

MUNICIPAL HOME RULE  
PILOT PROGRAM

City of Morgantown

2017  
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 December 1, 2017, by emailing Courtney Shamblin at [courtney.d.shamblin@wv.gov](mailto:courtney.d.shamblin@wv.gov), West Virginia Department of Revenue, West Virginia Home Rule Pilot Program, State Capitol Complex, Building 1, Room W-300, Charleston, West Virginia 25305, 304-558-3356.

<b>A. General Information</b>		
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: <a href="mailto:rsimonton@morgantownwv.gov">rsimonton@morgantownwv.gov</a>		
2010 Census Population: 29,660		
<b>B. Municipal Classification</b>		
<input type="checkbox"/> Class I <input checked="" type="checkbox"/> Class II <input type="checkbox"/> Class III <input type="checkbox"/> Class IV		
<b>C. Pilot Program Entry Phase</b>		
<input type="checkbox"/> Phase I (2007 Legislation) <input checked="" type="checkbox"/> Phase II (2014 Legislation) <input type="checkbox"/> Phase III (2015 Legislation)		
<b>D. Attest</b>		
I hereby confirm that I am the authorized official for this municipality and certify that the information submitted herein and attached hereto is true and accurate and that this report addresses each and every initiative included in the original Home Rule Pilot Program Plan Application for this municipality and any subsequent amendments, if applicable.		
Paul J. Brake		12/1/17
Type Name of Certifying Official	Signature of Certifying Official	Date

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

<b>Initiative: Regulation of Upholstered Furniture on Exterior of Premises</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input checked="" type="checkbox"/> Other
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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<b>Initiative: Court Technology and Maintenance Fee</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
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>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.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

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

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<b>Initiative: Public Nuisance removal liens</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
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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<b>Initiative: Fire Marshals Arrest Authority</b>
Category of Issues Addressed (check all that apply) <input checked="" type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
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>The home rule program for fire marshal limited law enforcement authority has been essential in solving a 30-year Morgantown problem. In 2017, the number of intentionally set fires dropped again to a 22-year low. At the time of this report, only nine fires have occurred in 2017. Fire Marshals exercised their law enforcement authority to arrest and successfully convict five individuals in four out of the nine fire cases reported. The most recent data collected indicates just how successful the home rule program has been.</p> <p style="text-align: center;">Intentional Dumpster and Rubbish fires  Total fires (years 1979 to 2017) = 3,526  (Year 2012) = 206 fires  (year 2013) = 98 fires  (Year 2014) = 122 fires  (Year 2015) = 67 fires *Home rule implemented 2015  (Year 2016) = 27 fires  (Year 2017) = 9 fires</p>
<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>Law enforcement training for personnel granted arrest authority is essential to ensure the initiative is implemented appropriately. Coordination with other government agencies was required to allow for processing of individuals arrested by the Fire Marshals in the City’s data entry system.</p> <p>Coordination and assistance from the WV State Fire Marshal, Morgantown Police, and other law enforcement agencies has been paramount in the success of the Morgantown home rule program. Other municipalities considering such an initiative should ensure their personnel meet the WV State Fire Commission’s core law enforcement training standards, as well as other national standards adopted by the State of West Virginia.</p>

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

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<b>Initiative: Fire Marshals' arson and explosives offenses arrest authority</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
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?
If no, please describe challenges faced in enacting the related ordinance(s) Authority for this initiative was granted by the Home Rule Board on October 19, 2017. The implementing ordinance will be introduced for first reading December 5 <sup>th</sup> and adoption is anticipated December 19 <sup>th</sup> .
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.
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.

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<b>Initiative: Limit expansion of nonconforming agricultural, industrial, and manufacturing uses</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
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?
If no, please describe challenges faced in enacting the related ordinance(s) Authority for this initiative was granted by the Home Rule Board on October 19, 2017. The implementing ordinance will be introduced for first reading December 5 <sup>th</sup> and adoption is anticipated December 19 <sup>th</sup> .
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.
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.

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<b>Initiative: Waive certified mail requirement for zoning changes that alter density</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
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?
If no, please describe challenges faced in enacting the related ordinance(s) Authority for this initiative was granted by the Home Rule Board on October 19, 2017. The implementing ordinance will be introduced for first reading December 5 <sup>th</sup> and adoption is anticipated December 19 <sup>th</sup> .
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.
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<b>Initiative: Disposition of real estate without auction</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
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?
If no, please describe challenges faced in enacting the related ordinance(s) Authority for this initiative was granted by the Home Rule Board on October 19, 2017. The implementing ordinance will be introduced for first reading December 5 <sup>th</sup> and adoption is anticipated December 19 <sup>th</sup> .
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.
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.

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<b>Initiative: Expend money on schools by agreement with the governing agency</b>
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
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?
If no, please describe challenges faced in enacting the related ordinance(s) Authority for this initiative was granted by the Home Rule Board on October 19, 2017. The implementing ordinance will be introduced for first reading December 5 <sup>th</sup> and adoption is anticipated December 19 <sup>th</sup> .
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.
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.

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<b>Initiative: Eliminate property ownership requirement for park board membership</b>
Category of Issues Addressed (check all that apply) <input checked="" type="checkbox"/> Organization <input type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
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?
If no, please describe challenges faced in enacting the related ordinance(s) Authority for this initiative was granted by the Home Rule Board on October 19, 2017. The implementing ordinance will be introduced for first reading December 5 <sup>th</sup> and adoption is anticipated December 19 <sup>th</sup> .
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.
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.

<b>Initiative: Municipal Sales Tax</b>
Was this tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, when was the ordinance enacted?
If no, please describe challenges faced in enacting the related ordinance(s)  Concerns that businesses located within the city will be less competitive with nearby businesses outside city limits have led the City not to adopt the tax at this time.
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.  n/a
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.
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.