. Home Rule Plan Amendment
 - a. Use the Board of Zoning Appeals with Respect to the Subdivision and Land Development Ordinance
 - b. Campaign Finance Reporting
4. Ordinance Approving Beverly Alleyway Annulment – Campus Neighborhoods Revitalization Corp
5. Ordinance Approving Right-of-Way and Easement Agreement for Airport Property
6. Ordinance Requiring Financial Disclosure Statement
7. Ordinance to approve current replacement pages to the city code



Annual Report 2018

Morgantown Municipal Green Team

Submitted to City of Morgantown City Manager on January 11, 2019

Active Members:

Holly Purpura (2017–18 chair), Joey James (2015–17 chair), Pamela Cubberly (secretary), Jim Kotcon (energy chair), Jing Zhang (planning chair), Joseph Kanosky (NETL), Karen Kalafat, Vanessa Reaves, Alex Davis, Jenny Selin (City Council), and Mark Brazaitis (City Council).

In 2018, the Green Team:

- Updated/developed documents on sustainability distributed by mail, online, and other outreach
- Participated in educational events on sustainability
- Followed up on implementation of recommendations of 2016 energy audits of 7 City buildings
- Researched potential for installing LEDs in city streetlights
- Drafted a City of Morgantown Climate Action Plan for City Council consideration and action
- Initiated and is actively involved in City proposal for West Virginia recycling assistance grant
- Supported continued action to expand use of renewable energy

Public Information and Education

Accomplished:

- **Recycling brochure.** After review of Republic Services' proposed recycling brochure, the team submitted its own design that was more accessible, accurate, and postable for distribution by Republic Services, which after some revisions and mailed out to its customers for 2018. The new brochure was more accessible, postable, accurate, and mistake free. The team still found some issues with the brochure as well as customers. In September, at the request of the City communications director, the team corrected and improved the 2018 brochure for posting on the City website and limited distribution by the team and City. The team remains in touch with the City manager on potential changes to the brochure due to market and other factors.
- **Energy policy guide.** At the March 27 City Council COW meeting, the Green Team presented an existing City energy policy guide¹ on energy-efficiency practices for distribution among City employees as a handbook in their daily work. City Communications Manager Andrew Stacy now

¹ City of Morgantown (date unknown). *Money, Energy, and Sustainability*. "A policy guide for city of Morgantown employees on reducing energy use and waste in local government operations."

regularly publishes a new City employee newsletter with tips on how employees can work sustainably, using information drawn from this guide. Soon thereafter, Andrew posted the guide and the team-designed recycling brochure to the City's recycling webpage for public access.

- **Public events.** Team members participated in the following public outreach events:
 - At the April 21 Earth Day event at the Farmer's Market, the Green Team, working with Mountaineers for Progress, shared information on recycling and handed out recycling brochures to interested visitors.
 - On September 8, the team also ran a green public education table at the Rise-Up Renewables day of action fair sponsored by the Mountaineers for Progress and Sierra Club.

For future public events, the team invested its \$500 City budget in printing a Green Team banner with grommets, a large poster describing the team's work, as well as 300 copies of the September team-corrected and -updated recycling brochure for distribution by the City/team.

- **Education: WVU Engineering Challenge.** On June 27, 2018, several members of the Green Team served as resource persons to assist with the West Virginia Engineering Challenge. Jared Bartrug in the WVU Engineering Department and others ran this summer program as an opportunity for high school students to study and propose solutions to real-life engineering problems.

Potential impacts:

- Team efforts on public information helped residents to recycle properly and reduce landfilling of contaminated recycling.
- By developing the means to organize green public information tables more widely at public events, the team hopes to broaden its reach "beyond the convinced" in the future.
- Participating engineering students received experience grappling with real issues and challenges faced by the City in becoming a sustainable community with ramifications for future career choices and work decisions.

Next steps:

- The team intends to purchase an inexpensive tent for 2019 outreach to the wider public on recycling.
- The team intends once again to work with the City and Republic Services on clarity and accuracy in likely updating of City recycling information given market trends in recycled materials.

IAC Energy Audits and Recommendations

Accomplished: City Manager Paul Brake budgeted \$12,500 in the 2018 budget for implementation. The City has already implemented a number of the IAC recommendations, such as installing motion sensors and LED lighting. The City will report on its success at the end of its fiscal year in mid-2019.

Potential impacts: The initial 2018–19 City effort to take advantage of "low-hanging fruit" has been a good start and will reap energy savings immediately by reducing costs.

Next steps: Full implementation of the IAC recommendations would significantly contribute to the CO₂e reduction metrics for the city's proposed Climate Action Plan (CAP). The reduction would be around 300 tons CO₂e/year. Therefore, the Green Team will propose the City increase the budgeted amount for

implementing IAC recommendations to about \$50,000 for 2019–20, that is, half the remaining expense predicted in the IAC report. The Green Team believes that, to achieve the goals of the Paris Accords, the City must make these cost-effective investments as soon as practicable.

LED Street Light Conversion

Accomplished: Last fall, the team formed a new LED Streetlight Working Group to explore whether lowered costs of LEDs might now make it feasible for the City to switch streetlights to these efficient bulbs. Dr. Ken Means (WVU Mechanical Engineering), Joseph Kanosky (NETL), Jim Kotcon (team energy chair), and Pam Cubberly decided to reach out to a number of contacts to establish whether Mon Power might now create a favorable tariff on LEDs for streetlights. However, research by former City liaison and City employee Trevor Lloyd through contacts at Mon Power revealed that the situation remains the same: any LED tariff created at this point would not save the City any money, which otherwise would have paid for LED installation. Apparently, the company does recognize that LEDs are the future.

Potential impacts: No *economic* benefits are likely at this time in pursuing an LED tariff with Mon Power; however, there *are* energy use / CO₂e reduction benefits. LED streetlight conversion would substantially contribute to the CO₂e reduction metrics for the City's CAP. The reduction would be around 980 lb. CO₂e/year/light when replacing high-pressure sodium lights with LEDs. The team will continue monitoring for any new opportunities for an LED tariff in the next year or two.

Next steps: The team will look for other opportunities to reduce energy use/costs of streetlights, in particular, identifying City outdoor or indoor lights not owned by Mon Power. The team has recruited a WVU engineering intern to carry out a complete inventory of City lights, prioritizing outdoor lights. The data will also be used in the draft climate action plan to be presented to City Council in January 2019.

Climate Action Plan Draft for City Council (Working Toward the Goals of the Paris Climate Accord)

Accomplished: The Sierra Club allocated funds to Downstream Strategies to develop a municipal climate action plan (CAP). Jim Kotcon organized a CAP Working Group that involves community members and, at the City Council's January 2019 Committee of the Whole meeting, will present its action plan on specific actions the City can take to meet the goals of the Paris Accords. Key initiatives on this list include several team-initiated projects either proposed or under implementation by the City.

Potential impacts: The team hopes the City and City Council will adopt and press forward on this action plan in 2019, with appropriate funding, especially as measures will save the City money in the long term.

Next steps: Recommendations in the team's January presentation to council will focus on actions that influence municipal emissions. Activities in 2019 will continue to develop plans whereby the City can incentivize greenhouse gas emissions reductions in the commercial and residential sectors.

Renewed Team Effort to Divert More Waste from Landfills

Accomplished:

- The team formed a Reduce/Reuse/Recycle (RRR) Working Group in late September, which is now actively working with City Grant Writer Robyn Hess to complete a WV Department of Environmental Protection Recycling Assistance Grant application, due July 1, 2019 for implementation from January 2020 to February 2021.
- The working group is considering a multifaceted proposal for these grant funds that targets improper recycling behavior. One scenario is to implement a *proven program to reduce contamination of recycling bins* and divert increasing amounts of recyclable materials from the

landfill. This behavior change effort would be reinforced by *a broad public education and media campaign*. At least *two subprojects would focus on key target audiences in schools and in off-campus student housing*. Given possible restrictions in future on what can be recycled, any work by the team will emphasize not only recycling but also reducing/reusing household materials.

- In October, several members of the RRR Working Group attended a solid waste summit hosted by the Monongalia County Solid Waste Authority to meet other solid waste stakeholders countywide and discuss how best to meet the solid waste needs of the community in the long term. Topics included recycling, e-recycling, composting, waste reduction, and education.

Potential impacts:

- If funded, the grant would support a major City effort (managed by the Green Team with City supervision) to address proper/increased recycling. Proven methods could bring the community together in reducing landfill waste and carbon emissions, contributing to reaching CAP goals.
- Communication and learning among stakeholders across Monongalia County could lead to better collaboration and planning for addressing long-term issues in solid waste management.

Next steps: The RRR Working Group is currently researching, contacting City staff for initial input and buy-in, recruiting citizens interested in assisting in grant development and implementation, and more. Once a detailed outline of a proposed grant-funded program is developed, the RRR Working Group will arrange a formal meeting with City and Republic Services personnel for input and revisions but, more important, will establish their collaboration on the proposed program.

Renewable Energy: Mountaineer Country Solar Co-op

Last fall, the Green Team agreed to co-sponsor the newest proposal for a solar co-op and the third in which the team has been involved. The Mountaineer Country Solar Co-op is serving as a buying club to provide economies of scale to local residents who wish to invest in rooftop solar installations.

Accomplished:

- In September, the Green Team co-hosted an information workshop at the Morgantown Public Library for local residents interested in going solar.
- Several members participated in Solar Open house events in October to share information on their solar installations, and recruit additional participants in the co-op.

Potential impacts:

- Solar co-ops are a cost-effective way for residents to purchase solar power installations and take advantage of economies of scale in buying bulk.
- The Mountaineer Country Solar Co-op is the third in the Morgantown area co-sponsored by the Green Team in the past four years. The two previous co-ops resulted in 29 installations totaling 184 kW of installed capacity.

Next steps: The Co-op will select among bids for an installer in early 2019, with the goal of having installations complete before the end of 2019.

**AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT AN AMENDMENT TO ITS WRITTEN
PLAN TO THE HOME RULE BOARD**

The City of Morgantown hereby ordains that its City Manager is authorized to submit the attached "Home Rule Plan Amendment" to the Municipal Home Rule Board.

FIRST READING:

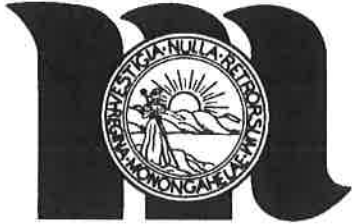
Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:



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 an additional campaign reporting requirement for municipal elections, which would be managed locally. This authority would not alter or remove any existing State Code requirements for campaign finance reporting.
2. 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 requiring candidates for City Council to file one additional report detailing contributions and expenditures on their campaigns. The additional report 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 the reporting will be 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. 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 2**.
 - 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).

**AN ORDINANCE ESTABLISHING FINANCIAL DISCLOSURE REQUIREMENTS
FOR ELECTED OFFICIALS**

WHEREAS, West Virginia Code section 6B-2-6 authorizes municipalities to require an annual financial disclosure statement for all elected officials and candidates for elected office; and

WHEREAS, the City Council believes the financial disclosure statement will promote transparent and responsible government;

NOW, THEREFORE, the City of Morgantown hereby ordains that a new Article 111 is established within the City Code as follows:

Article 111. Financial Disclosures for Elected Officials.

Section 111.01. Financial Disclosure Statement.

(a) All elected officials and candidates for elected office of the City shall file the financial disclosure statement required by West Virginia Code Chapter 6B, Article 2, Sections 6 through 8.

(b) The financial disclosure statement required by this section shall be filed with the West Virginia Ethics Commission on February 1 of each calendar year to cover the period of the preceding calendar year, except as otherwise stated in this Section.

(c) A candidate for municipal elected office within the City shall file a financial disclosure statement for the previous calendar year with the Ethics Commission no later than ten days after he or she files a certificate of announcement, unless he or she has previously filed a financial disclosure statement with the state Ethics Commission for the previous calendar year.

(d) No candidate for municipal elected office within the City may maintain his or her place on a ballot, and no municipal elected official may take the oath of officer or enter or continue upon his or her duties or receive compensation from public funds unless he or she has filed a financial disclosure statement with the Ethics Commission as required by this Section.

(e) The Ethics Commission may, upon request of any person required to file a financial disclosure statement, and for good cause shown, extend the deadline for filing such statement for a reasonable period of time: Provided, That no extension of time shall be granted to a candidate who has not filed a financial disclosure statement for the preceding filing period.

(f) A duplicate copy of the financial disclosure statement shall be filed by the Ethics Commission in the office of the Clerk of the City within ten days of receipt by the Ethics Commission, as required by West Virginia Code 6B-2-6(b).

(g) The City Clerk, after a ninety-day period following any municipal election, may destroy or dispose of those statements filed by the candidates who were unsuccessful in the election.

(h) Any person who fails to file a statement required by this section or knowingly files a materially false statement required by this Section shall be subject to the penalties established for violation of the West Virginia Ethics Act.

This ordinance shall be effective upon adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE.

WHEREAS, Various ordinances of a general and permanent nature have been passed by Council which should be included in the City Code;

WHEREAS, certain provisions in the Traffic and General Offenses Codes should be revised to comply with current State law;

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council; now, therefore,

THE CITY OF MORGANTOWN HEREBY ORDAINS:

Section 1. That the ordinances of the City of Morgantown, West Virginia, of a general and permanent nature, as revised, recodified, rearranges and consolidated into component codes, chapters, articles and sections within the 2019 Replacement Pages to the City Code are hereby approved and adopted.

Section 2. That this Ordinance shall be effective from the date of its adoption.

FIRST READING:

ADOPTED:

FILED:

RECORDED:

MAYOR

CITY CLERK