

# MUNICIPAL HOME RULE PROGRAM

City of Morgantown

2021  
PROGRESS  
REPORT

West Virginia Municipal Home  
Rule Board

P.O. Box 11360

Charleston, WV 25339-1360

[www.wvmunicipalhomeboard.com](http://www.wvmunicipalhomeboard.com)


304.558.3356

West Virginia State Code §8-1-5a (m) provides:

“Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.”

The Municipal Home Rule Board has developed this standard format for Pilot Program participating municipalities to prepare and submit their respective Annual Progress Reports. The intent of this standard format is to gather and compile information in a consistent, easily understood, and efficient manner that will be used to develop a concise and practical summary report to the Joint Committee on Government and Finance.

Annual Progress Reports must be submitted electronically as an individual file in PDF format no later than the close of business on the first business day of December, by emailing to WV Municipal Home Rule Board at [MunicipalHomeRule@wv.gov](mailto:MunicipalHomeRule@wv.gov).

<b>A. General Information</b>		
Name of Municipality: Morgantown		
Certifying Official: A. Kim Haws	Title: City Manager	
Contact Person: Ryan Simonton	Title: City Attorney	
Address: 389 Spruce Street		
City, State, Zip: Morgantown, WV 26505		
Telephone Number: 304-284-7477	Fax Number:	
E-Mail Address: <a href="mailto:rsimonton@morgantownwv.gov">rsimonton@morgantownwv.gov</a>		
2020 Census Population: 30,712		
<b>B. Municipal Classification</b>		
<input type="checkbox"/> Class I <input checked="" type="checkbox"/> Class II <input type="checkbox"/> Class III <input type="checkbox"/> Class IV		
<b>C. Attest</b>		
I hereby confirm that I am the authorized official for this municipality and certify that the information submitted herein and attached hereto is true and accurate and that this report addresses each and every initiative included in the original Home Rule Pilot Program Plan Application for this municipality and any subsequent amendments, if applicable.		
A. Kim Haws		12/1/2021
Type Name of Certifying Official	Signature of Certifying Official	Date

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

<b>Initiative: Regulation of Upholstered Furniture on Exterior of Premises</b>
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? April 7, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</b></p> <p>The home rule ordinance for fire marshal law enforcement authority continues to be one of the most successful programs implemented on a local or state level. Just nine years ago in 2012, Morgantown led the United States in the total number of intentionally set rubbish fires and was second overall in the number of dumpster fires. The data for 2021 indicates intentionally set fire rubbish and dumpster fires are at the lowest number in 41 years. The most recent data collected for 2021 indicates just how successful the home rule program has been.</p> <p><b><u>Intentional Dumpster and Rubbish fires</u></b>  Total fires (years 1979 to 2020) = 3,581</p> <p>(Year 2010) = 168 fires  (Year 2011) = 176 fires  (Year 2012) = 206 fires  (Year 2013) = 98 fires  (Year 2014) = 122 fires  <b>(Year 2015) = 67 fires * Home rule in effect</b>  (Year 2016) = 27 fires  (Year 2017) = 11 fires  (Year 2018) = 17 fires  (Year 2019) = 20 fires  (Year 2020) = 6 fires  (Year 2021) = 5 fires</p> <p>Misdemeanor Arson Dispositions: 8 arrests and convictions, 1 open investigations, 47 cases cleared</p> <p>Felony Arson Dispositions: 2 arrest and conviction, 2 open investigations, 6 cold cases re-opened, 21 cases cleared</p> <p><b>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</b></p> <p>The success here of virtually eliminating the nuisance arson problem in Morgantown can be attributed to conducting a proper investigation of every fire that occurs. There is a deterrence effect that now exists because the public sees that all arson fires are taken seriously, even those that may occur in a dumpster or in the middle of the street.</p>

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<b>Initiative: Court Technology and Maintenance Fee</b>
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? April 7, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The ordinance assesses a five-dollar fee on each municipal court defendant found guilty or pleading “no contest” to a misdemeanor – excluding parking violations. Fee collections have funded an upgraded video system permitting efficient presentation of evidence and with video arraignment capability. Fee collections have also funded a citation scanning system allowing paperless e-filing and improving efficiencies when researching and providing past citation copies. The fee has funded the purchase of a tablet to be used at the bench by the municipal court judge, allowing paperless entry of dispositions and more rapid transmission to the court clerks.</p> <p>The upgraded video system that the technology fund has provided has been very beneficial to the court during this pandemic. This has allowed the court to have video hearings instead of in-person hearings to try to keep the staff and the public safe due to the safety guidelines with this pandemic.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

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<b>Initiative: Authorizing Intergovernmental Agreements by Resolution</b>
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? May 19, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>This charter amendment allows the City to make agreements with other jurisdictions by approval at one council meeting, where two were previously required to adopt an ordinance. The measure has promoted efficient governance, being used in several instances to adopt agreements with the United States Department of Transportation, Monongalia County Development Authority, and West Virginia University.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>Community support for this efficient governance measure was important, as the charter change by ordinance required that no written objections were filed.</p>

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<b>Initiative: Public Nuisance removal liens</b>
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? May 19, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>No liens have been requested for public nuisance abatements since the ordinance was enacted. Although these situations are infrequent, when a situation occurs, this ordinance is a good tool to recover costs. In calendar year 2020, the city designated three structures as public nuisances subject to removal. One structure has been demolished pursuant to court order but the others remain eligible for demolition as public nuisances with liens for costs available to the city.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

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<b>Initiative: Fire Marshals Arrest Authority</b>
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? October 20, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The home rule ordinance for fire marshal law enforcement authority continues to be one of the most successful programs implemented on a local or state level. Just nine years ago in 2012, Morgantown led the United States in the total number of intentionally set rubbish fires and was second overall in the number of dumpster fires. The data for 2021 indicates intentionally set fire rubbish and dumpster fires are at the lowest number in 41 years. The most recent data collected for 2021 indicates just how successful the home rule program has been.</p> <p><b><u>Intentional Dumpster and Rubbish fires</u></b>  Total fires (years 1979 to 2020) = 3,581</p> <p>(Year 2010) = 168 fires  (Year 2011) = 176 fires  (Year 2012) = 206 fires  (Year 2013) = 98 fires  (Year 2014) = 122 fires  <b>(Year 2015) = 67 fires * Home rule in effect</b>  (Year 2016) = 27 fires  (Year 2017) = 11 fires  (Year 2018) = 17 fires  (Year 2019) = 20 fires  (Year 2020) = 6 fires  (Year 2021) = 5 fires</p> <p>Misdemeanor Arson Dispositions: 8 arrests and convictions, 1 open investigations, 47 cases cleared</p> <p>Felony Arson Dispositions: 2 arrest and conviction, 2 open investigations, 6 cold cases re-opened, 21 cases cleared</p> <p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this initiative that would benefit other municipalities.</p> <p>Arson crimes are difficult to prove, with an overall national conviction rate of less than 1%. Having law enforcement investigators with a fire science background will lead to more successful investigations. The success of Morgantown’s initiative for Fire Marshals generated interest from municipalities throughout the state. The West Virginia legislature unanimously passed HB4715, which modified State Code Sections 8-14-3 and 8-15-1 to create the position of Municipal Fire Marshal as law enforcement officials. The language used in HB4715 was mostly taken from the Morgantown Home Rule Ordinance. Today, the cities of Morgantown, Charleston, St. Albans, Nitro, Weirton, and Wheeling have municipal fire marshals with law enforcement authority.</p>

<b>Initiative: Sunday Alcohol Sales</b>
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? October 4, 2016
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The ordinance authorized alcohol sales for on-premises consumption beginning at 10 a.m. – rather than the previous 1 p.m. – on Sundays within the City. This initiative allowed local businesses a head start in implementing alcohol sales with “Sunday brunch” as promoted by state legislation which authorized a county referendum to approve or disapprove the time change. It provided certainty to City businesses that they could offer Sunday brunch alcohol sales independent of the outcome of the county-wide referendum.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this initiative that would benefit other municipalities.</p>



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<b>Initiative: Fire Marshals' arson and explosives offenses arrest authority</b>
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2017
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The home rule initiative for fire marshal authority over arson and explosives crimes of the WV State Code was an expansion of the 2015 plan that granted fire marshals limited arrest authority over certain violations of the fire code. Since implementation in December 2017, the following arson-related activities and dispositions have occurred: Misdemeanor Arson Dispositions: 8 arrests and convictions, 1 open investigations, 47 cases cleared</p> <p>Felony Arson Dispositions: 2 arrest and conviction, 2 open investigations, 6 cold cases re-opened, 21 cases cleared.</p> <p>Morgantown Fire Marshals have completed specialized training on explosives and the various laws and regulations. They also received Class G Law Enforcement licenses to use, transport, or handle explosives that may be seized or confiscated during investigations.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>Arson crimes are difficult to prove, with an overall national conviction rate of less than 1%. Having law enforcement investigators with a fire science background will lead to more successful investigations. The success of Morgantown's initiative for Fire Marshals generated interest from municipalities throughout the state. This past session, the West Virginia legislature unanimously passed HB4715, which modified State Code Sections 8-14-3 and 8-15-1 to create the position of Municipal Fire Marshal as law enforcement officials. The language used in HB4715 was mostly taken from the Morgantown Home Rule Ordinance. Today, the cities of Morgantown, Charleston, St. Albans, Nitro, Weirton, and Wheeling have municipal fire marshals with law enforcement authority.</p>

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<b>Initiative: Limit expansion of nonconforming agricultural, industrial, and manufacturing uses</b>
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2017
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</b></p> <p>To date, the City of Morgantown Development Services Department is unaware of any nonconforming agricultural, industrial, and/or manufacturing uses that have sought to expand, within the Morgantown corporate boundaries.</p>
<p><b>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</b></p>

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<b>Initiative: Waive certified mail requirement for zoning changes that alter density</b>
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2017
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCCESES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City of Morgantown observed seven rezoning requests in 2019 and 2020 that would have affected density of individual parcels and one text amendment related to an overlay district that affects multiple residentially zoned parcels in the Wiles Hill neighborhood. Using the lowest USPS certified mail rate, the estimated cost to deliver certified mailings these amendments would exceed \$1,100.00. As previously presented, overall comprehensive zoning ordinance changes requiring certified mailings would exceed \$46,000.00, per occurrence.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

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<b>Initiative: Disposition of real estate without auction</b>
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2017
If no, please describe challenges faced in enacting the related ordinance(s)
<p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The ordinance allows the City to sell real estate directly without auction and to consider the value of public services to be provided or economic development expected when determining a fair value for the lease or sale of property. The City has several current or proposed transactions for the sale of vacant lots that this authority may facilitate. The City has sold property adjacent to its airport to an adjoining landowner to expand use of business property nearby.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

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<b>Initiative: Expend money on schools by agreement with the governing agency</b>
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2018
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The ordinance passed in December of 2018 allows the City to expend public funds on school projects that benefit the community by an agreement with the Monongalia County Board of Education.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

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<b>Initiative: Eliminate property ownership requirement for park board membership</b>
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? December 19, 2017
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>Since the ordinance was enacted in December 2017, the City of Morgantown experienced a 62% increase in qualified candidates applying for Park Board membership. Of those qualified applicants, 38% currently reside in the City and do not own property.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application and Amendment(s). Each non-tax related initiative must be listed on a separate page.

<b>Initiative: Use the Board of Zoning Appeals to administer the Subdivision and Land Development Ordinance</b>
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, when was the ordinance enacted? n/a
If no, please describe challenges faced in enacting the related ordinance(s).  The authority will be implemented within a comprehensive subdivision and land development, which is in progress.
<b>SUCCESESSES</b> – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.
<b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application and Amendment(s). Each non-tax related initiative must be listed on a separate page.

<b>Initiative: Change Audit reporting date for Land Reuse Agency</b>
Was this non-tax initiative a part of your original plan application <input type="checkbox"/> or a plan amendment <input checked="" type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? February 18, 2020 (Ordinance No. 2020-5).
If no, please describe challenges faced in enacting the related ordinance(s).
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative which highlights successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>This initiative allows the city to include its Land Reuse Agency within its audit procurement and reporting by coordinating the Agency reporting deadline to the West Virginia Housing Development Fund with the city’s reporting deadline to the Auditor. Coordinating the reporting annually saves the city and agency the cost of procuring an additional audit.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>



Please use this page to report progress on each **tax related initiative** included in your Home Rule Application. Each tax related initiative must have a separate page.

<b>Initiative: Municipal Sales, Service, and Use Tax</b>
Was this tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? May 21, 2019
If no, please describe challenges faced in enacting the related ordinance(s)
<p><b>REVENUES</b> – In the space below, please provide a brief narrative highlighting revenue amounts and revenue categories realized; revenue amounts and revenue categories reduced; net revenue gain; and, any metrics used to track performance.</p> <p>The tax became effective July 1, 2020, and business and occupation tax reductions adopted in connection with adoption of the tax become effective the same date. The City of Morgantown received the first Municipal sales tax allocation of \$1,206,614.29 on October 28, 2020. Receipts for subsequent quarters were as follows: Q4 2020: \$2,100,400.06; Q1 2021: 2,149,990.02; Q2 2021: 2,195,178.64; Q3 2021: \$2,274,303.99. The breakdown of this sales tax for the FY22 budget year was to be split equally to BOPARC, retirement fund, general fund, and capital escrow at 25% each. The first priority for use of sales tax funds would be retiring debt associated with any bond issues, but no bonds secured by the sales tax special revenue fund have been issued. Beginning July 1, 2020, Morgantown reduced the retail and service business and occupation tax rates by 10%. Reductions have reduced revenue by an estimated \$1,691,223.03, but pandemic-related changes in business activity make direct comparison difficult.</p>
<p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting projects, improvements, programming, etc. realized through the implementation of this revenue initiative and any metrics used to track performance.</p> <p>Morgantown will track revenues on a quarter by quarter comparison basis to evaluate the impact of the sales tax adoption and business and occupation tax reduction. Sales tax revenues are authorized to fund issues of debt for municipal recreation projects and to contribute additional funds to employee retirement and other post-employment benefit obligations, as well as for general fund use.</p>
<p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>