



MORGANTOWN
CITY CLERK

304-284-7439
Morgantownwv.gov
389 Spruce St.
Morgantown, WV 26505

AGENDA

CITY COUNCIL REGULAR MEETING

City Hall Council Chambers, 389 Spruce Street, Morgantown, WV 26505

Tuesday, October 15, 2024, at 7:00 PM

This meeting will be broadcast live via YouTube at City of Morgantown - YouTube

<https://www.youtube.com/@CityofMorgantown/streams>

1. PLEDGE:

2. CALL TO ORDER:

3. ROLL CALL:

4. APPROVAL OF MINUTES:

A. October 1, 2024, Special Meeting Minutes

B. October 1, 2024, Regular Meeting Minutes

5. CORRESPONDENCE:

A. Arbor Day Proclamation

B. Charles Malone Proclamation

C. Extra Mile Day Proclamation

D. Ageism Awareness Day Proclamation

6. PUBLIC HEARINGS:

A. An Ordinance Authorizing and Regulating Private Outdoor Designated Areas in the City of Morgantown

B. An Ordinance Annexing Property of Milan Puskar Health Right, Inc., into the Corporate Boundaries of the City of Morgantown

C. An Ordinance Authorizing and Approving the Conveyance of real property to the Morgantown Building Commission, the leasing of such property from the Morgantown Building Commission and the issuance by the Building Commission of its Lease Revenue Bonds in an amount not to exceed \$11,000,000 all relating to the construction of improvements at Marilla Park

D. An Ordinance Amending Article 925 of the City Code to Revise the Rates, Fees, and Charges for the Service Area served by the Cheat Lake Wastewater Treatment Plant

7. UNFINISHED BUSINESS:

A. Consideration of **APPROVAL** of (Second Reading) of **An Ordinance Authorizing and Regulating Private Outdoor Designated Areas in the City of Morgantown** (*First reading 10/1/24*)

B. Consideration of **APPROVAL** of (Second Reading) of **An Ordinance Annexing Property of Milan Puskar Health Right, Inc., into the Corporate Boundaries of the City of Morgantown** (*First reading 10/1/24*)

C. Consideration of **APPROVAL** of (Second Reading) of **An Ordinance Authorizing and Approving the Conveyance of real property to the Morgantown Building Commission, the leasing of such property from the Morgantown Building Commission and the issuance by the Building Commission of its Lease Revenue Bonds in an amount not to exceed \$11,000,000 all relating to the construction of improvements at Marilla Park** (*First reading 10/1/24*)

D. Consideration of **APPROVAL** of (Second Reading) of **An Ordinance Amending Article 925 of the City Code to Revise the Rates, Fees, and Charges for the Service Area served by the Cheat Lake Wastewater Treatment Plant** (*First reading 10/1/24*)

E. Boards & Commissions

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

9. SPECIAL COMMITTEE REPORTS:

10. CONSENT AGENDA:

11. NEW BUSINESS:

A. Consideration of (APPROVAL) of **A Resolution Amending the FY 2024-2025 Budget Revision for the Morgantown General Fund**

B. Consideration of **APPROVAL** of **A Resolution Amending the FY 2024-2025 Budget Revision #02 of the Capital Escrow Fund**

C. Consideration of (APPROVAL) to **Appoint the Mayor to the Audit Committee**

D. Consideration of (APPROVAL) of **An Order of City Council Designating a Portion of Belmar and Waverly Streets as a One-Way Street on a Trial Basis**

E. Consideration of **APPROVAL** of **A Request to Purchase New Equipment**

12. CITY MANAGER'S REPORT:

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

16. EXECUTIVE SESSION:

- A. Pursuant to W. Va Code 6-9A-4(b)(9) to consider matters affecting acquisition or development of property in the Richwood Avenue area

17. ADJOURNMENT:

For accommodations please call or text 304-288-7072



MORGANTOWN
OFFICE OF THE MAYOR

304-284-7439
Morgantownwv.gov
389 Spruce St.
Morgantown, WV 26505

PROCLAMATION

- Whereas,*** in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and
- Whereas,*** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and
- Whereas,*** the legislature of the State of West Virginia has adopted an Act Designating Arbor Day and by that Act has designated the second Friday of every April as the State Arbor Day; and
- Whereas,*** the City of Morgantown will celebrate Arbor Day on October 19, 2024, to take advantage of the fall weather which is an excellent time to plant trees. The shorter days and mild temperatures are less stressful and ensures a greater survival rate on newly planted trees; and
- Whereas,*** it is the purpose of the designation of this day throughout the Nation to encourage the planting of shade and forest trees, to encourage the protection of our forests from the scourge of devastating insects, diseases and fires that destroy the beauty and usefulness of our woodlands, parks, and street trees as well as their wildlife; and
- Whereas,*** trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and
- Whereas,*** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and
- Whereas,*** trees in the City of Morgantown increase property values, enhance the economic vitality of business areas, and beautify our community; and
- Whereas,*** Saturday, October 19, 2024, the City of Morgantown will be celebrating Arbor Day and their 27th year as a Tree City USA.

Now, therefore, I, Jenny Selin, Deputy Mayor of the City of Morgantown, do hereby proclaim
Saturday, October 19, 2024, as

Arbor Day

in the City of Morgantown, West Virginia, and urge all citizens to celebrate Arbor Day and to support efforts to protect and enhance our trees throughout the city; and

Furthermore, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Seal:



Jenny Selin, Deputy Mayor
October 15, 2024



MORGANTOWN
OFFICE OF THE MAYOR

PROCLAMATION

- Whereas,*** Charles Malone began his service with the Public Works Department of the City of Morgantown on November 3, 1997, after serving 8 years with the Morgantown Utility Board; and
- Whereas,*** his first assignment was as a Street Department Laborer, serving in this role; and
- Whereas,*** he was next promoted to Street Department Skilled Laborer, followed by promotion to Truck Driver followed by Equipment Operator; and
- Whereas,*** his last appointment was as the Superintendent where he served his last four years in the role where he successfully lead and provided selfless service to the City of Morgantown; and
- Whereas,*** for over 35 years, Mr. Malone has performed quality service in an exceptional manner while on duty or in the performance of duties related to the City of Morgantown. He is truly deserving of this Proclamation for his extraordinary individual contributions on behalf of the Public Works Department toward the overall mission of the City of Morgantown.

Now therefore, I, Jenny Selin, Deputy Mayor of the City of Morgantown, West Virginia, and on behalf of City Council and City Administration, do express our most sincere appreciation to

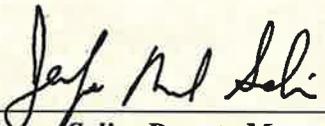
Charles W. Malone

and hereby take this opportunity to publicly thank and honor him for his great service to the City of Morgantown.

In Witness, Thereof, I hereunto set my hand and cause the Official Seal of the City of Morgantown to be hereto affixed on this 15th day of October 2024.

Seal:





 Jenny Selin, Deputy Mayor
 October 15, 2024



MORGANTOWN
OFFICE OF THE MAYOR

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PROCLAMATION

- Whereas,*** Morgantown, West Virginia is a community that acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and
- Whereas,*** Morgantown, West Virginia is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and
- Whereas,*** Morgantown, West Virginia is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and
- Whereas,*** Morgantown, West Virginia acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2024.

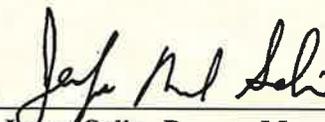
Now therefore, I, Jenny Selin, Deputy Mayor of the City of Morgantown, West Virginia, on behalf of the City Council do hereby proclaim the 1st day of November 2024 as

Extra Mile Day

in the City of Morgantown. We encourage each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Seal:





Jenny Selin, Deputy Mayor
October 15, 2024



MORGANTOWN
OFFICE OF THE MAYOR

PROCLAMATION

- Whereas,** Ageism refers to the stereotypes (how we think), prejudice (how we feel), and discrimination (how we act) toward others based on age; and
- Whereas,** there are an estimated 20% older adults in Morgantown, WV older than age 60 who are impacted by ageism; and
- Whereas,** ageism toward older adults affects their health and longevity, financial well-being and the economy of Morgantown, WV; and
- Whereas,** preventing ageism in education, employment, housing, culture, and healthcare will benefit all; and
- Whereas,** recognizing that it is up to all of us to ensure that older adults are respected and portrayed as capable, competent, effective, and values in all areas of society; and
- Whereas,** ageism awareness and preventing ageism is beneficial to all citizens of Morgantown, WV by improving quality of life within the State of West Virginia.

Now therefore, I, Jenny Selin, Deputy Mayor of the City of Morgantown, West Virginia, and on behalf of City Council do hereby proclaim October 9, 2024, as

Ageism Awareness Day

in the City of Morgantown.

Seal:



Jenny Selin

 Jenny Selin, Deputy Mayor
 October 15, 2024

**AN ORDINANCE AUTHORIZING AND REGULATING
PRIVATE OUTDOOR DESIGNATED AREAS
IN THE CITY OF MORGANTOWN**

WHEREAS, the West Virginia legislature has enacted 2023 Senate Bill 534 which included provisions authorizing municipalities to establish Private Outdoor Designated Areas, as defined by *W. Va. Code* §§ 8-12-26 and 60-7-8g, where customers of West Virginia Alcohol and Beverage Control Administration Class A license holders can carry their drinks with them outside of the bar, restaurant, or other establishment where it was purchased and socialize and visit other businesses within the area; and

WHEREAS, the West Virginia legislature has since enacted 2024 House Bill 5295, which makes certain amendments to Private Outdoor Designated Areas, including removal of the requirement that participating bars and restaurants enter a joint and several liability agreement and expansion of the licensees who may participate to any holder of a Class A, Class B, or Class S2 license issued by the West Virginia Alcohol Beverage Control Administration; and

WHEREAS, the City of Morgantown has established Private Outdoor Designated Areas to incorporate the provisions of state law and has operated these areas since May 2024; and

WHEREAS, the City desires to updates its Private Outdoor Designated Area (“PODA”) provisions to specify procedures for operating fairs and festivals within the PODA, including by authorizing administratively-granted PODA permits for fairs and festivals and by designating certain special event locations within the PODA where the PODA can be partially suspended during events;

NOW, THEREFORE, The City of Morgantown hereby ordains that Article 953 of the City Code entitled “Private Outdoor Designated Areas,” is amended as follows (new matter underlined; deleted matter ~~stricken~~):

Sec. 953.01. Purpose and Intent.

Pursuant to the provisions of West Virginia Code sections 8-12-26 and 60-7-8g, one or more private outdoor designated areas may be created within the City.

Sec. 953.02. Definitions.

Commissioner means the West Virginia Alcohol Beverage Control Commissioner.

PODA Permit means the permit issued by the City to qualified applicants allowing them to participate in the Private Outdoor Designated Area and to apply for an S4 license from the Commissioner.

Private Outdoor Designated Area means public property that has become a legally demarcated area established by a municipal ordinance as set forth in W. Va. Code § 8-12-26 for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer.

Special Event Location(s) means a location within a Private Outdoor Designated Area in which the Private Outdoor Designated Area may be suspended for the purpose of holding a special event or events that do not participate in the Private Outdoor Designated Area.

Qualified Permit Holder means the holder of a Class A or Class S2 license that elects to operate within a private outdoor designated area and that has been issued a Class S4 license pursuant to W. Va. Code §§ 60-7-1 et seq.

Sec. 953.03. Private Outdoor Designated Areas.

(a) The following area(s) is/are established as Private Outdoor Designated Areas (PODAs) in accordance with applicable state law and the provisions of this Article:

(1) Downtown/Wharf District Private Outdoor Designated Area (“PODA”).

(A) Boundary. The PODA consists of the area depicted and described in Table 953.03.1, and generally bounded on the North by the Northern boundary of the Willey Street public right of way; on the East by the Eastern boundary of the Spruce Street public right of way; on the South by the Southern boundary of the Foundry Street public right of way; and on the West by the Western boundary of the Chestnut Street public right of way between Willey Street and Walnut Street and by the Monongahela River between Walnut Street and Deckers Creek, extending South from that point between the Monongahela River on the West and Don Knotts Boulevard on the East to the Southern boundary of Tax Parcel ID 09 37A000300000000 on the South, inclusive of all buildings or structures directly adjoining the public right of way boundaries and the City of Morgantown rail trail property, except any building or structure on the Western side of Chestnut Street between Willey Street and Walnut Street, any building or structure on the Eastern side of Don Knotts Boulevard between Deckers Creek and the Southern terminus of the PODA, and excluding Parcel ID 11 26024900000000. In the event of apparent conflict between the description in this subsection and the property show in Table 953.03.1, the table provides the legal demarcation of the PODA.

(i) Within the Boundary of the Downtown/Wharf District Private Outdoor Designated Area, there shall be two Special Event Locations, in the location(s) depicted on Table 953.03.1 and described as follows:

- High Street: The public right of way on High Street between Walnut Street and Pleasant Street, excluding pedestrian sidewalks and any private property
- Hazel Ruby McQuain Riverfront Park: The city property including Ruby Amphitheater, Walnut Street

Landing, and Depot Plaza and extending from Walnut Street to Deckers Creek.

(B) Map. A map of the PODA, including the street addresses of all included structures, is Table 953.03.1 of this Article.

(C) Zoning. The zoning classification for all properties within the PODA is B-4 Downtown Business District, and consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer is consistent with the zoning ordinances applicable to this area.

(D) Personnel. The PODA is regularly patrolled by one police officer, one deputy fire marshal, and one City Ambassador. In addition, Public Works employees regularly collect waste or debris left in public areas in the PODA and operate a street sweeper in the area.

(E) Sanitation. Republic Services is the solid waste hauler for the Downtown PODA, with collection services daily in the downtown area, weekly in the Wharf District, and with dumpster service available to all commercial customers, along with several dumpsters available at City properties. Regular waste collection includes 73 public trash receptacles within the PODA. Participating businesses within the PODA will make available adequate restroom facilities, permanent or portable, to serve their members and guests during all hours the area is open, consistent with W. Va. Code § 60-7-8g(c)(7). All businesses operating within the PODA must comply with all requirements of the Monongalia County Health Department.

(F) Operating Times. The PODA will operate Monday through Friday from 4 p.m. to 10 p.m. and Saturday and Sunday from 10 a.m. to 10 p.m. The City Manager is authorized to limit or expand the operating hours when appropriate to address events, public safety, or other business or community needs, but all expansions or limitations must be made in writing and delivered to the City Clerk to be kept with the official records of the City, and the City will make reasonable efforts to advise the public of any such changes by taking measures such as posting information on its website and/or posting signs in public areas noting the change.

Sec. 953.04. Permit Required for Participating Licensees.

(a) Any restaurant, bar, or other business, person, or entity with a valid Class A or Class S2 license issued by the Commissioner under may apply for a PODA Permit to participate in the Private Outdoor Designated Area by submitting an application on forms supplied by the City.

- (b) Applicants for a PODA Permit must meet the following minimum requirements:
 - (1) Located in a Private Outdoor Designated Area;
 - (2) Submit a floor plan showing the license area for the operator;

- (3) Possess a valid City business license;
- (4) Possess a valid Class A or Class S2 license from the Commissioner;
- (5) Agree to use cups and/or other indicators such as wristbands to identify permitted PODA patrons, which may include purchasing authorized merchandise from the City or its affiliate;

(6) Identify all areas from which you propose to serve drinks that may be consumed in the PODA, and the entrances and exits to your ~~Class A~~ license area;

(7) Identify the location of all tables, chairs, or other items you propose to place in any public right of way or on any City property in connection with PODA operations and, upon request, provide dimensions of the area and location of nearby facilities such as curbs and fire hydrants, as well as a plan to place and remove the items during and after PODA operating hours.

(c) Applications, except applications for permits for a fair and festival licensee, will be reviewed by a committee composed as follows: one representative of Main Street Morgantown, designated by Main Street Morgantown, Inc.; one member of City Council, designated by City Council; two representatives of businesses that serve alcohol and are located within the PODA, appointed by City Council; two representatives of businesses that do not serve alcohol and are located within the PODA, appointed by City Council; and one employee of the City, designated by the City Manager. Each member of the committee shall serve a two-year term beginning January 1 and ending December 31 of the following year; provided that the initial term of each member shall begin on the date of appointment and end on December 31, 2024. Members shall continue in office after expiration of their term until a new member is appointed except in the event of their resignation, death, or removal. Members may be removed by City Council for failure to vote on two or more consecutive applications for PODA permit. The committee shall determine whether to grant or deny applications in its reasonable discretion by majority vote of the members then serving. In determining whether to grant or deny an application, the committee may review the application materials and other materials relevant to participation in the PODA including records of the West Virginia Alcohol Beverage Control Administration and/or criminal citations, if available to the committee. Applications for a permit for a fair and festival licensee will be reviewed by the City Manager, or designee, who will grant or deny the applications in their reasonable discretion. In determining whether to grant or deny an application, the City Manager or designee may review the application materials and other materials relevant to participation in the PODA including records of the West Virginia Alcohol Beverage Control Administration and/or criminal citations, if available.

Sec. 953.05. Signs.

At minimum, every point where a pedestrian may exit the PODA by way of a public sidewalk shall have one sign placed designating the end of the PODA. The sign must be mounted in such a way and be made of a material that will ensure it is clearly visible to patrons of the PODA.

Sec. 953.06. Rules.

(a) The rules in this section, and all other provisions of this Article, establish requirements for the purpose of ensuring compliance with all state and municipal laws, and

public health and safety within a private outdoor designated area. All persons entering and/or participating in a private outdoor designated area shall comply with applicable laws.

(b) Liquor, wine, nonintoxicating beer, and nonintoxicating craft beer that is taken outside of a licensed premises into the private outdoor designated area shall be served in non-glass containers, not greater than 18 fluid ounces, approved by the City and the Commissioner in accordance with W. Va. Code § 60-7-8g.

(c) Notwithstanding any other provision of this Code to the contrary, a person may possess an opened container of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer within a private outdoor designated area during the operating hours of the area when (1) the open container was purchased from a Qualified Permit Holder duly licensed to operate in the private outdoor designated area; and (2) the beverage is in a container authorized by this ordinance, except that this provision does not authorize possession or consumption of any liquor, wine, nonintoxicating beer, or nonintoxicating craft beer while operating or traveling in a motor vehicle.

(d) No liquor, wine, nonintoxicating beer, or nonintoxicating craft beer may be taken outside of the private outdoor designated area.

(e) All cups, containers, and other trash or litter must be disposed of in trash, recycling, or compost receptacles available within the private outdoor designated area.

(f) Businesses in the private outdoor designated area may choose to allow or prohibit alcohol consumption in their business. Liquor, wine, nonintoxicating beer, or nonintoxicating craft beer may only be brought into structures or businesses that have indicated by a posted sign that they are participating in the private outdoor designated area, whether or not they hold a Class A license from the Commissioner.

(g) Establishment of a Private Outdoor Designated Area does not authorize any establishment to create or maintain an Outdoor Dining area on the public right-of-way except with a permit issued pursuant to Article 906 of this Code.

(h) The City Manager is authorized to adopt any and all regulations necessary and convenient in implementing this Article, and to issue authoritative interpretations of any questions or inquiries regarding application of this Article to a particular situation. Any such regulations or interpretations shall become effective upon being filed in writing with the City Clerk, who shall maintain such records along with the other public records of the City.

(i) The City Manager may, at any time, suspend the operation of a private outdoor designated area, or portion thereof, when determined necessary in the interest of public safety or convenience.

(j) Within Special Event Locations, the City Manager or designee may suspend operation of the PODA in accordance with these rules.

(1) Announce the date(s) and time(s) that the PODA will be partially suspended in the Special Event Location(s), and identify the Special Event Location(s) by posting on the City website used to publish PODA information, provide the WVABCA a copy of any suspension notice, and other means determined helpful to notify the public;

(2) During the suspension, place at least two additional signs at the Special Event Location(s) affected by the suspension notifying the public that they are leaving the PODA and entering a Special Event Location and that PODA beverages may not be brought into the Special Event Location, and beverages purchased at the Special Event Location may not be brought into the PODA. The person or entity holding the special event must also make its patrons aware that PODA beverages may not be brought into the Special Event Location, and that alcoholic beverages, including nonintoxicating beer, wine, and liquor purchased at the Special Event Location may not be carried outside of the Special Event Location.

This ordinance shall become effective upon adoption.

FIRST READING: _____

Mayor

SECOND READING: _____

ADOPTED: _____

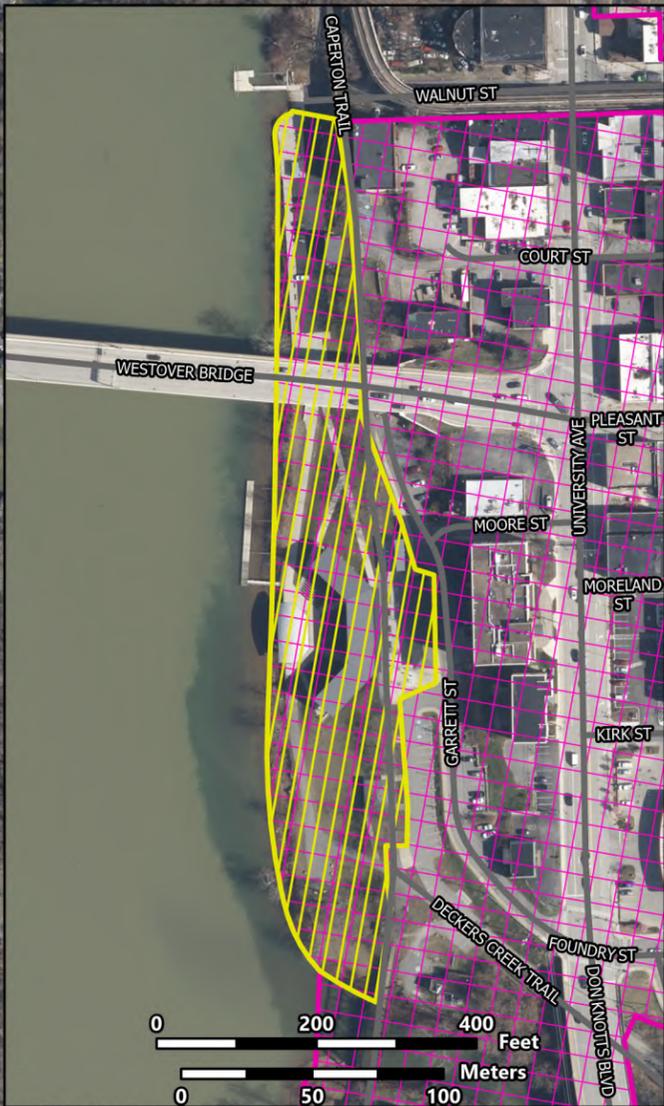
City Clerk

FILED: _____

Inset Map: High Street Between Pleasant Street and Walnut Street



Inset Map: Hazel Ruby McQuain Park & Walnut Street Landing



Legend

-  Public Roads
-  Special Event Locations within the PODA
-  Private Outdoor Designated Area (PODA) Boundary

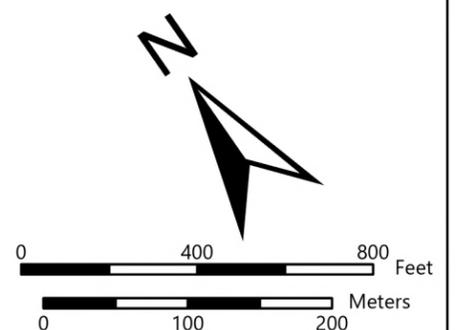


Table 953.03.1
Public Outdoor Designated Area (PODA) Boundary

Created by: Marvin A. Davis, Geospatial Services Manager.
Credits: City of Morgantown Geospatial Services Division and Monongalia Morgantown Area Geospatial Information Consortium (MMAGIC).

2024

Coordinate System: NAD 1983 2011 StatePlane West Virginia North FIPS 4701 FtUS



Ordinance No. 2024-____

AN ORDINANCE ANNEXING PROPERTY OF MILAN PUSKAR HEALTH RIGHT, INC. 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 41.1 and 8.20 of Map 4, Clinton District, in Monongalia County, as more fully described in the Petition for Annexation, 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; provided that the annexation of the territory to the corporate limits of the City of Morgantown shall take effect on the date to be designated in an Order of the Monongalia County Commission entering the annexation in the official records of Monongalia County, which will be designated to coincide with the beginning of a fiscal quarter.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

PETITION FOR ANNEXATION

The undersigned, being qualified voters within the area of proposed annexation, and being the sole freeholder within the area of proposed annexation, hereby petition the City Council of the City of Morgantown, West Virginia, to annex the territory described in this Petition and shown and described on the Land Books of Monongalia County, and more particularly described in that certain deed dated January 25, 2022, by and between Professional Training, LLC, as Grantor, and Milan Puskar Health Right, Inc., as Grantee, and recorded in the office of the Clerk of the Monongalia County Commission at Deed Book 1762, page 136, 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>
Milan Puskar Health Right, Inc.	Clinton	4	41.1	
Milan Puskar Health Right, Inc.	Clinton	4	8.20	

Milan Puskar Health Right, Inc.
A West Virginia corporation

Bruce M. Clements
By: *Bruce M. Clements*
Its: *Board President*

**ORDINANCE
OF THE CITY OF MORGANTOWN**

AN ORDINANCE AUTHORIZING AND APPROVING THE CONVEYANCE OF PROPERTY BY THE CITY OF MORGANTOWN (THE “CITY”) TO THE MORGANTOWN BUILDING COMMISSION (THE “BUILDING COMMISSION”) IN CONNECTION WITH THE DESIGN, ACQUISITION, CONSTRUCTION, FURNISHING, AND EQUIPPING OF IMPROVEMENTS TO CERTAIN RECREATIONAL FACILITIES OF THE CITY LOCATED AT MARILLA PARK, POTENTIALLY INCLUDING, BUT NOT LIMITED TO, THE CONSTRUCTION OF TENNIS COURTS, A SHELTER, PARKING FACILITIES, IMPROVEMENTS TO MARILLA CENTER, A BIKE/SKATE PARK, RESTROOM AND SHELTER FACILITIES, RECREATIONAL FIELD GREEN SPACE, PICKLEBALL COURTS AND A BASKETBALL COURT TOGETHER WITH ALL APPURTENANT FACILITIES (THE “PROJECT”); AUTHORIZING THE CITY TO UNDERTAKE THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT; AUTHORIZING AND APPROVING THE ISSUANCE BY THE BUILDING COMMISSION OF ITS LEASE REVENUE BONDS, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT MORE THAN \$11,000,000 (THE “BONDS”), TO FINANCE ALL OR A PORTION OF THE COSTS OF THE PROJECT, THE FUNDING OF A DEBT SERVICE RESERVE FUND FOR THE BONDS, IF REQUIRED, AND THE PAYMENT OF COSTS OF ISSUANCE OF THE BONDS AND RELATED COSTS; AUTHORIZING THE LEASING OF THE PROPERTY ASSOCIATED WITH THE PROJECT TOGETHER WITH ALL BUILDINGS, IMPROVEMENTS, FIXTURES, EQUIPMENT, RIGHTS OF WAY AND APPURTENANCES ASSOCIATED THEREWITH BY THE CITY FROM THE BUILDING COMMISSION PURSUANT TO A LEASE AGREEMENT TO BE EXECUTED AND DELIVERED BY THE MAYOR AND CITY MANAGER OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY BY THE MAYOR AND CITY MANAGER OF THE CITY OF A BOND PURCHASE AGREEMENT BETWEEN THE BUILDING COMMISSION AND THE PURCHASERS OF THE BONDS, WITH THE ACKNOWLEDGEMENT AND AGREEMENT OF THE CITY; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT, IF NECESSARY, AND THE EXECUTION, DELIVERY AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING, IF DEEMED ADVISABLE, THE PURCHASE OF A BOND INSURANCE POLICY WITH RESPECT TO THE BONDS; AND AUTHORIZING OTHER NECESSARY ACTIONS IN CONNECTION WITH THE FOREGOING.

WHEREAS, The City of Morgantown (the “City”) has, pursuant to an ordinance enacted August 2, 1988, created and established the Morgantown Building Commission (the “Building Commission”), a public corporation and municipal building commission, pursuant to the authority granted to it in Chapter 8, Article 33, of the West Virginia Code of 1931, as amended (the “Enabling Act”);

WHEREAS, the City desires to authorize the design, acquisition, construction, furnishing and equipping of improvements to certain of the City’s recreational facilities operated and maintained by the Board of Park and Recreation Commissioners of Morgantown, West Virginia (the “BOPARC”), located at Marilla Park, which may include but not be limited to the construction of tennis courts, a shelter, parking facilities, improvements to Marilla Center, a bike/skate park, restroom and shelter facilities, recreational field green space, pickleball courts and a basketball court together with all appurtenant facilities (collectively, the “Project”) (the foregoing real estate together with the improvements thereon, including without limitation any renovations, improvements, furnishings or equipment resulting from the Project, and together with all easements and rights of way in connection therewith are collectively referred to herein as the “Property”), which Property will be conveyed by the City to the Building Commission, prior to the issuance of the Bonds hereinafter authorized and defined, and which Property thereafter will be leased by the Building Commission to the City;

WHEREAS, the City has requested and the Building Commission has agreed to issue its Lease Revenue Bonds, in one or more series, in an aggregate principal amount of not more than \$11,000,000 (the “Bonds”) for the purposes of financing all or a portion of (i) the costs of the Project, (ii) to fund a debt service reserve fund for the Bonds, if required, and (iii) the costs of issuance of the Bonds and related costs, including the premium for a bond insurance policy, if necessary;

WHEREAS, the Bonds will be issued pursuant to a Bond Indenture and Security Agreement (the “Indenture”) between the Building Commission and the trustee named therein (the “Trustee”);

WHEREAS, the City desires to lease the Property from the Building Commission in accordance with the terms and provisions of a Lease Agreement between the Building Commission, as Lessor, and the City, as Lessee (the “Lease”), to be dated as of or prior to the date of the issuance of the Bonds or such other date as may be set forth in a Supplemental Resolution to be adopted by the City (the “Supplemental Resolution”), as further described herein;

WHEREAS, the rentals to be paid by the City under the Lease, to the extent the same is not terminated by the City, have been determined by the Building Commission to be at least sufficient to pay the principal of and the premium, if any, and interest on the Bonds and all payments provided for in the Indenture;

WHEREAS, the City desires to execute a Bond Purchase Agreement (the “Bond Purchase Agreement”) between the Building Commission and the purchaser or purchasers of the bonds as designated in the Supplemental Resolution (the “Purchaser” whether one or more), which execution shall evidence the City’s acknowledgement and agreement, the proposed form of which shall be as approved by the Supplemental Resolution;

WHEREAS, the principal of and the premium, if any, and interest on the Bonds will be secured by, among other things, a Credit Line Deed of Trust, Fixture Filing and Security Agreement (the “Deed of Trust”), to be dated on or prior to the date of the issuance of the Bonds, and to be executed and delivered by the Building Commission in favor of the Trustee granting liens on the Property;

WHEREAS, the Bonds may be either privately placed with one or more banking institutions (the “Private Placement”) or sold to an investment banker/underwriter to be marketed for sale to the public (the “Public Offering”), with the final determinations to be made pursuant to the Supplemental Resolution or a Certificate of Determinations to be executed by the Chairman of the Building Commission (the “Certificate of Determinations”);

WHEREAS, in the event of a Public Offering with respect to the Bonds, there will be prepared with respect to such series Bonds a Preliminary Official Statement (the “Preliminary Official Statement”), which would be presented for approval by the Supplemental Resolution or the Certificate of Determinations, and a final Official Statement (the “Official Statement”);

WHEREAS, if required by Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), or otherwise determined appropriate or necessary under the circumstances, the City will enter into a Continuing Disclosure Agreement with respect to the Bonds, by and between the City and the continuing disclosure agent named therein (the “Continuing Disclosure Agreement”) pursuant to the terms of which the City will agree to provide ongoing periodic disclosure of financial and operating data of the City and to disclose the occurrence of certain material events therein in order to assist the investment banker/underwriter for such series of Bonds in their compliance with the Rule and facilitate the sharing of information with the beneficial owners of the Bonds;

WHEREAS, the proceeds of the Bonds will be used to finance costs of the Project, the funding of a debt service reserve fund for the Bonds, if required, and the costs of issuing the Bonds and related costs, including the premium for a bond insurance policy, if necessary, and the balance of such costs of the Project, if any, not paid with proceeds of the Bonds will be paid with other funds of the City lawfully available for such purpose; and

WHEREAS, the City has determined that (i) there is an urgent need by the City for the Project to be financed in whole or in part with the proceeds of the Bonds and to be leased to the City as described herein, and (ii) that the financing structure described herein is the most efficient method to finance the proposed Project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MORGANTOWN, WEST VIRGINIA THAT:

1. The City is authorized to convey the Property to the Building Commission for the purpose of facilitating the Project and the Building Commission is authorized to grant liens and security interests in and to the Property pursuant to the Deed of Trust and other appropriate documents as may be determined by Steptoe & Johnson PLLC, as bond counsel to the Building Commission for the issuance of the Bonds (“Bond Counsel”), and the Purchaser.

2. The Building Commission is authorized and requested to issue the Bonds, in one or more series, in an aggregate principal amount not more than \$11,000,000 pursuant to the terms of the Indenture, for the purposes of financing all or a portion of (i) the costs of the Project, (ii) to fund a debt service reserve fund for the Bonds, if required, and (iii) to pay costs of issuance of the Bonds and related costs, including the premium for a bond insurance policy, if necessary. If deemed advisable, the Building Commission is authorized and requested to determine on behalf of the City whether the purchase of an insurance policy securing payment of the Bonds would be advantageous to the City or the terms of the financing represented by the Bonds. The Chairman,

Secretary and other proper officers of the Building Commission (the “Authorized Representatives”) are authorized to negotiate with and secure, with proceeds of the Bonds or otherwise, such insurance policies, from one or more institutions, the claims-paying ability of which are then assigned one of the two highest rating categories by a nationally recognized credit rating agency. The Authorized Representatives are authorized to execute and deliver any instruments or documents necessary in connection with the purchase of any such insurance policies, including those making provision for the repayment of amounts advanced by the institutions issuing such insurance policy. The Authorized Representatives and the Mayor, City Manager and other officers of the City are further authorized to pursue and obtain on behalf of the Building Commission and the City a rating or ratings on the City and the Bonds from any rating agency deemed to be advantageous by the underwriter or placement agent for the Bonds, to pay the costs of obtaining such ratings from proceeds of the Bonds and to execute and deliver such documents as may be necessary in connection therewith.

3. The City is authorized to undertake all activities in connection with the Project, including but not limited to, engaging such architects, engineers and other design, construction and site consultants as may be necessary and paying the fees and costs thereof, acquiring all necessary real and personal property including but not limited to the Property, undertaking all demolition, site remediation and site preparation that may be necessary in connection with the Property, entering into all construction contracts that may be necessary in connection therewith and performing under such construction contracts, requisitioning the proceeds of the Bonds for the purpose of paying costs of the Project and costs of issuance of the Bonds and disbursing proceeds of the Bonds and other funds of the City for the purpose of paying costs necessary in connection with the acquisition of the Property, all demolition, site remediation and site preparation necessary in connection with the Project, the undertaking of the Project, costs of issuance of the Bonds, funding a debt service reserve fund for the Bonds, if required, and related costs and otherwise undertaking all activities that may be necessary in connection with the foregoing.

4. The City is authorized to enter into the Lease with the Building Commission to lease the Property, as designed, acquired, constructed, furnished and equipped pursuant to the Project, from the Building Commission for an amount of rent equal to the scheduled payments of principal of, premium, if any, interest on and other costs associated with the Bonds which shall be payable by the Building Commission with respect to the Bonds and which Lease with the Building Commission will require the City to perform certain other duties and obligations and to pay certain costs and expenses related to such Property and the financing thereof as to be more specifically set out in said Lease as additional consideration for said Lease. The form of the Lease for the Bonds shall be as approved by the Supplemental Resolution. The Mayor, the City Manager, and the City Clerk are hereby authorized and directed to execute and deliver the Lease for the Bonds with such changes, insertions and omissions as may be required to reflect the terms of sale of the Bonds and as may be approved by the Mayor, the City Manager, and the City Clerk executing the Lease. The execution of the Lease by the Mayor, the City Manager, and the City Clerk shall be conclusive evidence of such approval.

5. The City is authorized to execute the Bond Purchase Agreement, which shall evidence its acknowledgement and agreement thereof. The form of the Bond Purchase Agreement for the Bonds shall be as approved by the Supplemental Resolution. The Mayor and the City Manager are hereby authorized and directed to execute and deliver the Bond Purchase Agreement for the Bonds with such changes, insertions and omissions as may be required to reflect

the terms of sale of the Bonds and as may be approved by the Mayor and the City Manager executing the Bond Purchase Agreement. The execution of the Bond Purchase Agreement by the Mayor and the City Manager shall be conclusive evidence of their acknowledgement and agreement.

6. The form of the Continuing Disclosure Agreement shall be as approved by the Supplemental Resolution. The Mayor and the City Manager are hereby authorized and directed to execute and deliver the Continuing Disclosure Agreement with such changes, insertions and omissions as may be required to reflect the terms of sale of the Bonds and as may be approved by the Mayor and the City Manager executing the Continuing Disclosure Agreement. The execution of the Continuing Disclosure Agreement by the Mayor and the City Manager shall be conclusive evidence of such approval.

7. In the event of a Public Offering, the form of the Preliminary Official Statement for the Bonds shall be as approved by the Supplemental Resolution and the investment banker/underwriter for the series of Bonds to be publicly offered shall be authorized to utilize the same in the marketing and sale of such Bonds. The Official Statement, substantially in the form of the Preliminary Official Statement, with such changes and insertions as may be authorized by the Rule, shall be approved and the investment banker/underwriter for the Bonds shall be authorized to utilize the same in the marketing and sale of the Bonds. The execution of the Official Statement by the Mayor and City Manager shall be conclusive evidence of such approval.

8. If the Bonds are subject to the Rule or the same is otherwise determined appropriate or desirable in the circumstances, then the Mayor and the City Manager and other officers of the City are hereby authorized and directed to execute and deliver on behalf of the City such agreements, certificates and other documents, including without limitation a Rule 15c2-12 Certificate in connection with the issuance of the Bonds, in such form as may be approved by the Mayor and City Manager, the execution of the subject documents by the Mayor and City Manager to be conclusive evidence of such approval. The City Clerk is hereby authorized and directed to attest any documents relating to the Bonds that the City Clerk reasonably determines should be so attested and to affix the seal of the City thereon. All prior acts taken by the Mayor and the City Manager and other officers, employees and agents of the City in connection therewith are hereby ratified and affirmed in every respect.

9. The Mayor, the City Manager, the City Clerk, and other officers of the City are hereby authorized and directed to take such other actions as may be reasonably necessary to consummate the foregoing transactions.

10. All ordinances, orders, resolutions or parts thereof in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

11. This Ordinance shall become effective following the public hearing hereon.

12. Upon adoption hereof, an abstract of this Ordinance, determined by the City to contain sufficient information as to give notice of the contents hereof, shall be published once a week for two successive weeks within a period of fourteen consecutive days, with at least six full days intervening between each publication, in *The Dominion Post*, a newspaper published and of general circulation in the City, together with a notice stating that this Ordinance has been adopted on first reading, and that the City contemplates the leasing of the Property from the Building

Commission and the issuance of the Bonds by the Building Commission, and that any person interested may appear before the City upon a date certain, not less than ten days subsequent to the date of the first publication of the said abstract and notice, and present protests, and that a certified copy of the Ordinance is on file in the office of the City Clerk of the City for review by interested parties during regular office hours. At such hearing, all objections and suggestions shall be heard, and the Council of the City shall take such action as it shall deem proper in the premises.

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ORDAINED by The City of Morgantown, West Virginia, on this the 15th day of October, 2024.

Adopted on First Reading: October 1, 2024

Placed Into Effect on Second Reading Following Public Hearing: October 15, 2024

THE CITY OF MORGANTOWN

By _____
Its Mayor

By _____
Its City Manager

CERTIFICATION

The undersigned, being the duly appointed and qualified City Clerk of The City of Morgantown does hereby certify that the foregoing Ordinance was duly enacted by The City of Morgantown at regular meetings duly held, pursuant to proper notice thereof, on October 1, 2024, and October 15, 2024, quorums being present and acting throughout, and which Ordinance has not been amended, modified, rescinded, repealed, annulled, revoked or otherwise altered as witness my hand and the seal of The City of Morgantown this ___ day of _____, 2024.

THE CITY OF MORGANTOWN

By _____
Its City Clerk

AN ORDINANCE AMENDING ARTICLE 925 OF THE CITY CODE TO REVISE THE RATES, FEES AND CHARGES FOR THE SERVICE AREA SERVED BY THE CHEAT LAKE WASTEWATER TREATMENT PLANT.

The City of Morgantown hereby ordains as follows:

Section 1. Findings and Purpose.

The Morgantown Utility Board (“MUB”) a board established by City Council of the City of Morgantown, operates a combined water, sewer, and stormwater utility in the City of Morgantown, West Virginia and environs under the provisions of *West Virginia Code* §8-20-1 *et seq.* Because MUB serves more than 4,500 water and sewer customers on a combined basis and has annual gross revenues of more than \$3,000,000.00, changes in the rates, fees and charges and approval for construction projects are not subject to the jurisdiction of the Public Service Commission of West Virginia (“PSC”). Instead, as a result of legislation enacted in 2015, and amended in 2017 and 2020, the City Council is the governing body with authority over the approval of such rates fees and charges and construction projects. See, *West Virginia Code* §8-20-10 and §24-1-1(j).

West Virginia Code §8-20-10(a)(2) provides that a municipality operating a combined system has the plenary power and authority to charge users for the use and service of the combined system and to establish required deposits, rates, fees, or charges for such service. Deposits, rates, fees or charges, whether separate or combined, shall be sufficient at all times to pay the cost of repair, maintenance and operation of the combined system, provide an adequate reserve fund, an adequate depreciation fund and pay the principal and interest upon all revenue bonds and shall be established, revised and maintained by ordinance. The rates, fees or charges shall be changed, from time to time, as necessary, consistent with the provisions of this article.

MUB has designed and proposed a project to improve and expand the Cheat Lake Wastewater Treatment Plant and associated parts of the combined utility system (the “Project”), as further defined in Ordinance No. 2024-27(the “Project Ordinance”) and to increase rates for customers in the Cheat Lake service territory, as defined in the Project Ordinance and further defined herein, to finance the costs of such improvements together with the operation and maintenance of those improvements.

City Council finds and concludes that the proposed rates to be established by this Ordinance are the reasonable charges to users for the service provided based on its determination, and the representation by MUB, that the proposed rates are necessary to pay the costs of MUB’s proposed improvements to the Cheat Lake Wastewater Treatment Plant and associated facilities, and to adequately fund the maintenance and operation thereof, based on a cash flow analysis together with proposed rates and a comparison of the rates for customers at various levels of usage under both current and proposed rates for all classes of service, all of which have been provided

by MUB to the City Council in connection with its proposal of the rate changes set forth in this ordinance.

Section 2. Authorization of Acquisition.

By adoption of this Ordinance, City Council authorizes acquisition, or, as appropriate, ratifies the prior acquisition, of the real property to be acquired and/or improved in connection with the Project, as defined in the Project Ordinance, subject to the provisions of the Codified Ordinances of the City of Morgantown and the rules and regulations of City Council; authorizes on behalf of the City of Morgantown the acquisition of all real estate and/or assets needed for the Project for use in connection with the combined utility system operated by MUB and subject to all rules and regulations associated therewith; and authorizes establishment of sewer rates for the customers of the Cheat Lake service territory as described in this Ordinance.

Section 3. Adoption of Amendment to Article 925 of the City Code.

Article 925 of the City Code, entitled “Sewer Rates” is hereby amended as follows (new matter underlined; deleted matter ~~stricken~~):

Sec. 925.03. - Rate schedules.

The following schedules of rates, fees, charges, delayed payment penalty charges, service connection charges, reconnection charges and opening or transferring account charges are hereby fixed and determined as the rates, fees, charges, delayed payment penalty charges, service connection charges, reconnection charges and opening or transferring account charges to be charged to consumers of the sewer works system serving the City throughout the entire territory served.

SCHEDULE NO. 2

(a) *Applicability.* Applicable to territory served by Cheat Lake Wastewater Treatment Plant, as shown on 925.03.02, for bills rendered on or after November 29, 2024. ~~Effective for bills rendered on or after August 25, 2021.~~

(b) *Availability of service.* Available for sanitary sewer service.

(c) *Rates.*

(1) Based on the metered amount of water supplied

Gallons Used	Rate Per 1,000 Gallons
First 2,000 per month or 4,000 bi-monthly	\$21.70 <u>10.85</u> per 1,000 gallons
Next 8,000 per month or 16,000 bi-monthly	\$19.84 <u>9.92</u> per 1,000 gallons
Next 20,000 per month or 40,000 bi-monthly	\$18.60 <u>9.30</u> per 1,000 gallons
Next 30,000 per month or 60,000 bi-monthly	\$17.36 <u>8.68</u> per 1,000 gallons
Next 940,000 per month or 1,880,000 bi-monthly	\$14.88 <u>7.44</u> per 1,000 gallons

Next 1,000,000 per month or 2,000,000 bi-monthly	\$ 13.64 <u>6.82</u> per 1,000 gallons
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(2) *Minimum charge.*

Per month	\$ 21.70 <u>43.40</u>
Bi-monthly	\$ 43.40 <u>86.80</u>

(d) *Tap fee.* A fee of \$700.00 will be charged for new customers connecting to the sewerage system.

(e) *Delayed Payment Penalty.* The rates set forth in this section are above-tariff is net. On all current usage billings not paid in full when due, ten percent will be added to the net current amount unpaid. This delayed payment penalty is not interest and is only to be collected once for each month where it is appropriate.

(f) *Reconnection charge.* A fee of \$15.00 during Utility Board regular working hours and an additional fee of \$25.00 after hours shall be charged whenever the service is disconnected for violation of rules, nonpayment of bills, or fraudulent use of water. No such charge shall be assessed if the customer has paid a water reconnection charge for the same connection.

(h) *Leak adjustment.* \$1.404 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible water leakage on the customer's side of the meter. This rate shall be applied to all such unusual consumption above the customer's historical average usage.

(i) *Returned check charge.* A service charge of \$20.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

Section 4. Repeal, Savings, Severability.

Any section of this Code repealed or modified by a subsequent ordinance will continue in force until the effective date of the repealing ordinance.

The repeal or modification of any part of this Code does not affect any existing right acquired, or liability or obligation incurred, under the code sections amended or repealed unless the modifying ordinance expressly so provides. Any repealed or modified part of this Code will remain in force for the purpose of sustaining any proper legal proceedings and prosecutions related to the enforcement of such right or liability brought prior to the repeal or modification.

The repeal of any repealing ordinance, clause, or provision does not revive any former ordinance, clause, or provision unless expressly provided by ordinance.

If any provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid by a court of competent jurisdiction or other entity or agency having jurisdiction to make such determination, the remainder of this Ordinance and the application to other persons or circumstances remain in effect.

Section 5. Effective date; application. This ordinance shall be effective as of November 29, 2024. This Ordinance does not affect rights, duties, or liabilities that matured, penalties that were incurred, and proceedings that were begun, before its effective date. The law remains in force for the purpose of sustaining any proper action or prosecution for the enforcement of the right, penalty, forfeiture or liability.

Section 6. Notice of Public Hearing.

The City Clerk shall cause to be published a notice of proposed adoption of this Ordinance as a Class I-0 legal advertisement in a qualified newspaper of general circulation in the City of Morgantown, and said notice shall state that this Ordinance has been introduced, the title of the proposed ordinance, the places where a copy of this ordinance may be inspected by the public, and that any person interested may appear before the Morgantown City Council at a public hearing on October 15, 2024, which date is not less than five (5) days after the date of the publication of the notice, and present any comment or protest thereto, following which hearing, Council shall take such action as it shall deem proper. Copies of this Ordinance shall be available to the public for inspection at the office of the City Clerk, City of Morgantown, Morgantown, West Virginia and the Morgantown Utility Board.

FIRST READING: _____

Mayor

SECOND READING: _____

ADOPTED: _____

City Clerk

FILED: _____

Boards & Commissions Vacant Position List

Updated 10/2/2024

- **Civilian Police Review & Advisory Board: 2 Vacant – (City Resident or Work within City)**
1 – 1yr – 3yr term: 7/5/2023 – 7/4/2026
1 – 2yr – 3yr term: 7/5/2024 – 7/4/2027
- **Fire Civil Service Commission: 1 Vacant – City Resident (City Manager Appointee)**
1 – 4yr term: 7/1/2023 – 6/30/2027
- **Fire Code Board of Appeals: 1 Vacant – City Resident (Legal, Building Contractor, Engineering/Architectural Design)**
1– 3yr terms: 5/2/2022 – 4/30/2025 (Legal)
- **Health & Wellness Commission: 3 Vacant – City Resident**
2 – 3yr – 3yr term: 1/1/2024 – 12/31/2026
1 – 1yr – 3yr term: 1/1/2022 – 12/31/2024
- **Historic Landmarks Commission: 1 Vacant – City Resident**
1 – 4yr – 4yr term: 11/5/2022 – 11/4/2026
- **Human Rights Commission: 3 Vacant – City Resident**
2 – 2yr – 2yr term: 7/1/2024 – 6/30/2026
1 – 1yr – 2yr term: 7/1/2023 – 6/30/2025 (Bronson Herr resigned 7/18/24)
- **“ICC” Building Code Board of Appeals: 1 Vacant (Architect/Engineer or Bldg. Contractor)**
1 – 1yr – 5yr term: 5/1/2021 – 4/30/2026
- **Library Board of Directors: 1 Vacant – City Resident**
1 – 4yr – 5yr term: 7/1/2023 – 6/30/2028
- **Personnel Board: 1 Vacant – City Resident**
1 – 3yr – 1yr – 3yr term: 7/1/2024 – 6/30/2027
- **Planning Commission: 1 Vacant – City Resident Ward Specific**
1 – 1yr – 3yr term: 3rd Ward 1/1/2023 – 12/31/2025
- **Sister Cities Commission: 4 Vacant**
1 – 1yr – 3yr term: 6/1/2023 – 5/31/2026
2 – 2yr – 3yr term: 6/1/2024 – 5/31/2027
1 – 3yr – 3yr term: 6/1/2022 – 5/31/2025
- **Traffic Commission: 3 Vacant – City Resident Ward Specific**
3 – 3yr term: 4/4/2024 – 4/3/2027 – 2nd Ward, 4th Ward, and 7th Ward
- **Transit Authority Board of Directors: 1 Vacant – City Resident**
1 – 3yr – 3yr term: 1/1/2023 – 12/31/2025 (Marly Ynigues resigned – Moved out of state)
- **Urban Landscape Commission: 2 Vacant (Landscape Design – Horticulture - Plant Health)**
1 – 3yr – 3yr term: 7/1/2023 – 6/30/2026
1 – 1yr – 3yr term: 7/1/2024 – 6/30/2027
- **Ward & Boundary Commission: 2 Vacant – City Resident Ward Specific**
2 – 2yr terms: 7/1/2023 – 6/30/2025 - Wards 4 & 7
- **Woodburn Commission: 2 Vacant – City Resident**
1 – 2yr – 3yr terms: 1/1/2022 – 12/31/2024
1 – 1yr – 3yr terms: 1/1/2024 – 12/31/2026



P: 304-284-7412
Morgantownwv.gov
389 Spruce St.
Morgantown, WV 26505

Proposed Budget Revision Fiscal Year Ended June 30, 2025

General Fund – Revision #3

Animal Control Services

Jonathan Furgison, CPA
Finance Director
Tel: 304-284-7407
Email: jfurgison@morgantownwv.gov

Proposed FY25 General Fund Budget Revision #3

Overview:

The proposed General Fund FY25 Revision #03 seeks to address the financial requirements for Animal Control Contracted Services. This revision is essential to ensure the continuity and enhancement of animal control services within the City of Morgantown.

Background:

The FY25 budget revision is necessitated by two primary factors:

1. **Outstanding FY24 Contract:** As of June 30, 2024, the FY24 Animal Control Services Contract remained unpaid, leading to the unused balance being carried over into the FY25 Contingency Budget with the adoption of General Fund FY25 Revision #1. Consequently, a revision to the FY25 Budget for Animal Control Contracted Services is required to allocate the outstanding amount of \$34,743 for the 2023-2024 contract.
2. **New FY25 Contract:** The original FY25 budget must be increased by \$8,733 to accommodate the actual costs associated with the 2024-2025 Animal Control Services contract, as adopted by City Council in Resolution 2024-28 on September 17, 2024.

Financial Implications:

- **Outstanding FY24 Contract:** \$34,743 will be reallocated from the FY25 Contingency budget to cover the outstanding amount from the previous fiscal year.
- **New FY25 Contract:** The budget will be increased by \$8,733 to reflect the actual costs of the new contract for the fiscal year 2024-2025.

Proposed Budget Adjustments:

- **Contingency Budget:** A reduction of \$43,476 in the FY25 Contingency budget is necessary to cover both the outstanding FY24 contract and the actual amount of the FY25 contract over the original FY25 budget.
- **Animal Control Services Budget:** An increase of \$43,476 in the FY25 Animal Control Contracted Services budget is necessary to cover both the outstanding FY24 contract and the actual amount of the new FY25 contract as per Resolution 2024-28.

Conclusion:

This budget revision is a proactive measure to ensure that the City of Morgantown continues to provide effective and uninterrupted animal control services. By addressing both the outstanding FY24 contract and the new FY25 contract, we are reinforcing our commitment to public safety and animal welfare.

We are confident that these adjustments will support the City's goals and enhance the quality of life for our residents. Thank you for your attention to this important matter.

RESOLUTION

WHEREAS, City Administration has presented to Morgantown City Council a 2024-2025 budget revision for the Morgantown General Fund (Revision 03) and has requested that City Council review and approve the same;

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

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

NOW, THEREFORE, BE IT RESOLVED by the City of Morgantown this _____ day of _____, 2024, that the 2024-2025 Budget Revision for the Morgantown General Fund Budget (Revision 03) hereto attached is approved.

Mayor

City Clerk

LGSD BR (Ver. 2020)

REQUEST FOR REVISION TO APPROVED BUDGET

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

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

CONTROL NUMBER
 Fiscal Year Ending: **2024-2025**
 Fund: **001**
 Revision Number: **3**
 Pages: **1 of 1**

CITY OF MORGANTOWN
 GOVERNMENT ENTITY

Person To Contact Regarding Request:
 Name: **Jonathan Furgison**
 Phone: **304-284-7407**
 Fax: **304-284-7418**
 Email: jfurgison@morgantownwv.gov

389 SPRUCE STREET
 STREET OR PO BOX

Municipality
 Government Type

MORGANTOWN **26505**
 CITY ZIP CODE

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
					-
					-
					-
					-
					-
					-
NET INCREASE/(DECREASE) Revenues (ALL PAGES)			-		

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

EXPENDITURES: (net each acct.)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
707-230.00	Animal Control: Contracted Services	26,892.00	43,476.00		70,368.00
699-568.00	Contingencies	961,225.13		(43,476.00)	1,004,701.13
					-
					-
					-
					-
					-
					-
					-
NET INCREASE/(DECREASE) Expenditures (ALL PAGES)			-		

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

 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

RESOLUTION

WHEREAS, City Administration has presented to Morgantown City Council a 2024-2025 budget revision for the Morgantown Capital Escrow Fund (Revision 02) and has requested that City Council review and approve the same;

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

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

NOW, THEREFORE, BE IT RESOLVED by the City of Morgantown this _____ day of _____, 2024, that the 2024-2025 Budget Revision for the Morgantown Capital Escrow Fund Budget (Revision 02) hereto attached is approved.

Mayor

City Clerk

REQUEST FOR REVISION TO APPROVED BUDGET

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

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

CITY OF MORGANTOWN
 GOVERNMENT ENTITY

CONTROL NUMBER
 Fiscal Year Ending: **2024-2025**
 Fund: **254**
 Revision Number: **2**
 Pages: **1 of 2**

Person To Contact Regarding Request:
 Name: **Jonathan Furgison**
 Phone: **304-284-7407**
 Fax: **304-284-7418**
 Email: **jfurgison@morgantownwv.gov**

389 SPRUCE STREET
 STREET OR PO BOX
MORGANTOWN **26505**
 CITY ZIP CODE

Municipality
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	INCREASE	(DECREASE)	REVISED AMOUNT
369.00	Contributions from Other Funds - Must Provide Explanation Below	1,600,000.00	605,000.00	-	2,205,000.00
399.02	Prior Year Fund Balance	-	7,876,431.20	-	7,876,431.20
					-
					-
					-
					-
NET INCREASE/(DECREASE) Revenues (ALL PAGES)			8,481,431.20		

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

EXPENDITURES: (net each acct.)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	INCREASE	(DECREASE)	REVISED AMOUNT
424-568.50	Other Contributions - MRTC	40,000.00	55,000.00	-	95,000.00
424-568.52	Other Contributions - Botanical Gardens	10,000.00	20,000.00	-	30,000.00
424-568.09	Other Contributions - Bartlet House	30,000.00	150,000.00	-	180,000.00
424-568.76	Other Contributions - Warming Shelter	-	30,000.00	-	30,000.00
900-458.54	Capital Outlay BOPARC Pavilion	-	350,000.00	-	350,000.00
412-230.00	Contracted Services- General	-	14,450.89	-	14,450.89
417-230.35	Contracted Services- Legal Costs	100,000.00	19,938.00	-	119,938.00
422-216.03	Tuition & Education - Tuition Reim	-	44,304.00	-	44,304.00
424-567.14	Contrib Govt Entities - Land Reuse & Preservation Agency	-	30,000.00	-	30,000.00
424-568.00	Other Contributions-Other	7,500.00	27,250.00	-	34,750.00
NET INCREASE/(DECREASE) Expenditures (ALL PAGES)			8,481,431.20		

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

 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

EXPENDITURES (CONT'D)

CITY OF MORGANTOWN

LGSD: BR

CITY OF MORGANTOWN

CONTROL NUMBER:

2024-2025

254

2

FY

FUND

REV#

BUDGET REVISION REQUEST-SUPPLEMENT

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	INCREASE	(DECREASE)	REVISED AMOUNT
424-568.27	Other Contributions-Morgantown Housing Authority	-	35,000.00	-	35,000.00
424-568.50	Other Contributions-Mon River Trail Conver	40,000.00	90,639.27	-	130,639.27
424-568.75	Other Contributions-MAP	40,000.00	50,000.00	-	90,000.00
436-230.17	Contracted Services - Demolition Fund	-	283,996.97	-	283,996.97
436-459.01	Capital Outlay Equip - Vehicles	34,000.00	3,715.83	-	37,715.83
437-230.05	Contracted Services - Downtown Plan	30,000.00	124,999.51	-	154,999.51
437-230.18	Contracted Services - Comprehensive Plan	15,000.00	43,910.14	-	58,910.14
437-230.22	Contracted Services - Rewrite Subdivision Code	25,000.00	119,271.73	-	144,271.73
437-230.33	Contracted Services - Design Services	-	7,500.00	-	7,500.00
437-458.03	Capital Outlay - Other Projects	25,000.00	5,563.98	-	30,563.98
437-458.11	Capital Outlay - Way Finding	-	50,000.00	-	50,000.00
437-459.01	Capital Outlay Equip - Vehicles	4,800.00	2,116.42	-	6,916.42
439-459.01	Capital Outlay Equip - Vehicles	12,000.00	1,624.11	-	13,624.11
439-459.24	Capital Outlay Equip - Computer Equip	15,000.00	46,530.85	-	61,530.85
440-245.05	Repairs & Maintenance Fund	50,000.00	277,764.73	-	327,764.73
440-457-17	Capital Outlay Building - 430 Spruce Street	-	8,105.83	-	8,105.83
700-459.00	Capital Outlay Equip - Equip	110,000.00	12,804.99	-	122,804.99
700-459.21	Capital Outlay Equip - MSF Equip	270,000.00	224,733.36	-	494,733.36
706-457.19	Capital Outlay Building - Training Facility	-	29,141.52	-	29,141.52
706-459.00	Capital Outlay Equip - Equip	225,000.00	855,044.51	-	1,080,044.51
706-45-.01	Capital Outlay Equip - Vehicles	648,800.00	1,120,483.82	-	1,769,283.82
758-230.00	Contracted Services - General	-	36,473.70	-	36,473.70
758-457.00	Capital Outlay Building - Buildings	-	2,649.80	-	2,649.80
758-458.03	Capital Outlay-Other Projects	90,000.00	100,273.86	-	190,273.86
758-458.32	Capital Outlay-Runway Extension	600,000.00	2,395,627.39	-	2,995,627.39
758-458.42	Capital Outlay-Airport Access Road	10,000.00	3,982.64	-	13,982.64
758-458.49	Capital Outlay-Runway Extension Protection Zone	-	1,000,000.00	-	1,000,000.00
758-458.65	Capital Outlay-Runway Ext Land Acquisition	-	320,770.65	-	320,770.65
758-459.00	Capital Outlay Equip-Equipment	156,000.00	371,828.26	-	527,828.26
906-230.31	Contracted Services - Morgantown Mural	10,000.00	25,000.50	-	35,000.50
906-458.56	Capital Outlay-MET Theatre	125,000.00	89,639.44	-	214,639.44
906-458.69	Capital Outlay-MET Roof	-	1,229.70	-	1,229.70
906-459.01	Capital Outlay Equip - Vehicles	9,000.00	64.80	-	9,064.80
NET INCREASE/(DECREASE) Expenditures (this page only)					7,740,488.31

ORDER OF CITY COUNCIL
DESIGNATING A PORTION OF BELMAR AND WAVERLY STREETS
AS A ONE-WAY STREET ON A TRIAL BASIS

The City Council of The City of Morgantown hereby orders that, in accordance with City Code Section 305.04(b), a portion of Belmar and Waverly Streets shown on the attached **Exhibit A** is designated a one-way street, with traffic to travel on Belmar Street from Price Street to North High Street and on Waverly Street from North High Street to Price Street, as depicted on **Exhibit A**, for the time period October 30 to January 30, unless sooner amended by City Council.

The City Council further directs and orders that the City Engineer will install appropriate signage and/or other traffic control devices to notify the public of the designated one-way travel before the effective date of this Order, and as soon as reasonably practicable after the entry of this Order.

ENTER this 15th day of October, 2024:

Deputy Mayor

City Clerk



P: 304-291-7465
 Fax: 304-291-7406
 Morgantownwv.gov
 200 M-Tec Drive
 Morgantown, WV 26505

Memorandum

To: A. Kim Haws, City Manager
From: Damien Davis, Public Works Director
Date: October 9, 2024
Re: Request for Purchase - Hyundai HL940A Loader

Mr. Haws,

Engineering and Public Works is requesting Council approval to forgo the competitive bidding process and purchase the following piece of equipment listed below from Newlons International Sales through the City’s membership in Sourcewell. Sourcewell is a municipal national contracting agency which establishes and provides nationally leveraged and competitively solicited purchasing contracts.

This will be a replacement for our older 2012 Hyundai H740-9 Loader. Newlons International will purchase our old Load as “Trade-In Value” for \$30,000.00

• 2024 Hyundai HL940A Wheel Loader (Equipment Specs attached)	\$ 165,820.00
• Freight	\$ 3,500.00
• 60 Month/4000 Hr. Full Machine Warranty	\$ 6,227.00
• Trade-In Value	\$ -30,000
<hr/>	
TOTAL	\$ 145,547.00

SPECIFICATIONS

HL940A

Powered By Cummins Performance Series Engine



*Photo may include optional equipment.



Net Power
154 HP (115 kW) at 2,200 rpm

Operating Weight
13,601 kg (29,985 lb) -
13,862 kg (30,560 lb)

Standard Bucket
2.3 m³ (3.0 yd³) -
2.0 m³ (2.62 yd³)

 **HYUNDAI**
CONSTRUCTION EQUIPMENT

SPECIFICATIONS HL940A

ENGINE

Maker / Model	CUMMINS / B6.7
Type	Tier 4F/ Stage V Emission Certified, 6 cylinder diesel engine with No Manual Regeneration.
Gross Power (SAE J1995)	156 HP (116 kW) at 2,200 rpm
Net Power (SAE J1349)	154 HP (115 kW) at 2,200 rpm
Max. Power	165 HP (123 kW) at 1,800 rpm
Peak Gross Torque (SAE J1995)	550 lbft (746 N-m) at 1,300 rpm
Displacement	6.7 L (408 cu in)

*Stage V & Tier 4 Final Certified

TRANSMISSION

Torque Converter Type	3-Elements, Single-stage, Single phase	
Tire	20.5 R25, ★★, L3	
Travel Speed, km/h (mph)	4 speed T/M	
Forward	1st	7.0 (4.3)
	2nd	12.8 (7.9)
	3rd	25.1 (15.6)
	4th	40.0 (24.9)
Reverse	1st	7.4 (4.6)
	2nd	13.5 (8.4)
	3rd	26.4 (16.4)

AXLES

Drive System	Four-wheel drive system
Mount	Rigid front axle and oscillating rear axle
Rear Axle Oscillation	Oscillating $\pm 11^\circ$ degrees
Hub Reduction	Planetary reduction at wheel end
Differential	Conventional
Reduction Ratio	21.533

HYDRAULIC SYSTEM

Type	Load sensing hydraulic system	
Pump	Variable displacement piston pump, 39.3 gpm	
Control Valve	2 spool (Bucket, Boom) 3 spool (Bucket, Boom, Aux)	
System Pressure	4,061 psi (280 bar)	
Lift Circuit	The valve has four functions: raise, hold, lower and float can adjust automatic kickout from horizontal to full lift.	
Tilt Circuit	The valve has three functions : tilt back, hold and dump. Can adjust automatic bucket positioner to desired load angle.	
Cylinder	Type : Double acting	
	No. of cylinders-bore x stroke:	
	Lift	2-110 × 738 mm (4.3" × 29")
	HL940A Tilt	125 × 560 mm (4.9" × 1' 10")
HL940A XT Tilt	125 × 580 mm (4.9" × 1' 11")	
Cycle Time	Raise: 5.5 sec, Dump: 1.9 sec Lower: 3.9 sec, Total: 11.3 sec	

* Hyundai Bio Hydraulic Oil (HBHO) optional.

OVERVIEW

Description	HL940A	HL940A XT
Operating Weight	13,601 kg (29,985 lb)	13,862 kg (30,560 lb)
Bucket Capacity	Heaped	2.3 m ³ (3.0 yd ³)
	Struck	2.0 m ³ (2.62 yd ³)
Breakout Force-Bucket	11,800 kg (26,015 lb)	11,940 kg (26,325 lb)
Tipping Load	Straight	10,471 kg (23,085 lb)
	Full Turn	9,003 kg (19,850 lb)
		7,050 kg (15,545 lb)

TIRES

Type	Tubeless, loader design tires
Standard	20.5 R25, ★★, L3
Options Include	20.5-25 16PR L3
	20.5-25 16PR L5
	20.5 R25, ★, XHA

BRAKES

Service Brakes	Hydraulically actuated, wet disc brakes actuate all 4 wheels independent axle-by-axle system. Self adjusting & wheel speed brake.
Parking Brake	Spring-applied, hydraulically released brake
Emergency Brake	When brake oil pressure drops, indicator light alerts operator and parking brake automatically applies.

STEERING SYSTEM

Type	Load sensing hydrostatic articulated steering	
Pump	Variable displacement piston pump, 149 lpm	
System Pressure	210 bar (3,046 psi)	
Cylinder	Double acting	2-65 × 429 mm (2.5" × 16.9")
Steering Angle	40° to both right and left angle, respectively	
Features	Center-point frame articulation. Tilt and telescopic steering column.	

SERVICE REFILL CAPACITIES

Fuel Tank	220.0 liters (58 US gal)
Def Tank	30.1 liters (8.0 US gal)
Cooling System	37.0 liters (9.8 US gal)
Crankcase	18.0 liters (4.8 US gal)
Transmission	34.7 liters (9.2 US gal)
Front Axle	23.0 liters (6.1 US gal)
Rear Axle	23.0 liters (6.1 US gal)
Hydraulic Tank	90.0 liters (23.8 US gal)
Hydraulic System (Including Tank)	130.0 liters (34.3 US gal)

CABIN

ROPS / FOPS Cabin Meet ISO 3471 and ISO 3449

CAB NOISE LEVEL

Guaranteed noise level presented below can be differed depending on a range of factors such as operating condition, speed of a cooling fan, types of engine and so forth. Hearing protection shall be necessary if an operator is working in the improperly maintained cabin or exposed to a noisy environment by leaving doors and/or windows open.

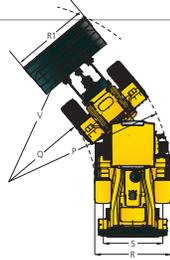
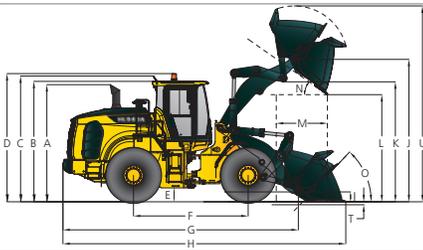
With cooling fan speed at maximum value:

Operator sound pressure level (ISO 6396:2008)	68 dB(A)
Exterior sound power level (ISO 6395:2008)	108 dB(A)

* Distance of 15 m (49.2 ft), moving forward in second gear ratio.

HL940A DIMENSIONS

All dimensions are approximate.



Description	HL940A	HL940A XT
A Height to Top of Exhaust Pipe	3,310 (10' 10")	3,310 (10' 10")
B Height to Top of Cabin	3,300 (10' 10")	3,300 (10' 10")
C Height to Top of Product Link Antenna	3,445 (11' 4")	3,445 (11' 4")
D Height to Top of Warning Beacon	3,430 (11' 3")	3,430 (11' 3")
E Ground Clearance	417 (1' 4.4")	417 (1' 4.4")
F Wheelbase	3,000 (9' 10")	3,000 (9' 10")
G Overall Length (Without Bucket)	6,430 (21' 1")	7,020 (23')
H Shipping Length (With Bucket Level on Ground)	7,600 (24' 11")	8,190 (26' 10")
I Hinge Pin Height at Carry Position	430 (1' 5")	600 (1' 12")
J Hinge Pin Height at Maximum Lift	3,820 (12' 6")	4,425 (14' 6")

Unit : mm (ftn)

Description	HL940A	HL940A XT
K Lift Arm Clearance at Maximum Lift	3,235 (10' 7")	3,840 (12' 7")
L Dump Clearance at Maximum Lift and 45° Discharge	2,765 (9' 1")	3,370 (11' 1")
M Reach at Maximum Lift and 45° Discharge	1,095 (3' 7")	1,090 (3' 7")
N Dump Angle at Maximum Lift and Dump (on Stops)	48	47
O Roll Back Angle	Ground	42
	Carry	47
P Clearance Circle (Diameter) to Outside of Tires	10,910 (35' 10")	10,910 (35' 10")
Q Clearance Circle (Diameter) to Inside of Tires	5,910 (19' 5")	5,910 (19' 5")
R Width Over Tires (Unloaded)	2,450 (8')	2,450 (8')
R1 Overall Width (with bucket)	2600 (8' 6")	-
S Tread Width	1,930 (6' 4")	1,930 (6' 4")

HL940A OPERATING SPECIFICATIONS WITH BUCKETS

Linkage Bucket Type Edge Type		General Purpose Pin On		General Purpose Hook on	High Lift Linkage Change
		Bolt-On Cutting Edges	Bolt-On Cutting Edges	Bolt-On Cutting Edges	
Capacity – Rated	m ³	2.3	2.1	2.3	-
	yd ³	3.0	2.7	3.0	
Capacity – Rated at 110% Fill Factor	m ³	2.5	2.3	2.5	-
	yd ³	3.3	3.0	3.3	
Width	mm	2,600	2,550	2,600	-
	ft/in	8' 6"	8' 4"	8' 6"	
Dump Clearance at Maximum Lift and 45° Discharge	mm	2,765	2,795	2,640	+605
	ft/in	9' 1"	9' 2"	8' 8"	+1' 12"
Reach at Maximum Lift and 45° Discharge	mm	1,095	1,065	1,220	-5
	ft/in	3' 7"	3' 6"	4'	-0.2"
Digging Depth	mm	90	90	90	+40
	ft/in	3.5"	3.5"	3.5"	+1.6"
T Shipping Length (with Bucket)	mm	7,600	7,560	7,775	+590
	ft/in	24' 11"	24' 10"	25' 6"	+1' 11"
U Overall Height with Bucket	mm	5,185	5,145	5,395	+605
	ft/in	17'	16' 11"	17' 8"	+1' 12"
V Loader Clearance Circle	mm	12,180	12,110	12,280	+570
	ft/in	40'	39' 9"	40' 3"	+1' 10"
Static Tipping Load, Straight (No Tire Deflection)	kg	10,000	10,100	9,200	-1850
	lb	22,050	22,270	20,285	-4075
Static Tipping Load, Articulated (No Tire Deflection)	kg	8,600	8,700	7,900	-1550
	lb	18,960	19,180	17,420	-3415
Breakout Force	kg	11,800	12,230	10,200	+140
	lb	26,015	26,965	22,490	+310
Operating Weight*	kg	13,400	13,360	13,675	+460
	lb	29,545	29,455	30,150	+1015

* All height and tire related dimensions are with standard 20.5 R25, ★ ★, L3 tires.

HL940A BUCKET SELECTION CHART

Standard Lift Arm – General Purpose Bucket

Type	m ³ (yd ³)	Material Density [ton / m ³]															
		1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5
Bolt-On Cutting Edge	2.3 (3.0)	2.6 m ³ (3.4 yd ³)						2.2 m ³ (2.9 yd ³)									
Bolt-On-Teeth	2.1 (2.7)							2.4 m ³ (3.1 yd ³)						2.0 m ³ (2.6 yd ³)			
Cutting Edge (ISO Quick Coupler)	2.3 (3.0)	2.6 m ³ (3.4 yd ³)						2.2 m ³ (2.9 yd ³)									

High Lift Arm (XT) – General Purpose Bucket

Type	m ³ (yd ³)	Material Density [ton / m ³]															
		1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5
Bolt-On Cutting Edge	2.3 (3.0)	2.6 m ³ (3.4 yd ³)						2.2 m ³ (2.9 yd ³)									
Bolt-On-Teeth	2.1 (2.7)							2.4 m ³ (3.1 yd ³)						2.0 m ³ (2.6 yd ³)			
Cutting Edge (ISO Quick Coupler)	2.3 (3.0)	2.6 m ³ (3.4 yd ³)						2.2 m ³ (2.9 yd ³)									

ENGINE	STD	OPT
ENGINE, CUMMINS, B6.7		
3 Stage air precleaner	•	
Alternator, 95A	•	
Fuel warmer	•	
Engine oil level dipstick gauge	•	
Fuel / water separator	•	
VGT (Variable Geometry Turbo)	•	
CLEAN EMISSION MODULE		
DOC, DPF and SCR	•	
Active Emission Regeneration (No Manual Regeneration Required)		
Stage V Certified Emissions	•	
EGR Free	•	
Automatic Regeneration	•	
COOLING SYSTEM		
Antifreeze	•	
Auto Reversing Fan (adjustable Time/ Interval Frequencies) w/ Manual Override	•	
Coolant Level Sight Gauge	•	
Fan guard	•	
Wide Fin Radiator	•	
POWER TRAIN		
TRANSMISSION		
Transmission F4/R3, computer controlled, electronic soft shift, auto-shift and kick-down features included	•	
Transmission oil sight level	•	
Wide Fin Transmission Oil Cooler	•	
AXLE		
Conventional (Rear)	•	
Hydraulic lock differential (Front)	•	
Limited slip differential (Front / Rear)		•
BRAKE		
Parking brake	•	
Service brake (Enclosed wet-disc)	•	
TIRES		
20.5 R25, ★★, L3	•	
20.5-25 16PR L3		•
20.5-25 16PR L5		•
20.5 R25, ★, XHA		•
HYDRAULIC SYSTEM		
Diagnostic pressure taps	•	
Hyundai Bio Hydraulic Oil (VG46)		•
Hydraulic oil level sight gauge	•	
Hydraulic Oil VG32		•
Hydraulic Oil VG46	•	
Wide Fin Hydraulic Oil Cooler	•	
HYDRAULIC CONTROL		
Fingertip		•
Joystick		•
ELECTRO-HYDRAULIC CONTROL		
Boom kickout, automatic	•	
Bucket positioner, automatic	•	
Extra piping for auxiliary function		•
Fingertip	•	
Joystick	•	
Quick coupler piping	•	
Ride control system	•	
CAB & INTERIOR		
ALARMS, AUDIBLE AND VISUAL		
Air filter clogging	•	
Battery voltage	•	
Brake oil pressure	•	
DEF low level	•	
Engine coolant level	•	
Engine coolant temperature	•	
Engine oil pressure	•	
Fuel level	•	
Hydraulic oil temperature	•	
Parking brake	•	
Service brake oil pressure	•	
Seat belt ON/OFF	•	
Transmission error	•	

CAB & INTERIOR	STD	OPT
ALARMS, AUDIBLE AND VISUAL		
Transmission oil temperature	•	
GAUGES		
Diesel Exhaust Fluid (DEF) level	•	
Engine coolant temperature	•	
Fuel level	•	
Horn, electric	•	
Speedometer	•	
Transmission oil temperature	•	
INDICATOR LIGHTS		
Clutch Cut Off	•	
Differential Lock	•	
Engine auto stop	•	
FNR	•	
High beam	•	
Parking brake	•	
Pilot cut off	•	
Ride control	•	
Seat belt ON/OFF	•	
Turning light	•	
LCD DISPLAY		
Clock and fault code	•	
DEF level	•	
DEF low level	•	
Engine rpm	•	
Horn, electric	•	
Job time and distance	•	
Operating hour counter	•	
Transmission gear range	•	
BATTERIES		
850CCA, 12V, 2PCS	•	
LIGHTING SYSTEM		
Brake lights(Counterweight)	•	
LED dome light	•	
2 Head lights on front tower	•	
2 Head lights (LED) on front tower		•
2 Stop and tail lights	•	
4 Turn signals	•	
2 Working lights on front roof		•
4 Working lights on front roof		•
2 Working lights on rear roof		•
4 Working lights (LED) on front roof		•
2 Working lights (LED) on rear roof		•
2 Working lights on grill	•	
2 Working lights (LED) on grill	•	
SWITCHES		
Battery master switch	•	
Differential Lock	•	
Emergency steering		•
FNR shifter	•	
Hazard	•	
Parking	•	
Pilot cut off	•	
SYSTEM MEMORY SETTINGS		
Autolube, integrated in secondary display		•
Auto position	•	
Beacon light		•
Fine modulation	•	
Main light	•	
Mirror heat	•	
Quick coupler	•	
Rear wiper	•	
Ride control	•	
Work light	•	
Work load	•	
IGNITION		
Key	•	
Push Start Button		•
CAB (SOUND SUPPRESSED)		
24V to 12V DC converter (20A)	•	
Coat hook	•	
Magazine pocket	•	
One door cab	•	
Radio / USB player	•	

CAB & INTERIOR	STD	OPT
CAB(SOUND SUPPRESSED)		
Rear view mirrors (1 Inside)	•	
Rear view mirrors (2 Outside, heated)	•	
Roller type sunshade (Front window)	•	
ROPS / FOPS CAB.	•	
Rubber floor mat	•	
Steering column, tilt and telescopic	•	
Steering wheel with knob	•	
Tinted safety glass	•	
Wrist rest	•	
DOOR		
Door and cab locks, one key	•	
Doors, service access (Locking)	•	
Doors, service access (Remote control)		•
AUTOMATIC CLIMATE CONTROL		
Air conditioner & heater	•	
Defroster	•	
Intermittent wiper and washer, front and rear	•	
SEAT		
3" Retractable seat belt & adjustable air suspension (Heated)	•	
PERSONAL STORAGE SPACE		
Console box	•	
Holder, can and cup	•	
PEDALS		
Accel pedal without ECO switch	•	
Dual-brake pedal		•
One accelerator pedal	•	
One brake pedal	•	
SAFETY		
Alarm, back-up	•	
Boom safety lock		•
Emergency steering		•
Emergency stop	•	
Fire extinguisher		•
OBJECT DETECTION		
AAVM - All Around View Monitoring		•
IMOD (Intelligent Moving Object Detection)		•
RADAR + Secondary Monitor		•
OTHERS		
2nd Monitor		•
3 Spool MCV	•	
Air Compressor		•
Auto Engine Shut Down	•	
Auto Grease System		•
Articulation Locking Bar	•	
Heavy Counterweight	•	
Hi-Mate, Satellite		•
ISO Quick Coupler	•	
LED Beacon Lamp		•
License Plate & 10W LED Lamp		•
Lift and tie-down hooks	•	
Loader linkage, sealed	•	
Sun Shade on Rear Window of Cabin		•
Vandalism protection caplocks	•	
Wheel Chocks		•
SAFETY		
Handrails	•	
Ladders	•	
Platforms	•	
Steps	•	
TELEMATICS		
ECD (Engine Connected Diagnostics)	•	
Hi MATE	•	
GUARDS		
Belly-Pan Guard		•
Crankcase	•	
Fenders (Front)	•	
Fenders (Rear)		•
Transmission	•	

Item 11E.

* Standard and optional equipment may vary. Contact your Hyundai dealer for more information. The machine may vary according to International standards.
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PLEASE CONTACT



ENGINE	STD	OPT
ENGINE, CUMMINS, B6.7		
3 Stage air precleaner	•	
Alternator, 95A	•	
Fuel warmer	•	
Engine oil level dipstick gauge	•	
Fuel / water separator	•	
VGT (Variable Geometry Turbo)	•	
CLEAN EMISSION MODULE		
DOC, DPf and SCR	•	
Active Emission Regeneration (No Manual Regeneration Required)		
Stage V Certified Emissions	•	
EGR Free	•	
Automatic Regeneration	•	
COOLING SYSTEM		
Antifreeze	•	
Auto Reversing Fan (adjustable Time/Interval Frequencies) w/ Manual Override	•	
Coolant Level Sight Gauge	•	
Fan guard	•	
Wide Fin Radiator	•	
POWER TRAIN	STD	OPT
TRANSMISSION		
Transmission F4/R3, computer controlled, electronic soft shift, auto-shift and kick-down features included	•	
Transmission oil sight level	•	
Wide Fin Transmission Oil Cooler	•	
AXLE		
Conventional (Rear)	•	
Hydraulic lock differential (Front)	•	
Limited slip differential (Front / Rear)		•
BRAKE		
Parking brake	•	
Service brake (Enclosed wet-disc)	•	
TIRES		
20.5 R25, ★★, L3	•	
20.5-25 16PR L3		•
20.5-25 16PR L5		•
20.5 R25, ★, XHA		•
HYDRAULIC SYSTEM	STD	OPT
Diagnostic pressure taps	•	
Hyundai Bio Hydraulic Oil (VG46)		✗
Hydraulic oil level sight gauge	•	
Hydraulic Oil VG32		✗
Hydraulic Oil VG46	•	
Wide Fin Hydraulic Oil Cooler	•	
HYDRAULIC CONTROL		
Fingertip "kick differential"		•
Joystick		•
ELECTRO-HYDRAULIC CONTROL		
Boom kickout, automatic	•	
Bucket positioner, automatic	•	
Extra piping for auxiliary function		•
Fingertip	•	
Joystick	•	
Quick coupler piping	•	
Ride control system	•	
CAB & INTERIOR	STD	OPT
ALARMS, AUDIBLE AND VISUAL		
Air filter clogging	•	
Battery voltage	•	
Brake oil pressure	•	
DEF low level	•	
Engine coolant level	•	
Engine coolant temperature	•	
Engine oil pressure	•	
Fuel level	•	
Hydraulic oil temperature	•	
Parking brake	•	
Service brake oil pressure	•	
Seat belt ON/OFF	•	
Transmission error	•	

CAB & INTERIOR	STD	OPT
ALARMS, AUDIBLE AND VISUAL		
Transmission oil temperature	•	
GAUGES		
Diesel Exhaust Fluid (DEF) level	•	
Engine coolant temperature	•	
Fuel level	•	
Horn, electric	•	
Speedometer	•	
Transmission oil temperature	•	
INDICATOR LIGHTS		
Clutch Cut Off	•	
Differential Lock	•	
Engine auto stop	•	
FNR	•	
High beam	•	
Parking brake	•	
Pilot cut off	•	
Ride control	•	
Seat belt ON/OFF	•	
Turning light	•	
LCD DISPLAY		
Clock and fault code	•	
DEF level	•	
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Engine rpm	•	
Horn, electric	•	
Job time and distance	•	
Operating hour counter	•	
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850CCA, 12V, 2PCS	•	
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2 Working lights (LED) on rear roof		•
2 Working lights on grill	•	
2 Working lights (LED) on grill	•	
SWITCHES		
Battery master switch	•	
Differential Lock	•	
Emergency steering		•
FNR shifter	•	
Hazard	•	
Parking	•	
Pilot cut off	•	
SYSTEM MEMORY SETTINGS		
Autolube, integrated in secondary display		•
Auto position	•	
Beacon light		•
Fine modulation	•	
Main light	•	
Mirror heat	•	
Quick coupler	•	
Rear wiper	•	
Ride control	•	
Work light	•	
Work load	•	
IGNITION		
Key	•	
Push Start Button		•
CAB (SOUND SUPPRESSED)		
24V to 12V DC converter (20A)	•	
Coat hook	•	
Magazine pocket	•	
One door cab	•	
Radio / USB player	•	

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CAB(SOUND SUPPRESSED)		
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Steering column, tilt and telescopic	•	
Steering wheel with knob	•	
Tinted safety glass	•	
Wrist rest	•	
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Door and cab locks, one key	•	
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One accelerator pedal	•	
One brake pedal	•	
SAFETY	STD	OPT
Alarm, back-up	•	
Boom safety lock		•
Emergency steering		•
Emergency stop	•	
Fire extinguisher		•
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AAVM - All Around View Monitoring		•
IMOD (Intelligent Moving Object Detection)		•
RADAR + Secondary Monitor		•
OTHERS	STD	OPT
2nd Monitor		•
3 Spool MCV	•	
Air Compressor		•
Auto Engine Shut Down	•	
Auto Grease System		•
Articulation Locking Bar	•	
Heavy Counterweight	•	
Hi-Mate, Satellite		•
ISO Quick Coupler	•	
LED Beacon Lamp		•
License Plate & 10W LED Lamp		•
Lift and tie-down hooks	•	
Loader linkage, sealed	•	
Sun Shade on Rear Window of Cabin		•
Vandalism protection caplocks	•	
Wheel Chocks		•
SAFETY		
Handrails	•	
Ladders	•	
Platforms	•	
Steps	•	
TELEMATICS		
ECD (Engine Connected Diagnostics)	•	
HI MATE	•	
GUARDS		
Belly-Pan Guard		•
Crankcase	•	
Fenders (Front)	•	
Fenders (Rear)	•	
Transmission	•	

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