



Legal Department

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505

March 6, 2019

Municipal Home Rule Board
c/o Courtney Shamblin, Executive Assistant
Office of General Counsel
Department of Revenue
Building 1, W-300
Charleston, WV 25305
By email: Courtney.D.Shamblin@wv.gov

RE: Proposed Home Rule Plan Amendment by the City of Morgantown

Ladies and Gentlemen:

Enclosed with this letter, please find the following documents for the Board's consideration at its April 10, 2019 meeting:

- 1) A proposed amendment to the City of Morgantown's written plan pursuant to the Home Rule Pilot Program, along with the adopted Ordinance authorizing submission of the proposed amendment;
- 2) A publisher's certificate showing the public notice and inspection requirements for this plan amendment have been completed;
- 3) A copy of the minutes of the City Council meeting held March 5, 2019, as well as a video recording of the meeting, both reflecting that no comments were offered at the public hearing held regarding the proposed plan amendment; and
- 4) A letter certifying that the proposed plan amendment complies with *W. Va. Code* § 8-1-5a.

If I may be of any additional assistance in this matter, please contact me.

Sincerely,

Ryan Simonton
City Attorney
City of Morgantown



Legal Department

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MORGANTOWN, WEST VIRGINIA 26505

March 6, 2019

Municipal Home Rule Board
c/o Courtney Shamblin, Executive Assistant
Office of General Counsel
Department of Revenue
Building 1, W-300
Charleston, WV 25305
By email: Courtney.D.Shamblin@wv.gov

RE: Proposed Home Rule Plan Amendment by the City of Morgantown

Ladies and Gentlemen:

In accordance with the procedures established by the Municipal Home Rule Board, I write to certify that the proposed written plan amendment included with this correspondence complies with *W. Va. Code* § 8-1-5a.

If I may be of any additional assistance in this matter, please contact me.

Sincerely,

Ryan Simonton
City Attorney
City of Morgantown

Ordinance 19-03

**An Ordinance Authorizing the City to Submit an Amendment to its Written Plan
to the Home Rule Board**

Adopted by the City of Morgantown, WV on March 5, 2019

Ordinance 19-03

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

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

FIRST READING: **February 5, 2019**

ADOPTED: **March 5, 2019**

FILED: **March 7, 2019**

RECORDED: **March 7, 2019**



Mayor



City Clerk



THE CITY OF MORGANTOWN

Home Rule Plan Amendment

Introduction

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

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

1. Campaign finance reporting. Reporting of expenditures on political campaigns is regulated by West Virginia Code Chapter 3, Article 8. The City seeks authority to add reporting requirements for municipal elections, which would be managed locally.
2. Use the Board of Zoning Appeals as the appeals board for the Subdivision and Land Development ordinance. State Code authorizes decisions enforcing an adopted Subdivision and Land Development Ordinance be appealable to an administrative board. The City seeks to utilize the existing Board of Zoning Appeals to hear such appeals in order to promote efficient governance and consistent decisions on local development issues.

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

Proposed Initiatives

1. Campaign Finance reporting.
 - a. Applicable laws: West Virginia Code Chapter 3, Article 8. (Attached as **Exhibit 1**).
 - b. Limitations presented by law: State law provides for campaign finance reporting to local election officials in accordance with prescribed timelines. The law does not explicitly provide municipal authority to require additional reporting in municipal elections.
 - c. Home Rule solution: The City will adopt an ordinance establishing reporting requirements for expenditures on political campaigns, which will augment the existing system provided by state law and allow prompt receipt and publication of City campaign finance reporting immediately prior to each election. The City only seeks authority to require additional reporting for municipal elections and administered by City election officials. The authority would not alter or abrogate any statewide requirement, nor would it impose additional duties upon the Secretary of State's office or other state agency.

2. Use the Board of Zoning Appeals with respect to the Subdivision and Land Development Ordinance.
 - a. Applicable laws: West Virginia Code section 8A-4-2, attached as **Exhibit 2**.
 - b. Limitations presented by law: State law authorizes establishment of a board to hear appeals of decision enforcing a jurisdiction's subdivision and land development ordinance. *W. Va. Code* § 8A-4-2(b)(1). The board would have the same powers over the Subdivision and Land Development Ordinance as are exercised by a Board of Zoning Appeals with respect to an enacted Zoning Ordinance. Morgantown is planning to update its Subdivision and Land Development Ordinance but intends to continue integrating the subdivision process within its Planning and Zoning Code. Due to the integrated issues and the land use expertise among members of the Board of Zoning Appeals, the City believes its citizens would benefit from a more efficient appeals process by designating the existing Board of Zoning Appeals as the board exercising authority pursuant to *W. Va. Code* § 8A-4-2(b)(1) under the Subdivision and Land Development Ordinance.
 - c. Home Rule solution: Upon adoption of a Subdivision and Land Development Ordinance pursuant to West Virginia Code Chapter 8A, Article 4, or concurrent therewith, the City will adopt an ordinance designating the Board of Zoning Appeals as the body authorized to hear appeals and exercise other authorities with respect to the Subdivision and Land Development Ordinance pursuant to *W. Va. Code* § 8A-4-2(b)(1).

EXHIBIT 1

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-1

§ 3-8-1. Provisions to regulate and control elections

Effective: June 11, 2010

Currentness

(a) The Legislature finds that:

(1) West Virginia's population is 1,808,344, ranking 37th among the fifty states.

(2) State Senate districts have a population of approximately one hundred six thousand three hundred seventy-three, and the average Delegate district has a population of approximately thirty-one thousand, one hundred seventy-eight. The size of these districts is substantially smaller than the United States Senatorial and Congressional Districts.

(3) When the relatively small size of the State's legislative and other voting districts is combined with the economics and typical uses of various forms of electioneering communication, history shows that non-broadcast media is and will continue to be a widely used means of making campaign related communications to target relevant audiences. Consequently, non-broadcast communications are prevalent during elections.

(4) Disclosure provisions are appropriate legislative weapons against the reality or appearance of improper influence stemming from the dependence of candidates on large campaign contributions, and the ceilings imposed accordingly serve the basic governmental interest in safeguarding the integrity of the electoral process without directly impinging upon the rights of individual citizens and candidates to engage in political debate and discussion.

(5) Disclosure of expenditures serve a substantial governmental interest in informing the electorate and preventing the corruption of the political process.

(6) Disclosure by persons and entities that make expenditures for communications that expressly advocate the election or defeat of clearly identified candidates, or perform its functional equivalent, is a reasonable and minimally restrictive method of furthering First Amendment values by public exposure of the state election system.

(7) Failing to regulate non-broadcast media messages would permit those desiring to influence elections to avoid the principles and policies that are embodied in existing state law.

(8) The regulation of the various types of non-broadcast media in addition to broadcast media, is tailored to meet the circumstances found in the State of West Virginia.

(9) Non-broadcast media such as newspapers, magazines or other periodicals have proven to be effective means of election communication in West Virginia. Broadcast, satellite and non-broadcast media have all been used to influence election outcomes.

(10) Certain non-broadcast communications, such as newspaper inserts, can be more effective campaign methods than broadcast media because such communications can be targeted to registered voters or historical voters in the particular district. In contrast, broadcasted messages reach all of the general public, including person ineligible to vote in the district.

(11) Non-broadcast media communications in the final days of a campaign can be particularly damaging to the public's confidence in the election process because they reduce or make impossible an effective response.

(12) Identifying those funding non-broadcast media campaigns in the final days of a campaign may at least permit voters to evaluate the credibility of the message.

(13) In West Virginia, contributions up to the amounts specified in this article allow contributors to express their opinions, level of support and their affiliations.

(14) In West Virginia, campaign expenditures by entities and persons who are not candidates have been increasing. Public confidence is eroded when substantial amounts of such money, the source of which is hidden or disguised, is expended. This is particularly true during the final days of a campaign.

(15) In West Virginia, contributions to political organizations, defined in [Section 527\(e\)\(1\) of the Internal Revenue Code of 1986](#), substantially larger than the amounts permitted to be received by a candidate's political committee have been recorded and are considered by the legislature to be large contributions.

(16) Independent expenditures intended to influence candidates' campaigns in the state are increasingly utilizing non-broadcast media to support or defeat candidates.

(17) Identification of persons or entities funding political advertisements assists in enforcement of the contribution and expenditure limitations established by this article and simply informs voters of the actual identities of persons or entities advocating the election or defeat of candidates.

(18) Identification of persons or entities funding political advertisements allows voters to evaluate the credibility of the message contained in the advertisement.

(19) Disclosure of the identity of persons or entities funding political communications regarding candidates bolsters the right of listeners to be fully informed.

(b) Political campaign contributions, receipts and expenditures of money, advertising, influence and control of employees, and other economic, political and social control factors incident to primary, special and general elections shall be regulated and controlled by the provisions of this article and other applicable provisions of this chapter.

Credits

Acts 1963, c. 64; Acts 2008, 2nd Ex. Sess., c. 13, eff. Sept. 26, 2008; Acts 2010, c. 76, eff. June 11, 2010.

W. Va. Code, § 3-8-1, WV ST § 3-8-1

Current with legislation of the 2018 First Extraordinary Session.

End of Document

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West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-1a

§ 3-8-1a. Definitions

Effective: July 11, 2013

Currentness

As used in this article, the following terms have the following definitions:

(1) "Ballot issue" means a constitutional amendment, special levy, bond issue, local option referendum, municipal charter or revision, an increase or decrease of corporate limits or any other question that is placed before the voters for a binding decision.

(2) "Billboard Advertisement" means a commercially available outdoor advertisement, sign or similar display regularly available for lease or rental to advertise a person, place or product.

(3) "Broadcast, cable or satellite communication" means a communication that is publicly distributed by a television station, radio station, cable television system or satellite system.

(4) "Candidate" means an individual who:

(A) Has filed a certificate of announcement under section seven, article five of this chapter or a municipal charter;

(B) Has filed a declaration of candidacy under section twenty-three, article five of this chapter;

(C) Has been named to fill a vacancy on a ballot; or

(D) Has declared a write-in candidacy or otherwise publicly declared his or her intention to seek nomination or election for any state, district, county or municipal office or party office to be filled at any primary, general or special election.

(5) "Candidate's committee" means a political committee established with the approval of or in cooperation with a candidate or a prospective candidate to explore the possibilities of seeking a particular office or to support or aid his or her nomination or election to an office in an election cycle. If a candidate directs or influences the activities of more than one active committee in a current campaign, those committees shall be considered one committee for the purpose of contribution limits.

(6) “Clearly identified” means that the name, nickname, photograph, drawing or other depiction of the candidate appears or the identity of the candidate is otherwise apparent through an unambiguous reference, such as “the Governor”, “your Senator” or “the incumbent” or through an unambiguous reference to his or her status as a candidate, such as “the Democratic candidate for Governor” or “the Republican candidate for Supreme Court of Appeals”.

(7) “Contribution” means a gift, subscription, loan, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of influencing the nomination, election or defeat of a candidate. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation: *Provided*, That a nonmonetary contribution is to be considered at fair market value for reporting requirements and contribution limitations.

(8) “Corporate political action committee” means a political action committee that is a separate segregated fund of a corporation that may only accept contributions from its restricted group as outlined by the rules of the State Election Commission.

(9) “Direct costs of purchasing, producing or disseminating electioneering communications” means:

(A) Costs charged by a vendor, including, but not limited to, studio rental time, compensation of staff and employees, costs of video or audio recording media and talent, material and printing costs and postage; or

(B) The cost of air time on broadcast, cable or satellite radio and television stations, the costs of disseminating printed materials, studio time, use of facilities and the charges for a broker to purchase air time.

(10) “Disclosure date” means either of the following:

(A) The first date during any calendar year on which any electioneering communication is disseminated after the person paying for the communication has spent a total of \$5,000 or more for the direct costs of purchasing, producing or disseminating electioneering communications; or

(B) Any other date during that calendar year after any previous disclosure date on which the person has made additional expenditures totaling \$5,000 or more for the direct costs of purchasing, producing or disseminating electioneering communications.

(11) “Election” means any primary, general or special election conducted under the provisions of this code or under the charter of any municipality at which the voters nominate or elect candidates for public office. For purposes of this article, each primary, general, special or local election constitutes a separate election. This definition is not intended to modify or abrogate the definition of the term “nomination” as used in this article.

(12)(A) "Electioneering communication" means any paid communication made by broadcast, cable or satellite signal, mass mailing, telephone bank, billboard advertisement or published in any newspaper, magazine or other periodical that:

(i) Refers to a clearly identified candidate for Governor, Secretary of State, Attorney General, Treasurer, Auditor, Commissioner of Agriculture, Supreme Court of Appeals or the Legislature;

(ii) Is publicly disseminated within:

(I) Thirty days before a primary election at which the nomination for office sought by the candidate is to be determined; or

(II) Sixty days before a general or special election at which the office sought by the candidate is to be filled; and

(iii) Is targeted to the relevant electorate: *Provided*, That for purposes of the general election of 2008 the amendments to this article are effective October 1, 2008.

(B) "Electioneering communication" does not include:

(i) A news story, commentary or editorial disseminated through the facilities of any broadcast, cable or satellite television or radio station, newspaper, magazine or other periodical publication not owned or controlled by a political party, political committee or candidate: *Provided*, That a news story disseminated through a medium owned or controlled by a political party, political committee or candidate is nevertheless exempt if the news is:

(I) A bona fide news account communicated in a publication of general circulation or through a licensed broadcasting facility; and

(II) Is part of a general pattern of campaign-related news that gives reasonably equal coverage to all opposing candidates in the circulation, viewing or listening area;

(ii) Activity by a candidate committee, party executive committee or caucus committee, or a political action committee that is required to be reported to the State Election Commission or the Secretary of State as an expenditure pursuant to section five of this article or the rules of the State Election Commission or the Secretary of State promulgated pursuant to such provision: *Provided*, That independent expenditures by a party executive committee or caucus committee or a political action committee required to be reported pursuant to subsection (b), section two of this article are not exempt from the reporting requirements of this section;

(iii) A candidate debate or forum conducted pursuant to rules adopted by the State Election Commission or the Secretary of State or a communication promoting that debate or forum made by or on behalf of its sponsor;

(iv) A communication paid for by any organization operating under Section 501(c)(3) of the Internal Revenue Code of 1986;

(v) A communication made while the Legislature is in session which, incidental to promoting or opposing a specific piece of legislation pending before the Legislature, urges the audience to communicate with a member or members of the Legislature concerning that piece of legislation;

(vi) A statement or depiction by a membership organization, in existence prior to the date on which the individual named or depicted became a candidate, made in a newsletter or other communication distributed only to bona fide members of that organization;

(vii) A communication made solely for the purpose of attracting public attention to a product or service offered for sale by a candidate or by a business owned or operated by a candidate which does not mention an election, the office sought by the candidate or his or her status as a candidate; or

(viii) A communication, such as a voter's guide, which refers to all of the candidates for one or more offices, which contains no appearance of endorsement for or opposition to the nomination or election of any candidate and which is intended as nonpartisan public education focused on issues and voting history.

(13) "Expressly advocating" means any communication that:

(A) Uses phrases such as "vote for the Governor", "re-elect your Senator", "support the Democratic nominee for Supreme Court", "cast your ballot for the Republican challenger for House of Delegates", "Smith for House", "Bob Smith in '04", "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Hickory", "defeat" accompanied by a picture of one or more candidates, "reject the incumbent";

(B) Communications of campaign slogans or individual words, that can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, such as posters, bumper stickers, advertisements, etc., which say "Smith's the One", "Jones '06", "Baker", etc; or

(C) Is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.

(14) "Financial agent" means any individual acting for and by himself or herself, or any two or more individuals acting together or cooperating in a financial way to aid or take part in the nomination or election of any candidate for public office, or to aid or promote the success or defeat of any political party at any election.

(15) "Fund-raising event" means an event such as a dinner, reception, testimonial, cocktail party, auction or similar affair through which contributions are solicited or received by such means as the purchase of a ticket, payment of an attendance fee or by the purchase of goods or services.

(16) "Independent expenditure" means an expenditure by a person:

(A) Expressly advocating the election or defeat of a clearly identified candidate; and

(B) That is not made in concert or cooperation with or at the request or suggestion of such candidate, his or her agents, the candidate's authorized political committee or a political party committee or its agents.

Supporting or opposing the election of a clearly identified candidate includes supporting or opposing the candidates of a political party. An expenditure which does not meet the criteria for an independent expenditure is considered a contribution.

(17) "Mass mailing" means a mailing by United States mail, facsimile or electronic mail of more than five hundred pieces of mail matter of an identical or substantially similar nature within any thirty-day period. For purposes of this subdivision, "substantially similar" includes communications that contain substantially the same template or language, but vary in nonmaterial respects such as communications customized by the recipient's name, occupation or geographic location.

(18) "Membership organization" means a group that grants bona fide rights and privileges, such as the right to vote, to elect officers or directors and the ability to hold office, to its members and which uses a majority of its membership dues for purposes other than political purposes. "Membership organization" does not include organizations that grant membership upon receiving a contribution.

(19) "Name" means the full first name, middle name or initial, if any, and full legal last name of an individual and the full name of any association, corporation, committee or other organization of individuals, making the identity of any person who makes a contribution apparent by unambiguous reference.

(20) "Person" means an individual, corporation, partnership, committee, association and any other organization or group of individuals.

(21) "Political action committee" means a committee organized by one or more persons for the purpose of supporting or opposing the nomination or election of one or more candidates. The following are types of political action committees:

(A) A corporate political action committee, as that term is defined by subdivision (8) of this section;

(B) A membership organization, as that term is defined by subdivision(18) of this section;

(C) An unaffiliated political action committee, as that term is defined by subdivision (29) of this section.

(22) "Political committee" means any candidate committee, political action committee or political party committee.

(23) "Political party" means a political party as that term is defined by section eight, article one of this chapter or any committee established, financed, maintained or controlled by the party, including any subsidiary, branch or local unit thereof and including national or regional affiliates of the party.

(24) “Political party committee” means a committee established by a political party or political party caucus for the purposes of engaging in the influencing of the election, nomination or defeat of a candidate in any election.

(25) “Political purposes” means supporting or opposing the nomination, election or defeat of one or more candidates or the passage or defeat of a ballot issue, supporting the retirement of the debt of a candidate or political committee or the administration or activities of an established political party or an organization which has declared itself a political party and determining the advisability of becoming a candidate under the precandidacy financing provisions of this chapter.

(26) “Targeted to the relevant electorate” means a communication which refers to a clearly identified candidate for statewide office or the Legislature and which can be received by one hundred forty thousand or more individuals in the state in the case of a candidacy for statewide office, eight thousand two hundred twenty or more individuals in the district in the case of a candidacy for the State Senate and two thousand four hundred ten or more individuals in the district in the case of a candidacy for the House of Delegates.

(27) “Telephone bank” means telephone calls that are targeted to the relevant electorate, other than telephone calls made by volunteer workers, regardless of whether paid professionals designed the telephone bank system, developed calling instructions or trained volunteers.

(28) “Two-year election cycle” means the twenty-four month period that begins the day after a general election and ends on the day of the subsequent general election.

(29) “Unaffiliated political action committee” means a political action committee that is not affiliated with a corporation or a membership organization.

Credits

Acts 2005, 4th Ex. Sess., c. 9, eff. Sept. 13, 2005; Acts 2006, c. 93, eff. March 11, 2006; Acts 2007, c. 106, eff. June 7, 2007; Acts 2008, 2nd Ex. Sess., c. 13, eff. Sept. 26, 2008; Acts 2010, c. 76, eff. June 11, 2010; Acts 2013, c. 75, eff. July 11, 2013.

W. Va. Code, § 3-8-1a, WV ST § 3-8-1a

Current with legislation of the 2018 First Extraordinary Session.

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-2

§ 3-8-2. Accounts for receipts and expenditures in elections;
requirements for reporting independent expenditures

Effective: June 11, 2010

Currentness

(a) Except for: (1) Candidates for party committeeman and committeewoman; and (2) federal committees required to file under the provisions of 2 U.S.C. § 434, all candidates for nomination or election and all persons supporting, aiding or opposing the nomination, election or defeat of any candidate shall keep for a period of six months records of receipts and expenditures which are made for political purposes. All of the receipts and expenditures are subject to regulation by the provisions of this article. Verified financial statements of the records and expenditures shall be made and filed as public records by all candidates and by their financial agents, representatives or any person acting for and on behalf of any candidate and by the treasurers of all political party committees.

(b)(1) In addition to any other reporting required by the provisions of this chapter, any person who makes independent expenditures in an aggregate amount or value in excess of \$1,000 during a calendar year shall file a disclosure statement, on a form prescribed by the Secretary of State, that contains all of the following information:

(A) The name of (i) the person making the expenditure; (ii) the name of any person sharing or exercising direction or control over the activities of the person making the expenditure; and (iii) the name of the custodian of the books and accounts of the person making the expenditure;

(B) If the person making the expenditure is not an individual, the principal place of business of the partnership, corporation, committee, association, organization or group which made the expenditure;

(C) The amount of each expenditure of more than \$1,000 made during the period covered by the statement and the name of the person to whom the expenditure was made;

(D) The elections to which the independent expenditure pertain, the names, if known, of the candidates referred to or to be referred to therein, whether the expenditure is intended to support or oppose the identified candidates and the amount of the total expenditure reported pursuant to paragraph (C) of this subdivision spent to support or oppose each of the identified candidates;

(E) The name and address of any person who contributed a total of more than \$250 between the first day of the preceding calendar year, and the disclosure date, and whose contributions were made for the purpose of furthering the expenditure.

(F) With regard to the contributors required to be listed pursuant to paragraph (E) of this subdivision, the statement shall also include:

(i) The month, day and year that the contributions of any single contributor exceeded \$250;

(ii) If the contributor is a political action committee, the name and address the political action committee registered with the Secretary of State, county clerk or municipal clerk;

(iii) If the contributor is an individual, the name and address of the individual, his or her occupation, the name and address of the individual's current employer, if any, or, if the individual is self-employed, the name and address of the individual's business, if any;

(iv) A description of the contribution, if other than money; and

(v) The value in dollars and cents of the contribution.

(G)(1) A certification that such independent expenditure was not made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.

(2) Any person who makes a contribution for the purpose of funding an independent expenditure under this subsection shall, at the time the contribution is made, provide his or her name, address, occupation, his or her current employer, if any, or, if the individual is self-employed, the name of his or her business, if any, to the recipient of the contribution.

(3) The Secretary of State shall expeditiously prepare indices setting forth, on a candidate-by-candidate basis, all independent expenditures separately, made by, or on behalf of, or for, or against each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

(c)(1) A person, including a political committee, who makes or contracts to make independent expenditures aggregating \$1,000 or more for any statewide, legislative or multi-county judicial candidate or \$500 or more for any county office, single-county judicial candidate, committee supporting or opposing a candidate on the ballot in more than one county, or any municipal candidate on a municipal election ballot, after the fifteenth day, but more than twelve hours, before the date of an election, shall file a report on a form prescribed by the Secretary of State, describing the expenditures within twenty-four hours: *Provided*, That a person making expenditures in the amount of \$1,000 or more for any statewide or legislative candidate on or after the fifteenth day but more than twelve hours before the day of any election shall report such expenditures in accordance with section two-b of this article and shall not file an additional report as provided herein.

(2) Any person who files a report under subdivision (1) of this subsection, shall file an additional report within twenty-four hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$500 with respect to the same election, for any county office, single-county judicial candidate, committee supporting or

opposing a candidate on the ballot in more than one county, or any municipal candidate on a municipal election ballot, as that to which the initial report relates.

(d)(1) A person, including a political committee, who makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the fifteenth day before the date of an election shall file a report on a form prescribed by the Secretary of State, describing the expenditures within forty-eight hours.

(2) A person who files a report under subdivision (1) of this subsection, the person shall file an additional report within forty-eight hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with respect to the same election as that to which the initial report relates.

(e) Any communication paid for by an independent expenditure must include a clear and conspicuous public notice that:

(1) Clearly states that the communication is not authorized by the candidate or the candidate's committee; and

(2) Clearly identifies the person making the expenditure: *Provided*, That if the communication appears on or is disseminated by broadcast, cable or satellite transmission, the statement required by this subsection must be both spoken clearly and appear in clearly readable writing at the end of the communication.

(f) Any person who has spent a total of \$5,000 or more for the direct costs of purchasing, producing or disseminating electioneering communications during any calendar year shall maintain all financial records and receipts related to such expenditure for a period of six months following the filing of a disclosure pursuant to subsection (a) of this section and, upon request, shall make such records and receipts available to the Secretary of State or county clerk for the purpose of an audit as provided in section seven of this article.

(g) Any person who willfully fails to comply with this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500, or confined in jail for not more than one year, or both fined and confined.

(h)(1) Any person who is required to file a statement under this section may file the statement by facsimile device or electronic mail, in accordance with such rules as the Secretary of State may promulgate.

(2) The Secretary of State shall make any document filed electronically pursuant to this subsection accessible to the public on the internet not later than twenty-four hours after the document is received by the secretary.

(3) In promulgating a rule under this subsection, the secretary shall provide methods, other than requiring a signature on the document being filed, for verifying the documents covered by the rule. Any document verified under any of the methods shall be treated for all purposes, including penalties for perjury, in the same manner as a document verified by signature.

(i) This section does not apply to candidates for federal office.

(j) The Secretary of State may promulgate emergency and legislative rules, in accordance with the provisions of chapter twenty-nine-a of this code, to establish guidelines for the administration of this section.

Credits

Acts 1908, c. 22; Acts 1915, c. 27, § 1; Acts 1963, c. 64; Acts 1973, c. 49; Acts 1976, c. 46; Acts 1999, c. 118, eff. 90 days after March 13, 1999; Acts 2003, c. 100, eff. 90 days after March 7, 2003; Acts 2005, 4th Ex. Sess., c. 9, eff. Sept. 13, 2005; Acts 2007, c. 106, eff. June 7, 2007; Acts 2010, c. 76, eff. June 11, 2010.

Formerly Code 1923, c. 5, § 8b(1).

W. Va. Code, § 3-8-2, WV ST § 3-8-2

Current with legislation of the 2018 First Extraordinary Session.

End of Document

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West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-2a

§ 3-8-2a. Detailed accounts and verified financial statements for
certain inaugural events; limitations; reporting requirements

Currentness

(a) For purposes of this section:

(1) "Inaugural committee" includes any person, organization or group of persons soliciting or receiving contributions for the purpose of funding an inaugural event for a person elected to a statewide public office; and

(2) "Inaugural event" means any event or events held between the general election of a person elected to a statewide public office and ninety days after the general election, whether the event is sponsored by the inaugural committee or the state political party committee representing the party of the person elected and for which the person elected is a prominent participant or for which solicitations of contributions include the name of the person elected in prominent display.

(b) Any inaugural committee soliciting or receiving contributions for the funding of all or any part of an inaugural event for any person elected to a statewide office that receives an individual contribution in excess of two hundred fifty dollars for any such event shall file and retain detailed records of any such contribution.

(c) No person may contribute more than five thousand dollars for any inaugural event. For purposes of this section, "contribution" does not include volunteer personal services but does include in-kind contributions of materials or supplies.

(d) Any inaugural committee, financial agent or any person or officer acting on behalf of such committee which is subject to the provisions of this section shall file a verified financial statement with the Secretary of State on a form prescribed by the State Election Commission within ninety days of the event. The financial statement shall contain information as may be required by the provisions of this section relating to any contribution in excess of two hundred fifty dollars. The Secretary of State shall file and retain such statements as public records for a period of not less than six years.

(e) In addition to any other information required by the State Election Commission, the report of contributions required by the provisions of this section shall include the methodology of the fund raising, the nature of the expenditures made and the names, addresses and amounts paid to any person.

(f) Amounts received by an inaugural committee for any person elected to a statewide public office in excess of the amount expended for an inaugural event may be contributed to any educational, cultural or charitable organization, or to the Governor's Mansion Fund created in section two, article four, chapter five-a of this code. The inaugural committee shall, within sixty days after filing the report required by subsection (d) of this section, expend any excess moneys and

report, on a form prescribed by the Secretary of State, any amounts contributed to the Governor's Mansion Fund, any amounts contributed to educational, cultural or charitable organizations and the names of the organizations to which such excess moneys were contributed. The Secretary of State shall file and retain such records as public records for a period of not less than six years.

Credits

Acts 1995, c. 101, eff. 90 days after March 10, 1995; Acts 1999, c. 118, eff. 90 days after March 13, 1999; Acts 2005, 1st Ex. Sess., c. 2, eff. Jan. 27, 2005.

W. Va. Code, § 3-8-2a, WV ST § 3-8-2a

Current with legislation of the 2018 First Extraordinary Session.

End of Document

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West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-2b

§ 3-8-2b. Disclosure of electioneering communication

Effective: June 7, 2007

Currentness

(a) Every person who has spent:

(1) A total of five thousand dollars or more for the direct costs of purchasing, producing or disseminating electioneering communications during any calendar year; or

(2) A total of one thousand dollars or more on or after the fifteenth day but more than twelve hours before the day of any election for the direct costs of purchasing, producing or disseminating electioneering communications during any calendar year shall, within twenty-four hours of each disclosure date, file with the Secretary of State a statement which contains all of the information listed in subsection (b) of this section.

(b)(1) The name of the person making the expenditure, the name of any person sharing or exercising direction or control over the activities of the person making the expenditure and the name of the custodian of the books and accounts of the person making the expenditure;

(2) If the person making the expenditure is not an individual, the principal place of business of the partnership, committee, association, organization or group which made the expenditure;

(3) The amount of each expenditure of more than one thousand dollars made for electioneering communications during the period covered by the statement and the name of the person to whom the expenditure was made;

(4) The elections to which the electioneering communications pertain, the names, if known, of the candidates referred to or to be referred to therein, whether the electioneering communication is intended to support or oppose the identified candidates and the amount of the total expenditure reported in subdivision (3) of this subsection spent to support or oppose each of the identified candidates; and

(5) The names and addresses of any contributors who contributed a total of more than one thousand dollars between the first day of the preceding calendar year and the disclosure date and whose contributions were used to pay for electioneering communications.

(c) With regard to the contributors required to be listed pursuant to subdivision (5), subsection (b) of this section, the statement shall also include:

(1) The month, day and year that the contributions of any single contributor exceeded two hundred fifty dollars;

(2) If the contributor is a political action committee, the name and address the political action committee registered with the State Election Commission;

(3) If the contributor is an individual, the name and address of the individual, his or her occupation, the name and address of the individual's current employer, if any, or, if the individual is self-employed, the name and address of the individual's business, if any;

(4) A description of the contribution, if other than money;

(5) The value in dollars and cents of the contribution.

(d)(1) Any person who makes a contribution for the purpose of funding the direct costs of purchasing, producing or disseminating an electioneering communication under this section shall, at the time the contribution is made, provide his or her name and address to the recipient of the contribution;

(2) Any individual who makes contributions totaling two hundred fifty dollars or more between the first day of the preceding calendar year and the disclosure date for the purpose of funding the direct costs of purchasing, producing or disseminating electioneering communications shall, at the time the contribution is made, provide the name of his or her occupation and of his or her current employer, if any, or, if the individual is self-employed, the name of his or her business, if any, to the recipient of the contribution.

(e) In each electioneering communication, a statement shall appear or be presented in a clear and conspicuous manner that:

(1) Clearly indicates that the electioneering communication is not authorized by the candidate or the candidate's committee; and

(2) Clearly identifies the person making the expenditure for the electioneering communication: *Provided*, That if the electioneering communication appears on or is disseminated by broadcast, cable or satellite transmission, the statement required by this subsection must be both spoken clearly and appear in clearly readable writing at the end of the communication.

(f) Within five business days after receiving a disclosure of electioneering communications statement pursuant to this section, the Secretary of State shall make information in the statement available to the public through the internet.

(g) For the purposes of this section, a person is considered to have made an expenditure when the person has entered into a contract to make the expenditure at a future time.

(h) The Secretary of State is hereby directed to propose legislative rules and emergency rules implementing this section for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code.

(i) If any person, including, but not limited to, a political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) makes, or contracts to make, any expenditure for electioneering communications which is coordinated with and made with the cooperation, consent or prior knowledge of a candidate, candidate's committee or agent of a candidate, the expenditure shall be treated as a contribution and expenditure by the candidate. If the expenditure is coordinated with and made with the cooperation or consent of a state or local political party or committee, agent or official of that party, the expenditure shall be treated as a contribution to and expenditure by the candidate's party.

(j) This section does not apply to candidates for federal office. This section is not intended to restrict or to expand any limitations on, obligations of or prohibitions against any candidate, committee, agent, contributor or contribution contained in any other provision of this chapter.

Credits

Acts 2005, 4th Ex. Sess., c. 9, eff. Sept. 13, 2005; Acts 2006, c. 93, eff. March 11, 2006; Acts 2007, c. 106, eff. June 7, 2007.

W. Va. Code, § 3-8-2b, WV ST § 3-8-2b

Current with legislation of the 2018 First Extraordinary Session.

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-2c

§ 3-8-2c. Party headquarters committee; detailed accounts and verified financial statements; funding for headquarters; limitations; reporting requirements

Effective: June 8, 2012

Currentness

(a) Notwithstanding the definitions contained in section one-a of this article, for purposes of this section:

(1) "Contribution" means a gift, subscription, loan, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of funding the rental, purchase, construction or financing of the lease, purchase or construction of a party headquarters, and for the utilities, maintenance, furniture, fixtures and equipment for the party headquarters. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation: *Provided*, That a nonmonetary contribution is to be considered at fair market value for reporting requirements and contribution limitations.

(2) "Party headquarters" means a physical structure or structures that is the physical location of the office of a state executive committee of a political party.

(3) "Party headquarters committee" includes any person, organization or group of persons soliciting or receiving contributions for the purpose of funding the lease, purchase, construction or financing of the lease, purchase or construction of a party headquarters, including utilities, maintenance, furniture, fixtures and equipment for the party headquarters.

(b) A political party may establish a party headquarters committee to solicit and receive contributions for the exclusive purpose of the purchase, construction or lease of an office building or financing of the lease, purchase or construction of a party headquarters, including utilities, maintenance, furniture, fixtures and equipment, to be used as a state political party's headquarters.

(c) Contributions received pursuant to this section may not be expended for:

(1) The purchase, construction or lease of satellite offices or other facilities;

(2) Utilities, maintenance, furniture, fixtures, equipment or signage for satellite offices or other facilities; or

(3) Political purposes.

(d) A party headquarters committee may not accept contributions in excess \$10,000, in the aggregate, from any person for the purposes of this section.

(e) A party headquarters committee may not receive contributions or make expenditures for the purpose of funding the rental, purchase, construction or financing of a state executive committee headquarters in excess of \$1 million.

(f)(1) A party headquarters committee, financial agent or any person or officer acting on behalf of the committee that is subject to the provisions of this section, shall file a verified financial statement with the Secretary of State, on a form prescribed by the secretary, within ninety days of any contribution or expenditure in excess of \$250.

(2) Each financial statement shall contain, but is not limited to, the following information:

(A) The name, residence and mailing address and telephone number of the party headquarters committee, financial agent or any person or officer acting on behalf of the committee, filing the financial statement.

(B) The balance of cash and any other sum of money on hand at the beginning and the end of the period covered by the financial statement.

(C) The name of any person making a contribution, the amount of the contribution, and the residence and mailing address of the contributor.

(D) The total amount of contributions received during the period covered by the financial statement.

(E) The name, residence and mailing address of any individual or the name and mailing address of each lending institution making a loan, the amount of any loan received, the date and terms of the loan, including the interest and repayment schedule, and a copy of the loan agreement.

(F) The name, residence and mailing address of any individual or the name and mailing address of each partnership, firm, association, committee, organization or group having previously made or cosigned a loan for which payment is made or a balance is outstanding at the end of the period, together with the amount of repayment on the loan made during the period and the balance at the end of the period.

(G) The total outstanding balance of all loans at the end of the period.

(H) The name, residence and mailing address of any person to whom each expenditure was made or liability incurred, together with the amount and purpose of each expenditure or liability incurred and the date of each transaction.

(I) The total amount of expenditures made during the period covered by the financial statement.

(3) The Secretary of State shall file and retain the statements as public records for not less than six years.

(g) Contributions received by a party headquarters committee may be contributed to any educational, cultural or charitable organization.

(h) The Secretary of State shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to effectuate the provisions of this section.

Credits

Acts 2012, c. 71, eff. June 8, 2012.

W. Va. Code, § 3-8-2c, WV ST § 3-8-2c

Current with legislation of the 2018 First Extraordinary Session.

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West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-3

§ 3-8-3. Committee treasurers; required to receive and disburse funds

Effective: June 7, 2007

Currentness

Every political committee shall appoint and retain a treasurer to receive, keep and disburse all sums of money which may be collected or received by such committee, or by any of its members, for election expenses, and, unless such treasurer is first appointed and thereafter retained, it shall be unlawful for any such committee or any of its members to collect, receive or disburse money for any such purposes. All moneys collected or received by any such committee, or by any of its members, for election expenses shall be paid over to, and pass through the hands of, the treasurer, and shall be disbursed by him, and it shall be unlawful for any such committee, or any of its members, to disburse any money for election expenses unless such money shall be paid to, and disbursed by, the treasurer. The same person may be designated to act as treasurer for two or more political party committees.

Credits

Acts 1908, c. 22; Acts 1915, c. 27, § 3; Acts 1963, c. 64; Acts 2007, c. 106, eff. June 7, 2007.

Formerly Code 1923, c. 5, § 8b(3).

W. Va. Code, § 3-8-3, WV ST § 3-8-3

Current with legislation of the 2018 First Extraordinary Session.

Notice of Publication

The Dominion Post

January 30, 2019 and February 6, 2019



Classified Advertising Ad Proof

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Email: BethJudy<bjudy@morgantownwv.gov>

Phone: 304-284-7419

Sales Associate: Skylar Norman | Phone: 304-291-9420 | Email: classads@dominionpost.com

Order Urn: 010142080

PO Number:

PAYMENT INFORMATION

Total Order Price: \$51.31

TITLES:

Title: Dominion Post | Class: 101 Legals
Start Date: 1/30/2019 | Stop Date: 1/30/2019
Insertions: 1 | Lines: 0 ag

AD COPY PROOF:

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010142080 January 30,6
PUBLIC HEARING NOTICE CITY OF
MORGANTOWN, WEST VIRGINIA

Notice is hereby given by the City of Morgantown, WV, that it will hold a public hearing on Tuesday, March 5, 2019 at 7:00 p.m. at Morgantown City Hall Council Chambers (2nd floor), 389 Spruce Street, Morgantown, WV 26505 on the following:

A PROPOSED AMENDMENT TO THE CITY OF MORGANTOWN HOME RULE PLAN AUTHORIZING CAMPAIGN FINANCE REPORTING REQUIREMENTS AND DELEGATION OF AUTHORITY OVER SUBDIVISION PROCESSES TO THE BOARD OF ZONING APPEALS

Copies of the proposed amended written plan are available for public inspection in the Office of the City Clerk as well as the Office of the City Manager, Morgantown City Hall, 389 Spruce Street, Morgantown, WV 26505 during regular business hours, or by calling the City Manager's Office at (304) 284-7405.

TITLES:

Title: Dominion Post | Class: 101 Legals
Start Date: 2/6/2019 | Stop Date: 2/6/2019
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010142080 January 30, Feb 6
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PUBLISHER'S CERTIFICATE

vs.

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA

I Brad Pennington Advertising Director of
THE DOMINION POST, a newspaper of general circulation
published in the City of Morgantown, County and State
aforesaid, do hereby certify that the annexed

Legal Notice

010142080 January 30, Feb 6
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was published in the said THE DOMINION POST once a week

for 2 successive weeks commencing on the

30th day of Jan, 2019 and ending on the

6th day of Feb, 2019

The publisher's fee for said publication is \$51.31

Given under my hand this 6th day of

February, 2019

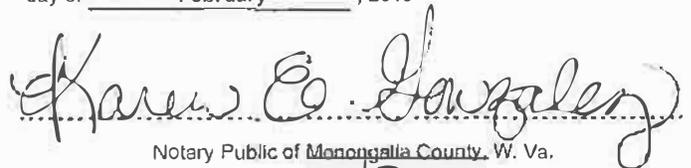


(SEAL)

Advertising Director of THE DOMINION POST

Subscribed and sworn to before me this 6th

day of February, 2019



Notary Public of Monongalia County, W. Va.

My commission expires on the 12 day of

Sept 2023.



Meeting Minutes

March 5, 2019

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall

REGULAR MEETING March 5, 2019: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, March 5, 2019, at 7:00 pm.

PRESENT: City Manager Paul Brake, Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor William Kawecki, and Council Members: Rachel Fetty, Ryan Wallace, Deputy Mayor Jenny Selin, Ron Dulaney, Mark Brazaitis, and Barry Wendell.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: February 5, 2019, Regular Meeting minutes were approved by consensus, as corrected. February 19, 2019 Special Meeting minutes, February 26, 2019 Special Meeting minutes, and February 26, 2019 Committee of the Whole Meeting minutes were approved by consensus.

CORRESPONDENCE: Councilor Fetty received an email regarding the development plan with Haymaker Forest from Fran Toro. She also received an email regarding the charging station at the Farmer's Market Pavilion and mentioned that she has forwarded this information to the City Manager. Councilor Brazaitis also received an email from Fran Toro regarding the development plan with Haymaker Forest.

PUBLIC HEARING: AN ORDINANCE AUTHORIZING THE HOME RULE PLAN AMENDMENT

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING THE HOME RULE PLAN AMENDMENT: The below entitled Ordinance was presented for second reading.

AN ORDINANCE REQUIRING FINANCIAL DISCLOSURE STATEMENT

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

BOARDS & COMMISSIONS:

Motion by Wendell, second by Brazaitis, to reappoint, by consensus, Helene Friedberg to the Sister Cities Commission.

Motion by Brazaitis, second by Deputy Mayor Selin, to appoint, by consensus, Ryan Lewis to the Sister Cities Commission.

Motion by Fetty, second by Brazaitis, to reappoint, by consensus, Liz Finklea to the Sister Cities Commission.

Motion by Dulaney, second by Deputy Mayor Selin, to appoint, by consensus, Johnathan Trumble to the Woodburn School Redevelopment Commission.

Motion by Fetty, second by Wendell, to appoint, by consensus, Kimberly Kelly to the Health & Wellness Commission.

Motion by Deputy Mayor Selin, second by Dulaney, to appoint, by consensus, Hannah Keyser to the Health & Wellness Commission.

Motion by Brazaitis, second by Dulaney, to reappoint, by consensus, Matthew Cross to the Traffic Commission.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

James Kotcon, 414 Tyrone Avery Road, provided an update on the Green Team Annual Report.

Fran Toro, 366 Charleston Avenue, expressed her concerns regarding the development of townhomes in/near the Haymaker Forest.

Katherine McGruder, 963 Southpoint Circle, spoke about her concerns regarding the development of land in/near Haymaker Forest.

JoNell Strough, 608 Hess Street, spoke about her concerns regarding the development of land in/near Haymaker Forest.

Harrison Case, 624 Elysian Avenue, spoke about the concerns regarding the pedestrian safety in the city.

Elizabeth Sneathen, 179 Bluegrass Village, spoke about her concerns regarding the development of land in/near Haymaker Forest.

Twyla Meding, 450 Washington Street, spoke her concerns regarding the development of land in/near Haymaker Forest.

Patrick Hathaway, 359 Sanford Street, spoke about his concerns regarding signatures on city candidate packets, how they are verified and what should be done if they are found to be invalid.

There being no further speakers, Mayor Kawecki declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: Councilor Wallace spoke about his meeting regarding the former Ramadas Inn project. Additional information on the project is available in a recent Dominion Post article.

CONSENT AGENDA: None

NEW BUSINESS:

PRESENTATION 2019-2020 PROPOSED BUDGET

City Manager presented the 2019-2020 Proposed Budget. Council suspended the rules to have Jim Goff, Finance Director, explain and answer questions. No action was taken.

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2019-2020: The below entitled Ordinance was presented for first reading.

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2019-2020

City Manager explained, after discussion, motion by Deputy Mayor Selin, second by Wendell, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING THE FY 2018 - 2019 ANNUAL BUDGET: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE FY 2018 - 2019 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND

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

A RESOLUTION AUTHORIZING AN INTERFUND LOAN BETWEEN THE CAPITAL ESCROW FUND AND THE MORGANTOWN MUNICIPAL AIRPORT: The above entitled Resolution was presented for first reading.

City Manager explained, motion by Wallace, second by Dulaney, to approve the above entitled Resolution. Motion carried 7-0.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ALL AND A PORTION OF PARCELS OF REAL ESTATE IN THE FIRST WARD: The below entitled Ordinance was presented for first reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ALL AND A PORTION OF PARCELS OF REAL ESTATE IN THE FIRST WARD OF THE CITY OF MORGANTOWN FROM I-1, INDUSTRIAL DISTRICT TO B-2, SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN

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

CITY MANAGER'S REPORT:

Information:

1. Stonehurst Development – Impact to Haymaker Forest and Adjoining First Ward and South Park Neighborhoods

Attached you will find a copy of the site plan drawing forwarded to me through the Morgantown Utility Board. The proposed neighborhood development is outside of the City limits and, therefore, is not subject to any zoning or subdivision controls nor building inspection regulations. This includes 81 townhouse units consisting of 31 large type, 37 medium type and 13 small type units. The main traffic inlet is off Dorsey Avenue, a point outside of the City limits. Any access to City streets would require an access permit under City Code 910, which may involve a traffic study. The plan sheet identifies a

potential connection through a Charlotte Street right-of-way, which leads to annulled streets, and City Council would have control to access or reopen city streets.

The layout of the townhomes does not appear to include sidewalks and turnaround movements for fire trucks that is specified. It is likely the developer will need a building permit to grade a portion of the property that is in the City (note: none of the housing units are located within the corporate boundaries.) Based on our calculations, this would entail clear cutting approximately one-half of the treed area of the forest.

Housing developments have been proposed off and on at this location over a number of years. I am not presenting this to re-initiate any discussion of acquiring this property. No City Council action is recommended – this is presented for information purposes.

City manager explained about the impact to Haymaker Forest and adjoining First Ward and South Park neighborhoods. No action was taken.

2. City Community Newsletter – Morgantown Messenger

We are pleased to announce reviving the effort of distributing a City newsletter to residents and other stakeholders. This is the first edition (of this new initiative) of the *Morgantown Messenger*. This was distributed in the past and brought back after a hiatus.

Also, you will find an executive summary of the outreach effort that is made by the Communications Department. This includes information about all newsletters, website analytics and social media effectiveness. This is one of many efforts of increasing transparency of the City government operations.

City Manager announced that the city recently launched a community newsletter, The Morgantown Messenger. You may sign up for the newsletter by going to our web site. No action was taken.

3. Status of electric car charging station located at the Farmer's Market pavilion

City Manager explained that the electric car charging station has been removed due to damage. The city is looking into replacing this station. No action was taken.

New Business:

1. Amending the FY 2018-2019 Capital Escrow and Airport Improvement fund

Presented in new business is a resolution to amend an existing loan for approximately \$660,000 to complete the airport T-Hanger project. The hangers consist of spaces for 45 single engine and light twin aircrafts. The original financial concept was structured from the sale of the former armory property (approximately \$3.2 million). A portion of the proceeds, \$1.5 million, paid for the roadway to West Virginia National Guard Readiness Center. The remaining \$1.6 million paid for the construction of one of the hangers approximately two years ago.

As reported by Brad Homan, Vice-President of Michael Baker International, at last week's Committee of the Whole meeting, staff and airport engineers estimated a total project cost of \$2.5 million for the materials needed to construct the hangers, not including labor costs. Early on, the project anticipated the Department of Defense's Innovative Readiness Training (IRT) to cover costs associated with labor and construction, heavy equipment rentals and fuel costs. The construction did occur during late Spring and early Summer 2017. However, during the construction period, the Federal Government unilaterally scaled back the IRT program and did not allocate the promised manpower nor any support expenditures.

During last year's construction, the contractor experienced a number of difficulties including unsuitable excavation and backfill, rock excavation, alteration of hangar interior columns, increased cost of materials, etc. Again, each of these construction difficulties were detailed during last week's presentation.

Attached you will find a spreadsheet detailing the proposed amendments to expenditures for the increased amount to loan the Airport Improvement Fund for the T-Hanger project completion in the amount of \$700,000. A motion approving the appropriation from the Capital Escrow that amends the fund in the amount of \$2,930,620.

City Manager spoke about the amendment of the Capital Escrow and Airport Improvement Fund to finish out the T-Hanger construction. Motion by Dulaney, second by Brazaitis, to approve the FY 2019-2019 Capital Escrow and Airport Improvement Fund. Motion carried 7-0.

2. Festival permit for WV Bites and Brews event

The Spark! Imagination and Science Center has made a request for a festival permit for the "WV Bites and Brews" event. This is a third annual event hosted by this group at the West Virginia National Guard Readiness Center located at 90 Army Way. This will offer attendees samples of "bites" from local food trucks and mobile vendors as well as tastes of several microbrews. Spark! Imagination and Science Center inspires people of all ages to explore science and the arts. Staff recommends City Council authorize a festival permit to be sent to the ABCC regarding the WV Bites and Brews event taking place on May 18, 2019.

City Manager explained that an application will be sent to the ABC to obtain a festival permit for the WV Bites and Brews event on May 18, 2019. Motion by Brazaitis, second by Dulaney, to approve the permit to be sent in for approval. Motion carried 7-0.

3. Request for funding – Historical Marker at Indian Park – Burrows Cemetery

We have received a funding request from the Historic Landmarks Commission for an unbudgeted historical marker at Indian Park – Burrows Cemetery in the amount of \$2,100. Although this specific project was not identified, there is a line-item in the Capital Escrow for such projects with a balance of \$10,600.

As matter of historical background, the Indian Park – Burrow Cemetery was once part of the Burris farm, the site holds a limestone monument, to Sarah Morgan Burrows (Burris) erected in 1910 to commemorate a raid on the Morgan homestead near Rivesville by Native Americans, during which her father, frontiersman and French and Indian War veteran David Morgan, effectively defended the family. A 1937 Works Progress Administration survey found the graves of several families in the cemetery. The Commission is asking City Council for a motion to approve the allocation of the funds in the amount of \$2,100.

City Manager explained, motion by Dulaney, second by Wendell, to allow funds to be allocated to the Historic Landmarks Commission for the historical marker at Indian Park. Motion carried 7-0.

REPORT FROM CITY CLERK: City Clerk announced that the Boards and Commissions application has been updated and submitted to the Mayor for approval. She also stated that when applications are received for Boards and Commissions by email, Council will also be receiving them for review only. City Clerk announced that the results from the ballot drawing earlier today are available on the webpage under Elections. City Clerk spoke about the upcoming City Election on April 30, 2019 and poll workers that we have for early voting and election day. For more information visit the city's website. City Clerk announced that applications are still being accepted for the Morgantown Police Testing. The deadline has been extended to April 1, 2019. Applications can be found on our website. City Clerk also announced that the office is working on updating and documenting processes to make services more efficient. She mentioned that she has been meeting with Ryan Simonton, City Attorney, regarding boards and commissions and how the new appointees would be getting an Orientation and how the board or commission works and does.

REPORT FROM CITY ATTORNEY: City Attorney stated that the DOH is moving forward with 2 projects that have led them to file condemnation actions, so they can meet their construction schedule. The first one is Route 7 at the Rail Trail on Greenbag Road in Sabraton, and the second one is the widening of the Mileground, which only pertains to the utility easements, and the payment of costs for those easements. He mentions the legislative topics such as the Small Cell Bill has passed and is pending signature by the Governor which is expected soon. The Home Rule Bill has two different ones that are expected to be adopted by the House and Senate.

REPORT FROM COUNCIL MEMBERS:

Councilor Fetty: Thanked the City Manager Paul Brake, Finance Director Jim Goff, and the City Staff who have worked so hard to keep Council up to speed. She appreciates the emphasis on transparency, but even more addressing concerns that people have. She mentioned the campus carry and mentioned that it reminds her of how closely we are integrated as a City and as a University. She would like to reassure everyone that they will do what they can to protect the parts of Haymaker Forest that are in the City. She mentioned Dorsey Avenue and the comments the residents have provided. She mentioned the MMPO and everyone working with them to start pushing for ways to better our City and County. She mentioned what MUB has done by installing ditches lined with rocks and says this is a reasonable way to deal with drainage issues however, this has increased the hazards with those who walk down the road. She thanked the Communications Department for creating the Morgantown Messenger. She mentioned a Conference that will be at the end of March as well as a Neighborhood Dinner.

Councilor Wallace: mentioned the safety of students walking on Dorsey and to Suncrest Middle School and stated that this is one of the reasons why the annexation of Suncrest Elementary School is important and stated that there needs to be some right of way improvements. He mentioned Cherry Trees and planting them throughout the City in time. He stated that he spoke with Mr. Justice at WVU regarding propagating cherry tree clippings, and over time there could be a heavy stock of them. Mayor Kawecki suggested that the Tree Board be notified of the idea for an appropriate way to approach it.

Deputy Mayor Selin: She agreed with Council regarding the Dorsey Avenue and Collins Ferry Road situation and stated that this is the main focus, as it has been brought up by many who live in the area. She mentioned the Haymaker Forest and how difficult this has been on so many. She mentions looking at the rights-of-way(s) to the Haymaker Forest that are particularly in the City to preserve them. She appreciates the work of Matthew Cross and Damien Davis who held a meeting at Suncrest Middle School to discuss pedestrian issues on city streets and paving.

Councilor Dulaney: He mentioned 2 other schools to be added to the list of issues. Eastwood Elementary School is inaccessible by pedestrians; and Mountaineer Middle School does not have pedestrian crosswalks. He apologized for being out last week, he was on a bus going to New York with students watching the meeting live. He thanked City Manager and Finance Director and others who are responding in providing additional information on our city website and feels that the 2-early approach is great and they can connect from year to year. He stated the budget meeting that is being held will be in council chambers and thinks that it should be televised. He noted that the Woodburn School Redevelopment Commission is starting to plan their Open House, by meeting with the tenants to get suggestions.

Councilor Brazaitis: Noted that the Green Team is continuing to work on its grant for overseeing city wide education on

correct recycling and stated that this grant is due in April. He mentioned several items coming up to keep in mind, International Composting Week, 3/5/2019 – 3/11/2019 and movies that will be showing at the Met Theatre, 3/22/2019 – Saving Private Ryan, 3/23/2019 – A Bug's Life at 1:00 p.m. followed by Pink Floyd at 7:00 p.m.

Councilor Wendell: Provided the following.

The West Virginia Legislature will, thankfully, be over Saturday. They have damaged the reputation of the state by pushing guns on campus (which may have been defeated in committee tonight), charter schools with no standards whatsoever, and just this week, a display of bigotry against the entire Muslim community on "Republican Day at the Capitol." In today's Charleston Gazette-Mail, Governor Justice said about the Legislature "...we need to stop blowing our own legs off and becoming a national story..." I certainly agree. Our own Delegates, Barbara Evans Fleischauer, Evan Hansen, Rodney Pyles, Danielle Walker, and John Williams, handled themselves well through all this, as did our Senators, Bob Beach and Roman Prezioso.

Cal Thomas is a columnist who appears every Tuesday in the Dominion-Post. Today, he praised both Israel's Benjamin Netanyahu and President Trump. Netanyahu is already under indictment, and our President lives in a cloud of corruption. Thomas praises both although they have damaged, possibly irreparably, the reputation of each of their nations. Thomas makes the choice between liberal and conservative judges as between "...redefining marriage and defending its once legal-even Biblical definition of marriage..." in his defense of Trump. Thomas is unclear on what the Bible actually says, the meaning of religious freedom, and the precedent about marriage set by the Supreme Court. I have been in a same-gender marriage for more than ten years. Cal Thomas has the right to say what he wants, and to change his mind. During the 2016 primary campaign he was against Trump. The Dominion-Post should be responsible enough not to publish poorly thought out political babble.

In local news, the recycling was not picked up in my part of Suncrest on Friday. I did receive a call from them that it would be picked up Saturday, which didn't happen, and by Sunday the city was snowed in. I often hear from neighbors about this problem, and I hope we can find a way to correct it.

I'm glad that people came to speak tonight about Haymaker Forest. I agree that it is tragic for metropolitan Morgantown to lose that space, and although it may be too late to do much about the pending development, perhaps we can make the city part of the forest a park, or perhaps bargain with the developers to leave space or maintain trails.

I'll get off my soapbox now. I want to thank Heather Carl, Deputy City Clerk, who helped me with the Ethics Form, because I could not do the technical work of filling it out and mailing it online.

I visited Columbiana County, Ohio Saturday. East Liverpool is a beautiful city on the Ohio River across from Chester, West Virginia, our state's northernmost city. It's a depressed city, with many vacant buildings, but I see potential in the old buildings and the walkable city.

I thought tonight's budget presentation from Paul Brake, our City Manager, was excellent, well-researched and generally in line with the goals that we on Council set. We will have to iron out some of the details. I am concerned as a retiree myself, about pressure to reduce benefits to retirees because of budget problems. My former employer pays for my health insurance (after Medicare) and Joe's. Actuarially, I was supposed to have died by 2009, so they are not happy. I have sympathy for other retirees, who are nervous about their benefits being cut in the name of "fiscal responsibility."

Empty Bowls was a great success the weekend before last, and there was a good turnout for the Suncrest Neighborhood Association on the 28th, with most people there concerned about parking and traffic from WVU students off Patteson Drive. The Bike Board meets Thursday at 6:30 at the Public Safety Building.

Mayor Kawecki: Announced a presentation being held for the public at the Mountainlair Greenbrier room tomorrow starting at 11:00 a.m. on activities that will be occurring this summer on Beverly Avenue and Alleys and what affects it may have on the students. There is information about it on the City's website morgantownwv.gov/Beverly if you are interested in the project or construction alerts. You may sign up to receive alerts by via text message or email. He appreciates all the people who have come forward to speak about Haymaker Forest and thinks that it is important and brings the issue to light. He noted that he feels the County Commission should have a public session because it is occurring in the County as well. He noted there are still volunteer positions available on Boards and Commissions if you are interested in City Government. He made some announcements: Public Library and the Botanic Garden 3/7/2019 at 6:30 p.m.; Planetarium show at WVU which is free and open to the public 3/8/2019 at 7:00 p.m.; Arts Mon Gallery on opioid crisis and Morgantown Art Crawl on 3/9/2019 downtown; Old time dance at the Marilla Park Center for \$5 on 3/9/2019.

ADJOURNMENT: There being no further business, motion by Wallace, second by Wendell, to adjourn the meeting. Time: 10:20 p.m.


City Clerk


Mayor

*** ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD IN THE CITY CLERKS OFFICE***