

After hours Ext. 20
Email: rsimonton@kaycasto.com

December 2, 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: Municipal Home Rule Pilot Program Annual Progress Report

Enclosed, please find a copy of the signed Municipal Home Rule Pilot Program Annual Progress report.

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

Sincerely,



Ryan Simonton
City Attorney
City of Morgantown

MUNICIPAL HOME RULE
PILOT PROGRAM

City of Morgantown

2018
PROGRESS
REPORT

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.

A. General Information		
Name of Municipality: Morgantown		
Certifying Official: Paul J. Brake, ICMA-CM, CEcD	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: rsimonton@morgantownwv.gov		
2010 Census Population: 29,660		
B. Municipal Classification		
<input type="checkbox"/> Class I <input checked="" type="checkbox"/> Class II <input type="checkbox"/> Class III <input type="checkbox"/> Class IV		
C. Pilot Program Entry Phase		
<input type="checkbox"/> Phase I (2007 Legislation) <input checked="" type="checkbox"/> Phase II (2014 Legislation) <input type="checkbox"/> Phase III (2015 Legislation)		
D. Attest		
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.		
Paul J. Brake, ICMA CM, CEcD		12/2/2019
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.

Initiative: Regulation of Upholstered Furniture on Exterior of Premises
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>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>Along with other initiatives, contributed to a 14-year low in nuisance fires within the City in 2015. One hundred fourteen (114) notices were given by the City Code Enforcement Department to remove upholstered furniture from the exterior of houses since the ordinance was enacted. After a warning period, 21 citations were given to property owners or tenants that would not remove furniture. The initiative continues to contribute to decreased fire risk, as demonstrated by the continued reduction in fires to a 22-year low, as reported in the Fire Marshals arrest authority initiative below.</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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Initiative: Court Technology and Maintenance Fee
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>SUCCESES – 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><u>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.</u></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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Initiative: Authorizing Intergovernmental Agreements by Resolution
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>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>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>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> <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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Initiative: Public Nuisance removal liens
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>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>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.</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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Initiative: Fire Marshals Arrest Authority											
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>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><u>The home rule program for fire marshal limited law enforcement authority continues to be one of the most successful programs. Six years ago, Morgantown led the United States in the total number of intentionally set rubbish fires and was second overall in the number of dumpster fires. Examining the fire data back to 1996, Morgantown experienced an average of 154 rubbish fires per year. Since granting fire marshals law enforcement authority in late 2015, the average fell to 18 fires per year. In 2018, the number of intentionally set fires remained at record low numbers.</u></p> <table> <tr> <td><u>Intentional Dumpster and Rubbish fires</u></td> </tr> <tr> <td><u>Total fires (years 1979 to 2018) = 3,545</u></td> </tr> <tr> <td><u>(Year 2010) = 168 fires</u></td> </tr> <tr> <td><u>(Year 2011) = 176 fires</u></td> </tr> <tr> <td><u>(Year 2012) = 206 fires</u></td> </tr> <tr> <td><u>(year 2013) = 98 fires</u></td> </tr> <tr> <td><u>(Year 2014) = 122 fires</u></td> </tr> <tr> <td><u>(Year 2015) = 67 fires * Home rule in effect</u></td> </tr> <tr> <td><u>(Year 2016) = 27 fires</u></td> </tr> <tr> <td><u>(Year 2017) = 11 fires</u></td> </tr> <tr> <td><u>(Year 2018) = 17 fires</u></td> </tr> </table> <p><u>Dispositions: 6 arrests and convictions, 7 open investigations, 22 closed cases</u></p>	<u>Intentional Dumpster and Rubbish fires</u>	<u>Total fires (years 1979 to 2018) = 3,545</u>	<u>(Year 2010) = 168 fires</u>	<u>(Year 2011) = 176 fires</u>	<u>(Year 2012) = 206 fires</u>	<u>(year 2013) = 98 fires</u>	<u>(Year 2014) = 122 fires</u>	<u>(Year 2015) = 67 fires * Home rule in effect</u>	<u>(Year 2016) = 27 fires</u>	<u>(Year 2017) = 11 fires</u>	<u>(Year 2018) = 17 fires</u>
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<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this initiative that would benefit other municipalities.</p> <p><u>In addition to the current Core Law Enforcement Training Standards (4-weeks) established by the WV State Fire Commission, an additional (6-week) Basic Fire Marshal Training Academy was implemented in 2018 by the WV Fire Commission and West Virginia University. The academy was held in September at the WVU Fire Academy in Jackson’s Mill, WV. Morgantown personnel completed two out of the four modules and returned in 2019 to complete the remaining two modules. ●other municipalities considering a similar home rule plan should ensure their personnel enroll in the new fire marshal basic academy. The WV State Fire Marshal and the State Fire Commission have done an excellent job of standardizing training and professional standards.</u></p>											

Initiative: Sunday Alcohol Sales

Was this non-tax initiative a part of your original plan application or a plan amendment ?

Has the ordinance(s) needed to implement this initiative been enacted? Yes No

If yes, when was the ordinance enacted? October 4, 2016

If no, please describe challenges faced in enacting the related ordinance(s)

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.

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.

LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this 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. Each non-tax related initiative must have a separate page.

Initiative: Fire Marshals' arson and explosives offenses arrest authority
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><u>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, only one arson case has occurred. A vacant building was set on fire in the Sabraton area of Morgantown. Fire marshals worked quickly with police on a joint investigation resulting in the arrest and conviction of the suspect.</u></p> <p><u>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.</u></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> <p><u>Whenever possible, police and fire investigators should work jointly on arson and explosives cases. The expanded authority ensures fire investigators may continue working a case beyond the origin and cause determination, especially given the manpower shortcomings of most agencies. Other municipalities considering a similar home rule plan should ensure their personnel enroll in the new fire marshal basic academy. The WV State Fire Marshal and the State Fire Commission have done an excellent job of standardizing training and professional standards.</u></p>

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.

Initiative: Limit expansion of nonconforming agricultural, industrial, and manufacturing uses
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><u>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.</u></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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Initiative: Waive certified mail requirement for zoning changes that alter density
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><u>The City of Morgantown observed three rezoning requests in 2018 that may have affected density of individual parcels, and one zoning text amendment request that could potentially affect density throughout the city’s residential zoning districts. This density change involved the modification of front-yard setbacks for certain new residential development. Using the lowest USPS certified mail rate, the estimated cost to deliver certified mailings for the one zoning text amendment could easily exceed \$41,962.35, based on 2016 ACS 5-year housing data, lowest cost certified mailing, and not counting vacant residentially zoned parcels. To date, two housing units have been affected by this zoning ordinance density modification.</u></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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Initiative: Disposition of real estate without auction
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><u>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.</u> The City has several current or proposed transactions for the sale of vacant lots that this authority may facilitate.</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>

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.

Initiative: Expend money on schools by agreement with the governing agency
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>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><u>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.</u></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>

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.

Initiative: Eliminate property ownership requirement for park board membership
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? <u>December 19, 2017</u>
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><u>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.</u></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>

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.

Initiative: Use the Board of Zoning Appeals to administer the Subdivision and Land Development Ordinance
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.
SUCSESSES – 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.
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.

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.

Initiative: Municipal Sales, Service, and Use Tax
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>REVENUES – 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 becomes effective July 1, 2020. No revenues have been realized. Business and occupation tax reductions adopted in connection with adoption of the tax become effective July 1, 2020.</p>
<p>SUCCESES – 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>Not applicable at this time.</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>