



Office of the City Clerk

The City of Morgantown

Linda L. Little, CMC
389 Spruce Street, Room 10
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
cityclerk@morgantown.com

AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
May 1, 2012
7:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL BY CITY CLERK**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES:** Regular Meeting April 17, 2012
5. **CORRESPONDENCE**
6. **PUBLIC HEARING:**
 - A. **PUBLIC HEARING of AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (R-3) MULTI-FAMILY RESIDENTIAL 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 WAS FULLY SET FORTH HEREIN.**
 - B. **PUBLIC HEARING of AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 121.04 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS; MORE PARTICULARLY, THE LOCATION OF THE "PUBLIC PORTION" UPON THE CITY COUNCIL MEETING AGENDA.**
7. **UNFINISHED BUSINESS:**
 - A. **Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY**

OF MORGANTOWN FROM (R-3) MULTI-FAMILY RESIDENTIAL 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 WAS FULLY SET FORTH HEREIN. (FIRST READING ON APRIL 3, 2012)

- B. Consideration of **APPROVAL** of **SECOND READING (ADOPTION)** of **AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 121.04 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS; MORE PARTICULARLY, THE LOCATION OF THE "PUBLIC PORTION" UPON THE CITY COUNCIL MEETING AGENDA.** (FIRST READING ON APRIL 17, 2012)

C. BOARDS AND COMMISSIONS

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

9. **SPECIAL COMMITTEE REPORTS**

10. **NEW BUSINESS:**

- A. Consideration of **APPROVAL** of **FIRST READING** of **AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A RIGHT-OF-WAY AGREEMENT BETWEEN IT, AS GRANTOR, AND MOUNTAINEER GAS COMPANY, AS GRANTEE, AS THE SAME APPLIES TO GAS LINE INSTALLATION THROUGH MORGANTOWN MUNICIPAL AIRPORT REALTY TO WEST VIRGINIA NATIONAL GUARD READINESS CENTER REALTY.**

- B. Consideration of **APPROVAL** of **FIRST READING** of **AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN IT AND THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, REGARDING THE CITY'S TEMPORARY USE OF WEST VIRGINIA UNIVERSITY'S EQUIPMENT KNOWN AS A 'GUMBUSTER'.**

- C. Consideration of **APPROVAL** of **A RESOLUTION OF THE COUNCIL OF THE CITY OF MORGANTOWN, WEST VIRGINIA, AUTHORIZING**

EXECUTION OF AN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, WITH REGARD TO ESTABLISHMENT AND MAINTENANCE OF A TRAFFIC SIGNAL SYSTEM WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA.

- D. Consideration of APPROVAL of A RESOLUTION APPROVING AND AUTHORIZING TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN.**
- E. Consideration of APPROVAL of A RESOLUTION OF COUNCIL TO SUPPORT MAKING THE WEST VIRGINIA 457 PLAN OPTION AVAILABLE TO MUNICIPAL EMPLOYEES.**
- F. Consideration of APPROVAL of A RESOLUTION TO ADOPT THE 2012 GREATER MORGANTOWN BICYCLE PLAN.**
- G. Consideration of APPROVAL of A RESOLUTION AUTHORIZING THE NEIGHBORHOOD/BUSINESS RECOGNITION PROGRAM.**

11. CITY MANAGER'S REPORT:

NEW BUSINESS:

- 1. Application to Edward Byrne Memorial Justice Grant (JAG)**

12. REPORT FROM CITY CLERK:

- 1. Upcoming Blood Drive & Multiphasic Testing**
- 2. Deputy Clerk Earning Credits Towards CMC Certification**

13. REPORT FROM CITY ATTORNEY

14. REPORT FROM COUNCIL MEMBERS

15. ADJOURNMENT

If you need an accommodation contact us at 284-7439

REGULAR MEETING APRIL 17, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, April 17, 2012 at 7:00 P.M.

PRESENT: City Manager Terrence Moore, City Clerk Linda Little, City Attorney Steve Fanok, Deputy City Manager Jeff Mikorski, Mayor Jim Manilla and Council Members: Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger, and Bill Byrne. (Linda Herbst Absent)

APPROVAL OF MINUTES: The minutes of the Regular Meeting on April 3, 2012 were approved as printed.

CORRESPONDENCE: None.

PUBLIC HEARING - AN ORDINANCE AUTHORIZING THE REFUNDING OF THE MORGANTOWN BUILDING COMMISSION'S MUNICIPAL BUILDING LEASE REVENUE REFUNDING BONDS, SERIES 2003; AUTHORIZING THE CONTINUED LEASING OF THE MORGANTOWN PUBLIC SAFETY BUILDING BY THE COMMISSION TO THE CITY OF MORGANTOWN; APPROVING THE SALE, ISSUANCE AND DELIVERY OF LEASE REVENUE REFUNDING BONDS, SERIES 2012 BY THE MORGANTOWN BUILDING COMMISSION TO PROVIDE FUNDS TO FINANCE A PORTION OF THE COSTS OF SUCH REFUNDING AND RELATED COSTS AND EXPENSES.

There being no appearances or objections, Mayor Manilla declared the public portion closed.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BETWEEN IT, AS LESSOR, AND THE MONONGALIA COUNTY PLANNING COMMISSION (LESSEE) AND THE MORGANTOWN-MONONGALIA COUNTY TRANSPORTATION PLANNING ORGANIZATION (LESSEE) REGARDING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

There being no appearances or objections, Mayor Manilla declared the public portion closed.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING SECTION 509.02 OF ITS GENERAL OFFENSES CODE AND REPLACING IT WITH A NEW SECTION 509.02, AS THE SAME APPLIES TO AGGRESSIVE SOLICITATION.

There being no appearances or objections, Mayor Manilla declared the public portion closed.

PUBLIC HEARING - AN ORDINANCE TERMINATING A LEASE AGREEMENT AND AUTHORIZING A NEW LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND WEST VIRGINIA BOTANIC GARDEN, INC., LESSEE.

There being no appearances or objections, Mayor Manilla declared the public portion closed.

UNFINISHED BUSINESS:

AN ORDINANCE CREATING A FINANCIAL STABILIZATION FUND: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING SECTION 129.15 TO ITS ADMINISTRATIVE CODE, CREATING A FINANCIAL STABILIZATION FUND.

Motion by Byrne, second by Selin, to adopt the above entitled Ordinance. City Manager Terrence Moore noted that this ordinance is corrected with language as requested by Council. Council suspended the rules to allow discussion with Finance Director J R Sabatelli.

Motion by Selin, second by Shamberger to approve the amendments to the Ordinance made on 4/3/12. Motion carried 4-1. Mayor Manilla voted No. (Councilors Bane and Herbst were Absent)

Main Motion to approve the above entitled Ordinance as amended carried 4-1. Mayor Manilla voted No. (Councilors Bane and Herbst were Absent)

AN ORDINANCE AUTHORIZING THE REFUNDING OF PUBLIC SAFETY BUILDING BONDS: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING THE REFUNDING OF THE MORGANTOWN BUILDING COMMISSION'S MUNICIPAL BUILDING LEASE REVENUE REFUNDING BONDS, SERIES 2003; AUTHORIZING THE CONTINUED LEASING OF THE MORGANTOWN PUBLIC SAFETY BUILDING BY THE COMMISSION TO THE CITY OF MORGANTOWN; APPROVING THE SALE, ISSUANCE AND DELIVERY OF LEASE REVENUE REFUNDING BONDS, SERIES 2012 BY THE MORGANTOWN BUILDING COMMISSION TO PROVIDE FUNDS TO FINANCE A PORTION OF THE COSTS OF SUCH REFUNDING AND RELATED COSTS AND EXPENSES.

Motion by Byrne, second by Selin, to adopt the above entitled Ordinance. After discussion, the rules were suspended to allow explanation from Bond Counsel Greg Isaacs. There being no further discussion, motion Carried 6-0 (Councilor Herbst Absent)

AN ORDINANCE REGARDING LEASE FOR OFFICE SPACE AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BETWEEN IT, AS LESSOR, AND THE MONONGALIA COUNTY PLANNING COMMISSION (LESSEE) AND THE MORGANTOWN-MONONGALIA COUNTY TRANSPORTATION PLANNING ORGANIZATION (LESSEE) REGARDING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

Following brief explanation from City Manager Terrence Moore, motion by Byrne, second by Shamberger, to adopt the above entitled Ordinance. Motion Carried 6-0. (Councilor Herbst Absent)

AN ORDINANCE REPEALING AND REPLACING GENERAL OFFENSES CODE, AGGRESSIVE SOLICITATION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING SECTION 509.02 OF ITS GENERAL OFFENSES CODE AND REPLACING IT WITH A NEW SECTION 509.02, AS THE SAME APPLIES TO AGGRESSIVE SOLICITATION.

Motion by Byrne, second by Selin, to adopt the above entitled Ordinance. City Attorney Steve Fanok offered further clarification regarding the Ordinance. Question was called and the motion carried 6-0. (Councilor Herbst Absent)

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH THE WEST VIRGINIA BOTANIC GARDEN: The below entitled Ordinance was presented for second reading:

AN ORDINANCE TERMINATING A LEASE AGREEMENT AND AUTHORIZING A NEW LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND WEST VIRGINIA BOTANIC GARDEN, INC., LESSEE.

Motion by Byrne, second by Shamberger, to adopt the above entitled Ordinance. After discussion, and explanation from the City Manager motion Carried 6-0. (Councilor Herbst Absent)

BOARDS AND COMMISSIONS: By acclamation of Council the following Commissioners were re-appointed: Richard McEwuen, Keith Reed, Joshua Williamson, Tina Tallaksen, Patricia Watson, Kacy Wiedebusch, and Connie Merandi, to the Metropolitan Theatre Commission. Followed by the re-appointment of: George Lies, Elizabeth Finklea, Rosalyn Becker, Peggy Meyers-Smith to the Sister Cities Commission. By acclamation of Council John Gaddis was appointed to a vacancy on the Sister Cities Commission.

PUBLIC PORTION:

Linda Bagby, President WV Botanic Garden, thanked Council, City Manager, City Attorney and MUB for making the lease possible. Ms. Bagby reminded Council of the Celebration at Tibbs Run on May 19th from 1-3pm.

Renee Hernandez, 224 Overdale Street, commented that she enjoys going to the Botanic Gardens and thanked the City for renewing the lease. Ms. Hernandez mentioned that she would like to see flowers planted at the intersections of Cobun and Clark Streets, as well as French and Lyndhurst Streets. Ms. Hernandez stated the City of Seattle has a food forest, and suggested the City consider such an initiative. She spoke of her support regarding recent zoning changes and expressed hope that the DOT will address the truck situation.

Evan Dove, SGA Liaison, 37 Shady Grove, updated Council on the recent Student Election, announcing President Redding and Vice President Zuccari. Mr. Dove reported that the SGA will continue to work with Council in the future and will report back as needed with new information.

There being no more appearances, Mayor Manilla declared the public portion closed.

NEW BUSINESS:

RATES OF LEVY FY2012-2013: The below entitled Rates of Levy were presented for approval:

THE RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 IN ACCORDANCE WITH CHAPTER 11, ARTICLE 8 OF THE WEST VIRGINIA CODE.

Motion by Bane, second by Byrne, to approve the above entitled Rates of Levy. Following clarification by and explanation from the City Manager, and Finance Director, motion carried 6-0. (Councilor Herbst Absent)

AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, ORDER OF PROCEDURE FOR COUNCIL MEETING: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 121.04 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS; MORE PARTICULARLY, THE LOCATION OF THE "PUBLIC PORTION" UPON THE CITY COUNCIL MEETING AGENDA.

Motion by Bane, second by Byrne, to pass the above entitled Ordinance to second reading After discussion, motion carried 6-0. (Councilor Herbst Absent)

SPECIAL COMMITTEE REPORTS: Councilor Nugent provided updates regarding the Truck Traffic Survey, and informed that the Traffic Commission will discuss and report back to Council in June.

CITY MANAGER'S REPORT:

NEW BUSINESS:

1. Bid Call 2012-04 2012 Street Paving Project

Motion by Byrne, second by Shamberger to award the bid to Parrotta Paving for \$115,114.60. Motion carried 6-0. (Councilor Herbst Absent)

2. Request from Renaissance Morgantown: Riverfront Re-development Photography Exhibit.

Motion by Nugent, second by Bane to approve release of funds for preparation of the exhibit. After discussion, motion carried 6-0. (Councilor Herbst Absent)

REPORT FROM CITY CLERK: City Clerk informed everyone of upcoming Fire Fighter Entry Level testing June 27, 2012.

REPORT FROM CITY ATTORNEY: City Attorney stated that recently a WVU student requested City Council amend the City's Cruelty to Animals Ordinance; and it is of the opinion of the City Attorney's Office that Section 505.03 of the City Code should remain as is.

REPORT FROM COUNCIL MEMBER (Roll Reversal):

Councilor Herbst:	Absent
Councilor Bane	Councilor Bane mentioned a Leadership Meeting where Oliver Luck relayed a very positive message for the future of WVU and the City. He also noted 3 students arrested and expelled in reference to the St. Patrick's Day events and commended local law enforcement.
Councilor Nugent	Councilor Nugent announced the Wiles Hill Neighborhood Association meeting and thanked the Public Works Department for litter clean-up efforts on Hoffman Avenue. Councilor Nugent also noted that the new web-site should be up and running soon.
Councilor Selin:	Councilor Selin announced the upcoming meetings of the Street Scape plan, the Suncrest Neighborhood Association and the Urban Landscape Commission.
Councilor Shamberger:	Councilor Shamberger thanked everyone that attended the Woodburn Re-Use Meeting and the Woodburn Neighborhood Association Meeting. She informed of an upcoming cleanup event at Woodburn and in the Woodburn Neighborhood area. Councilor Shamberger remarked upon the passing of Steve Tanner who lived in the Woodburn area for many years and was

a member of the Charter Board Member, Historic Landmarks Commission, as well as many others; he will truly be missed.

Councilor Byrne:

Councilor Byrne commend Linda Bagby and George Longenecker and the entire Board on their years of dedication and work for the WV Botanic Gardens. He mentioned the Sister Cities Commission and the Friendship City, along with Petito Mining Company's agreement on a piece of mining equipment and the visit with public officials at WVU on Mining. Councilor Byrne complimented Communications Manager Susan Sullivan, on what a fine job she is doing. He then noted the passing of Steve Tanner and what a loss it is to the community.

Mayor Manilla:

Mayor Manilla also commented that he has known Steve Tanner his whole life and he will be missed by all. He welcomed the students from Political Science Class 220 and announced South Park Curb Day, the Titanic Exhibit at the History Museum as well as the Monongalia County Schools K-12 Exhibit at the MAC.

EXECUTIVE SESSION: Motion by Nugent, second by Bane, to enter into an executive session pursuant to West Virginia Code Section 6-9A-4(b) (9) to discuss matters involving or affecting the purchase, sale or lease of property with Council Members, City Manager and Deputy City Manager Present. Motion to enter Executive Session carried 6-0. (Linda Herbst Absent) Time 8:16 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:20 p.m.

City Clerk

Mayor

***A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON CD AT THE MORGANTOWN CITY LIBRARY.**

Program Narrative (Attachment 1)

The City of Morgantown, WV is applying for the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. According to the 2012 West Virginia JAG Allocations this year, the individual allocation award for Morgantown City is (\$22,065). The police department plans to use these funds in the area of equipment purchases and related officer safety training. These equipment or technology upgrades and associated training are the main purpose areas for this grant. The first and largest portion of funds for both agencies will be used for various equipment or technology upgrades that will help assist the departments in their overall mission of providing quality law enforcement services and the equipment or technology needed to accomplish this goal. The second part will be the purchase of officer safety equipment with included training. This all occurs at a time when the downturn in the economy has made it difficult for departments to purchase needed equipment or attend advanced training to perform their ever demanding duties and provide the type of services that the public in these communities have come to expect.

The City plans to utilize its grant funds to purchase (2) computer notebooks to be utilized by the polygraph operators to use in conjunction with their performing polygraph examinations for departmental investigations. The purchase of ASP Batons for all department officers and associated training will enhance officers' safety, which has become a major concern with the rise in violence against law enforcement officers during the most recent year (2011). Plans to upgrade the workstations and report writing area for all officers completing their arrest, incident, or accident reports will be beneficial for

the department as a whole in order to have a more streamlined, modern, and properly equipped work area to complete their required data entry and reports. The purchase of a Trim Tab will provide a needed upgrade the department's marine boat, which is used for patrol and other related special events on the Monongahela River which is in our jurisdiction. Finally, the purchase of a Sea Hunter Mark II Metal Detector for the Detective Division to be used at crime scenes or other related investigative uses. All of the equipment purchases or related training from this grant will enhance our officers from a practical or safety standpoint and also enhances their ability to perform day to day duties at the high level that our community has come to expect.

The City of Morgantown will act as the fiscal agent for this Grant. The City uses accepted financial practices of tracking all drawdown's an all purchases by the use of purchase order system, receiving reports, and the payment and tracking of all invoices. The City will place the grant funds into an account by itself and on that will be handled separately from other grants or federal funding. The City of Morgantown will utilize the grant funds in the purpose area designated to improve or enhance their law enforcement training programs and/or their equipment or technology upgrades (as applicable). The City will work towards completing all of the goals and objectives of the grant during the assigned grant period and will file appropriate financial, progress, or other required grant reports according to the grant guidelines.

BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES

LIBRARY BOARD OF DIRECTORS:

Vacancy: Council will interview Candidates at a Special Meeting. Seeking 1 qualified applicant to fill unexpired 5 year term. Must be resident of the City- appointed by Mayor, confirmed by Council to serve at large.

TRAFFIC COMMISSION:

Vacancy: Seeking 1 qualified applicant to fill unexpired 3 year term. Must be resident of **Fifth Ward**, appointed by Council. **Attached is a bio. for Julie Thalman who wishes to serve in the Fifth Ward position. Council can vote on that position at the May 1st, 2012 Regular Meeting.**

URBAN LANDSCAPE COMMISSION:

Vacancy: Seeking 1 qualified applicant to fill unexpired 2 year term of position of **Urban Forester**, Nominated by CM, from each ward, 13 members with staggered terms, 1 councilmember, and non-ward members must represent specific category.

***POLICE & FIRE CIVIL SERVICE COMMISSIONS:** NEW PRESIDENTS APPOINTED IN JANUARY.

**Information for Boards and Commissions vacancies are placed in the Dominion Post, are advertised on the City's Government Station Channel 15, and are posted at the Library and also information is on the City's Web Page.*

**Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, the City Clerk will check with Council before scheduling a Special Meeting.*

4/24/2012



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Request was successfully completed.

Request #26533 : Volunteer for City Boards and Commissions

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What is your work telephone number?

304-293-4034

Are you a Morgantown resident?

Yes

If Yes, how many years have you lived in the City of Morgantown?

7

In which City Ward do you live?

Fifth

Who is your employer?

WVU

What type of business are you employed in?

Graduate Education

What is your job description?

Director of Recruitment for WVU Online.

Do you have any professional certifications or licenses?

No

Do you have any pertinent special interests?

No

On which commission(s) are you interested in serving?

Citizen's Advisory Board; Fire Civil Service; Housing Authority; Parking Authority; Traffic Commission

Status Completed

Priority Normal

Received

4/23/2012 at 1:59 PM

Source of Request

Anon Online by Anonymous

Assigned To:

Bethany Sypolt

Associated To:

Anonymous [Reassociate](#)

Est. Completion

5/3/2012

Actual Completion

4/24/2012

[Print](#) [Reactivate](#)

Citizen Information

Julie Thalman
1048 North Willey Street
Morgantown, WV 26505
304-685-9152
julie.whiteman@gmail.com

Preferred Response Method: E-Mail

Staff Activities [Add New](#) [Sort](#)

The status of the request was changed from Active to Completed.
by [Bethany Sypolt](#) on 4/24/2012 at 8:27 AM

Public Activities [Add New](#) [Sort](#)

Request was successfully submitted.
by [Citizen](#) on 4/23/2012 at 1:59 PM

Attachments [Add New](#)

Communication

Select Communication Template

Standard

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ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (R-3) MULTI-FAMILY RESIDENTIAL 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 WAS FULLY SET FORTH HEREIN.

Property included in this consideration is identified in the 2006 Monongalia County Assessor's records as Parcels 147 and 148 of County Tax Map 20; Morgantown Corporation District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification for Parcels 147 and 148 of County Tax Map 20 of the 2006 tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein is reclassified from (R-3) Multi-Family Residential District to (B-2) Service Business District.
2. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

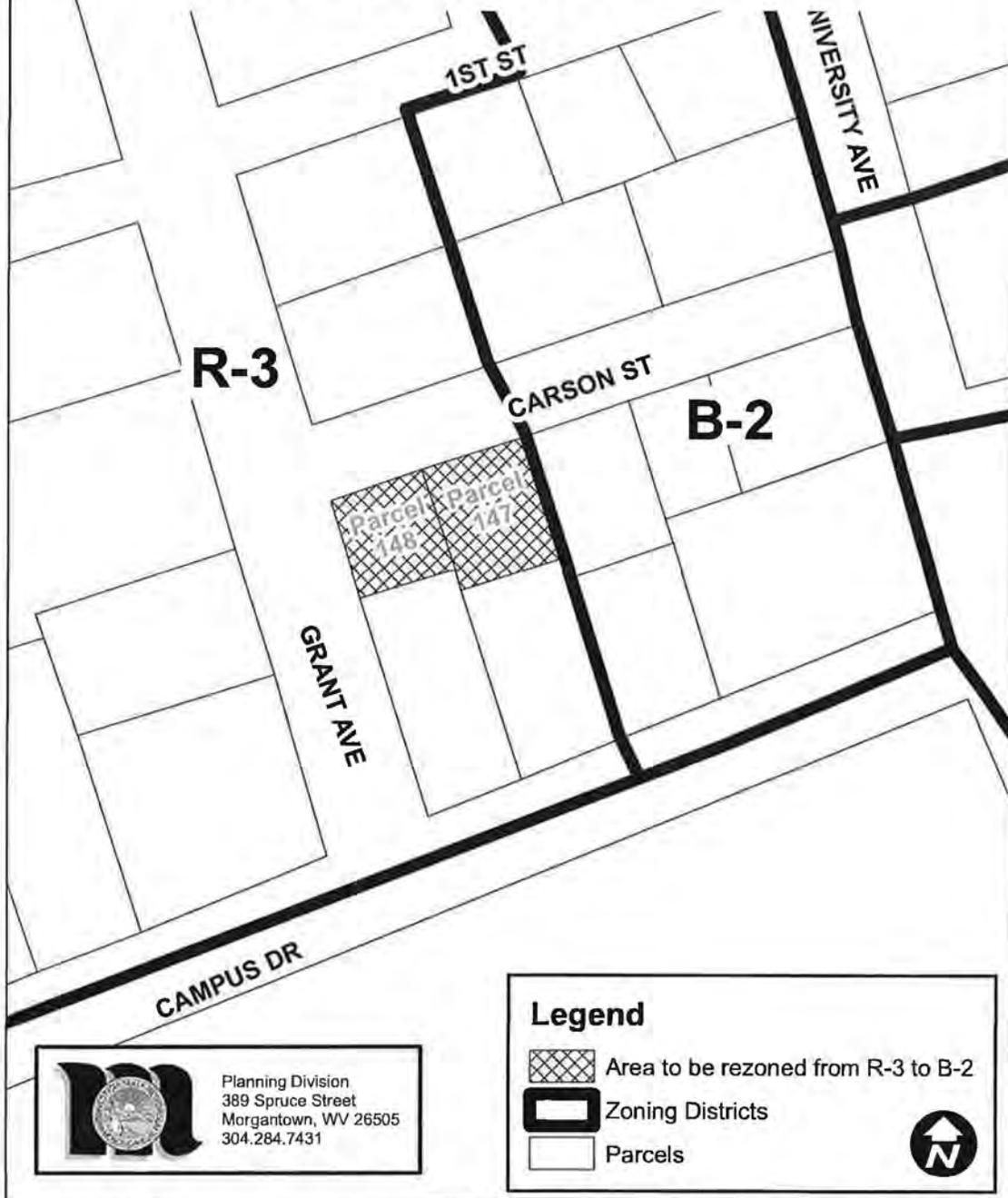
ADOPTED:

FILED:

RECORDED:

City Clerk

ORDINANCE EXHIBIT: RZ12-01 / from R-3 to B-2



Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

Legend

-  Area to be rezoned from R-3 to B-2
-  Zoning Districts
-  Parcels



AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 121.04 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS; MORE PARTICULARLY, THE LOCATION OF THE "PUBLIC PORTION" UPON THE CITY COUNCIL MEETING AGENDA.

The City of Morgantown hereby ordains that Section 121.04 of the City of Morgantown Administrative Code is amended as follows (new matter underlined, deleted matter struck through):

121.04 ORDER OF PROCEDURE.

The order of procedure for regular meetings of Council shall be as follows:

- (a) Call Council to order - Mayor.
- (b) Roll call by City Clerk.
- (c) Pledge to the Flag.
- (d) Approval of Minutes.
- (e) Correspondence.
- (f) Unfinished business.
- ~~(g) Public portion which shall be subject to rules established by Council and adpted by resolution.~~
- ~~(g)~~ (g) Special committee reports.
- ~~(h)~~ (h) New business.
- (i) Public portion which shall be subject to rules established by Council and adopted by Resolution.
- (j) City Manager's report.
- (k) Report from City Clerk
- ~~(l)~~ (l) Report from City Attorney
- (m) Report from Council members.
- (n) Adjournment.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A RIGHT-OF-WAY AGREEMENT BETWEEN IT, AS GRANTOR, AND MOUNTAINEER GAS COMPANY, AS GRANTEE, AS THE SAME APPLIES TO GAS LINE INSTALLATION THROUGH MORGANTOWN MUNICIPAL AIRPORT REALTY TO WEST VIRGINIA NATIONAL GUARD READINESS CENTER REALTY.

The City of Morgantown hereby ordains that its City Manager is authorized to execute the right-of-way agreement hereto attached by and on behalf of the City of Morgantown.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

EASEMENT AND RIGHT-OF-WAY

FORM OPS-38 PAGE 1 OF 2

REV 9/13/11 PROC

MAP NUMBER	WORK REQUEST NUMBER
397447	

THIS EASEMENT AND RIGHT-OF-WAY, made and entered into this 17th day of April 20 12, between City of Morgantown

having a mailing address of 389 Spruce St., Morgantown WV 26505

hereinafter, whether singular or plural, call the "Grantor," and Mountaineer Gas Company, a West Virginia corporation, with principal offices at 2401 Sissonville Drive, Charleston WV, 25387-1336.

WITNESSETH

That for and in consideration of the sum of One Dollar (\$1.00) paid by Mountaineer Gas Company to Granters, the receipt whereof is hereby acknowledged, the Grantors hereby grant and convey to Mountaineer Gas Company, its successors and assigns, an exclusive easement and right-of-way ten (10) feet wide with five (5) feet on both sides of the proposed pipeline route, with right of ingress and egress thereto, for pedestrians, vehicles and equipment, to construct a pipeline, together with service connections for other landowners, and appurtenant equipment which Mountaineer Gas Company may use in connection with the transportation of gas, oil, petroleum products or any other materials or substances which may be transported singly or in combination through a pipeline; and to operate, maintain, replace or change the size of its pipe without interruption of service, and finally remove said pipeline; service connections and appurtenant equipment; over and through all that certain tract or parcel of land described and recorder in deed book 290, page 293 and situate in Morgantown Co District, Monongalia County, State of West-Virginia, and being more particularly bounded and described as follows:

Map 32 A, Parcel 12 containing 46.09 acres

Bordered north by parcel 2 DB 599/Pg 4 containing 79.55 acres/ 9-21-1961

Bordered south by parcels 20 & 22 DB 365/Pg 92 containing 67.66 acres/ 6-18-1945

Bordered west by parcel 13 DB 368/Pg 392 containing 30 acres/ 9-22-1945

lying east of the Morgantown Corporation & Union District Line

Being the same property from Thomas E. and Mary C. Powell/ February 9th, 1938

****the center of the pipe is to be the center of the R/W

It is distinctly understood and agreed that Mountaineer Gas Company shall be responsible for any damages to persons or property that may result from Mountaineer Gas Company's negligent or careless installation, operation, maintenance or removal of said facilities and/or equipment. Mountaineer Gas Company shall replace and restore the area disturbed by the laying, construction, maintenance or removal of said facilities to as near as practical to its original condition.

All pipe and service connections shall be buried so as not to interfere with the present use of the land. Grantor agrees not to construct any permanent structures over said right-of-way and not to change the grade more than six (6) inches without written permission from Mountaineer Gas Company. The Grantors may fully use and enjoy the said premises except for the purpose hereinbefore granted to Mountaineer Gas Company.

EASEMENT AND RIGHT-OF-WAY

FORM OPS-38 PAGE 2 OF 2

REV 9/13/11 PROC

This exclusive easement and right-of-way herein granted unto Mountaineer Gas Company, its successors and assigns shall be perpetual, so long as Mountaineer Gas Company or its successors and assigns use the said facilities and equipment for any or all of the purposes hereinbefore set forth. The rights, privileges and terms hereof shall extend to and be binding upon the Grantors, Mountaineer Gas Company and their respective representatives, heirs, grantees, successors and assigns.

This transaction is not a transfer of title to the aforesaid property, and therefore, is not subject to state excise tax provided in Section 11-22-2 of the West Virginia Code.

Under the penalties of fine and imprisonment as provided by law, Mountaineer Gas Company declares the total consideration for said easement and right-of-way transferred by this document to be _____ Dollars (_____).

IN WITNESS WHEREOF, the Grantors have hereto caused this Easement and Right-of-Way to be executed the day and year first above written.

GRANTORS:

STATE OF WEST VIRGINIA

COUNTY OF _____, to wit:

I, _____, a Notary Public in and for said County and State, do certify that

_____, whose name is signed to the writing hereto annexed, bearing date on the _____ day of _____, 20____, has the day acknowledged the same before me in my presence.

Given under my hand this _____ day of _____, 20____.

My commission expires _____.

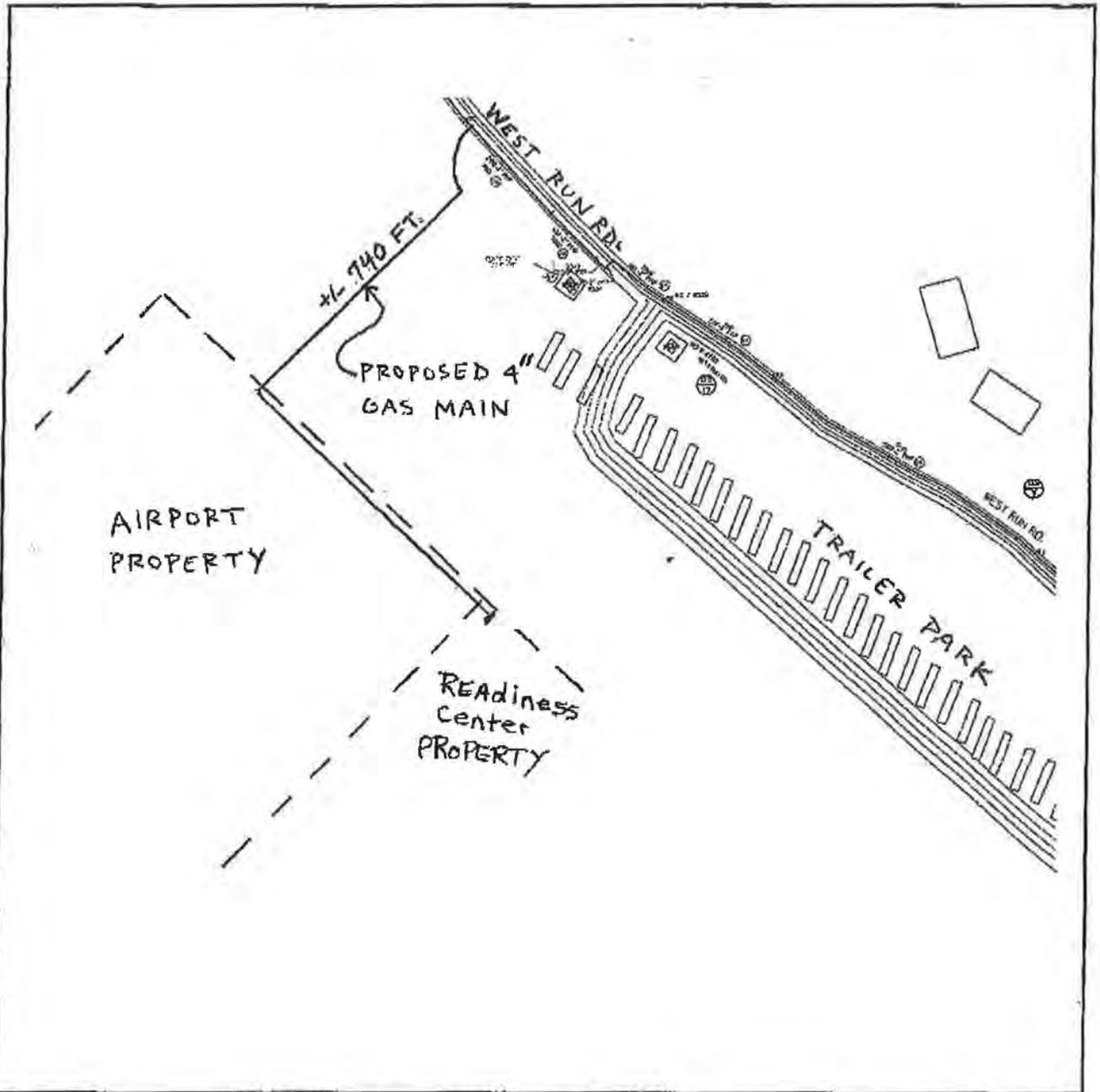
(NOTARY PUBLIC)

Instrument prepared by:

MOUNTAINEER GAS COMPANY

Mike Lewis

304-284-7409



MOUNTAINEER GAS COMPANY			
Service Center:	Kingwood	Site Location:	Morgantown.
Description:		Acquire right of way from City of Morgantown	
County:	Monongalia	Tax District Name:	Morgan
Scale:	MGC Map: 397447	Tax District No.:	
Date:	W.O. No.:	Prepared By:	
		LEGEND	NORTH ARROW

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN IT AND THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, REGARDING THE CITY'S TEMPORARY USE OF WEST VIRGINIA UNIVERSITY'S EQUIPMENT KNOWN AS A 'GUMBUSTER'.

The City of Morgantown hereby ordains that its City Manager is authorized to execute the intergovernmental agreement, hereto attached, by and on behalf of the City of Morgantown.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

DRAFT

AGREEMENT

THIS AGREEMENT (“Agreement”) is made this March 30, 2012, (“Effective Date”) by and between the West Virginia University Board of Governors on behalf of West Virginia University (“WVU”), and the City of Morgantown (“City”).

WHEREAS, the City intends to establish a gum cleanup program for some of the City’s sidewalks, including those located adjacent to High Street (the “Program”); such Program will provide an intangible benefit to the faculty, staff, and students of WVU who live, work, and learn in the City;

WHEREAS, through this Agreement, WVU will support the Program by granting to the City temporary possession, custody and use of WVU’s special piece of equipment that is used to remove chewing gum from sidewalks known as a ‘gumbuster’ (the “Equipment”).

THEREFORE, in furtherance of the above-referenced goals and objectives, WVU and the City agree to the following:

1. Publicity. Issue a jointly approved press release to publicize the execution of this Agreement.
2. Termination.
 - a. Unless terminated pursuant to Section 2(b), this Agreement shall terminate upon mutual agreement by the parties.
 - b. Either party shall have the right to cancel this Agreement, without further obligation.
3. Transportation and Return of Equipment.
 - a. City shall be responsible for transporting the Equipment from WVU to locations where the City intends to use the Equipment.
 - b. Upon the expiration or termination of this Agreement as provided herein, or earlier at the direction of WVU, City shall return and surrender the Equipment to WVU.
4. Use of Equipment.
 - a. Prior to the City’s use of the Equipment, the City and WVU will agree upon dates of use; such dates shall not interfere with WVU’s planned use of the Equipment.

- b. City's rights of possession, custody and use of the Equipment shall commence on the date of pick up and shall end upon its return delivery to WVU. City shall not sublet, part with possession, of the Equipment, nor allow the Equipment or any part thereof to be used by anyone except the City and its employees, contractors and agents, without the prior written consent of WVU.
 - c. City shall cause the Equipment to be used by such personnel in accordance with instructions which WVU shall provide to City. City shall not modify or change the Equipment without City's prior written consent.
 - d. City agrees that the Equipment is to be used solely for the Program and in its intended manner, and is not to be used for any other purpose unless agreed to by WVU. City agrees not to disassemble, modify, or service the Equipment in any way.
5. Ownership of Equipment; License.
- a. The Equipment is solely owned by WVU. During the term of this Agreement, full and complete title to the Equipment shall remain with WVU, subject to City's rights hereunder. City's rights hereunder are solely temporary possession, custody, and use of the Equipment as City for the Program, in accordance with the terms of this Agreement.
 - b. City shall not sell, lease, borrow against, pledge, or otherwise create a legal or equitable security interest in the Equipment other than the security interest of WVU created hereunder.
 - c. WVU hereby grants to City a limited, non-exclusive, non-transferable license to use the Equipment in accordance with, and during the term of, this Agreement.
6. Warranties; Disclaimer of Warranties. Except as expressly stated herein, the equipment is provided "as is." WVU makes no other warranties or representations, whether statutory, express or implied (including any warranties of merchantability and fitness for a particular purpose or arising out of any course of dealing or usage of trade). Any description of the equipment (including, but not limited to manufacturer's instructions, if any) is for reference purposes only and is not intended to be construed as a warranty relating to condition or completeness. WVU specifically disclaims any warranty relating to the condition or completeness of the equipment.
7. Limitation of Liability.
- a. Neither WVU, nor the employees or agents of WVU shall be liable to the city in contract, tort (including negligence and strict liability) or otherwise

DRAFT

for loss resulting from use of the equipment, cost of repair or clean-up costs associated with damages caused by city's use of the equipment, claims of any third party, or any special, incidental, indirect, or consequential loss or damage whatsoever.

- b. City's liability to WVU for loss, damage, or destruction of the equipment shall be limited to the replacement value of the equipment.
- 8. Amendment or Extension. This Agreement may be amended or extended by written modification of the parties.
- 9. Governing Law. The laws of the State of West Virginia shall govern the interpretation and enforcement of the Agreement.
- 10. Entire Agreement. This Agreement represents the entire agreement between the parties. This Agreement may not be changed orally, but only by a written document agreed to and executed signed by WVU and the City.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as the date of the signatures of their duly authorized representatives.

West Virginia University Board of
Governors on behalf of West Virginia
University

City of Morgantown

By:
Its:

By:
Its:

RESOLUTION OF THE COUNCIL OF THE CITY OF MORGANTOWN, WEST VIRGINIA, AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, WITH REGARD TO ESTABLISHMENT AND MAINTENANCE OF A TRAFFIC SIGNAL SYSTEM WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA.

BE IT RESOLVED BY THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, AS FOLLOWS:

1. That the Mayor of the City of Morgantown, West Virginia, a Municipal Corporation, be and is hereby authorized to execute, to have acknowledged, and to have delivered on behalf of said City, an agreement, a copy of which is attached hereto and made a part hereof, with the West Virginia Department of Transportation, Division of Highways, with regard to the establishment and maintenance of a traffic signal system within the Corporate Limits of said City; and
2. That the City Clerk and Recorder do properly attest the signature of said officials and affix the seal of the City to said agreement.

On motion made by _____ and seconded by _____, the City Council of Morgantown, West Virginia, does hereby approve and authorize the adoption of said Resolution.

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA
CITY OF MORGANTOWN

I, _____, City Clerk and Recording Officer of said Municipality, do hereby certify that the foregoing are true copies from the records of order made and entered into by the Council of said Municipality on the ____ day of _____, 20__.

City Clerk and Recording Officer

AGREEMENT

THIS AGREEMENT, made this ____ day of _____, 20__, by and between the **WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS**, a State Agency, hereinafter referred to as "Division;" and the **CITY OF MORGANTOWN**, a Municipal Corporation, hereinafter referred to as "City."

WITNESSETH

THAT WHEREAS, Division and City are mutually agreed with respect to the installation of a new traffic signal system at the intersection of WV 7 with the I-68 Westbound Ramps and the renovation of an existing traffic signal system at the intersection of WV with the I-68 Eastbound Ramps in Morgantown, Monongalia County, West Virginia; and

WHEREAS, by Resolution bearing date of ____ day of _____, 20__, the Council of the City of Morgantown has authorized and directed proper authorities to execute, acknowledge, and deliver an agreement on behalf of said City, setting out terms and conditions thereof, a copy of which Resolution is affixed to this agreement and made part hereof, and

WHEREAS, Division and City are desirous of cooperating in adoption of said rules, regulations, stipulations, and conditions in order to establish their mutual responsibilities and obligations with regard to the future maintenance and operation of said traffic signal system.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH, that for and in consideration of the mutual covenants herein entered into and mutual benefits to be derived by parties hereto, said Division and City do hereby agree that the following will be the duties and responsibilities of each party, respectively.

DUTIES AND RESPONSIBILITIES OF THE DIVISION

The Division agrees:

- i. To pay one hundred percent (100%) of the total cost of the installation of the new

traffic signal system and renovation of the existing traffic signal system.

2. To prepare plans and specifications necessary for a project for the construction of the new traffic signal system and renovation of the existing traffic signal system and to let a contract for the erection thereof and to supervise the installation of the same.
3. To program the intersection controllers and the on-street master computer.
4. To pay for the cost for contract inspection and administration by its own forces.
5. To pay for the installation of a telephone connection and pay the continuing service cost.
6. To provide a fire priority control system.
7. To perform all maintenance of the traffic signal system, on-street master computer, interconnecting system, and priority control system excluding cleaning and/or replacement of LED signal indications.

DUTIES AND RESPONSIBILITIES OF THE CITY

The City agrees:

1. To perform properly all minor maintenance of the traffic signal systems, including cleaning and/or replacement of LED signal indication's at the City's sole cost.
2. To pay for the continuing power costs of the traffic signal systems.
3. Not to alter in any way and not to remove any part of the traffic signal systems without prior approval by the Division.
4. To permit construction and maintenance on City property of any pole, foundation, signal and support or any other appurtenance necessary for completion of the project.
5. To provide transmitters for a fire priority control system on emergency vehicles selected for access to said system.
6. To enact any appropriate ordinances, resolutions, or regulations necessary to accomplish the purposes of this agreement and to enforce such ordinances, resolutions, and/or regulations.
7. That the terms of the agreement be binding upon successors and assigns.

IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN DIVISION AND CITY:

1. That the work agreed to be done by the Division in connection with the overall installation and renovation of the aforesaid traffic signal systems shall be done in three phases, to wit:
 - a. The preparation of plans and specifications for a contract letting;
 - b. The advertising and acceptance of competitive bids on the contract;
 - c. The awarding of a contract for said traffic signal systems and the supervision of the construction thereof.
2. That upon completion of the installation and renovation of the traffic signal systems, all equipment, poles, and all other appurtenances, are and shall remain the property of Division.
3. That the City has not had, does not have now, and shall not have in the future, any responsibility in respect to the planning, design, construction, or installation of said traffic signal systems.

IN WITNESS WHEREOF the parties, hereto have caused their respective names to be signed by their duly authorized officers:

ATTEST:

**WEST VIRGINIA DEPARTMENT OF
TRANSPORTATION**
Division of Highways
A State Agency

Title:

Deputy State Highway Engineer - Development

ATTEST:

CITY OF MORGANTOWN
A Municipal Corporation

Title:

Mayor

RESOLUTION APPROVING AND AUTHORIZING TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN

- WHEREAS, The City of Morgantown will receive a FY 2012 entitlement allocation of \$350,530 in Community Development Block Grant (CDBG) funding from the U.S. Department of Housing and Urban Development (HUD); and
- WHEREAS, The City has prepared the FY 2012 Action Plan in compliance with the 2009-2014 Consolidated Plan; and
- WHEREAS, The FY 2012 Action Plan and 2009-2014 Consolidated Plan have been developed in accordance with the City of Morgantown's Citizen Participation Plan, including public hearings conducted on November 3, 2011, and March 27, 2012, along with a publication of proposed Action Plan for a 30 day Public Comment period and plans available at City Hall, Public Library, BOPARC Senior Center and Office and on the City's Web Site;
- NOW, THEREFORE the City of Morgantown by adoption of this resolution this 1st day of May, 2012, authorizes the execution of;
- SECTION 1, The FY 2012 Action Plan allocating \$350,530 in new CDBG funds, \$13,598 in carry over funds, \$8,032 in program income, funding Administration & Planning - \$74,432, Housing Programs - \$107,930, Community Development Activities - \$44,659, Non-Housing Community Development Activities - \$145,139.
- SECTION 2, That the City of Morgantown City Manager is hereby designated as the official representative of the grantee and authorized to submit the Action Plan and all certifications, assurances, and related documents to the U.S. Department of Housing and Urban Development (HUD), and to act in connection with the submission as may be necessary
- SECTION 3, That the City of Morgantown City Manager is hereby authorized to execute the FY 2012 CDBG Grant Agreement with the U.S. Department of Housing and Urban Development (HUD) and to administer the Community Development Block Grant Program on behalf of the City.
- SECTION 4, That the Office of Community Development is authorized to administer the CDBG grant and request drawdowns from HUD.

Mayor

City Clerk

RESOLUTION

WHEREAS, the West Virginia Plus supplemental retirement plan is for public employees, similar to a 401(k) plan in structure, administered by the WV State Treasurer's Office; and

WHEREAS, it is the mission of the WV Retirement Plan to provide participants with a deferred compensation plan that offers attractive, high performing, low cost investment options coupled with comprehensive financial education programs needed to help them gain financial security at retirement; and

WHEREAS, there are over 12,500 current participants with assets totaling over 120 million dollars and 25 fund choices of which to invest; and

WHEREAS, there is no cost to the City making this offer to its employees, the plan is simple to join, and targets younger employees with little investment knowledge to help build a secure retirement.

THEREFORE, BE IT RESOLVED this _____ day of May, 2012, that the City Council of the City of Morgantown supports making this State of West Virginia 457 plan option available to its employees, at no cost to the City.

MAYOR

CITY CLERK

RESOLUTION TO ADOPT THE 2012 GREATER MORGANTOWN BICYCLE PLAN

- Whereas,** the City of Morgantown is striving to reduce traffic congestion; and
- Whereas,** the City of Morgantown is striving to improve community health and well-being; and
- Whereas,** the City of Morgantown is striving to improve its physical environment; and
- Whereas,** the City of Morgantown is striving to maintain and improve its prosperous local economy; and
- Whereas,** bicycling offers greater transportation efficiency than motor vehicles especially for trips shorter than 5-miles, produces practically no pollution, requires less land use, costs less for infrastructure, and takes less space for parking; and
- Whereas,** bicycling can mitigate our obesity epidemic, contribute positively to our health and fitness; increase cardiovascular fitness and reduce death from cancer; provide enjoyable, convenient and affordable means of exercise and recreation; and
- Whereas,** bicycling provides access and transportation to segments of the population that would not otherwise be able to travel independently including those who cannot or choose not to own a motor vehicle, those who do not have access to a motor vehicle when needed, and those who cannot or choose not to use public transportation; and
- Whereas,** bicycling improves our physical environment by reducing air pollution and particulate pollution that sullies our property and by freeing space that can be used for more productive and attractive applications; and
- Whereas,** bicycling has been demonstrated to contribute to a more prosperous local economy by increasing property values, business revenue and jobs and attracting educated highly-paid residents and visitors; and
- Whereas,** the 2012 Greater Morgantown Bicycle Plan includes actions in the areas of Education, Enforcement, Engineering, Encouragement, Evaluation and Equity that, if executed can realize the benefits of bicycling to Morgantown; and
- Whereas,** the City of Morgantown is striving to gain recognition by the League of American Bicyclists as a Bicycle Friendly Community; and

Whereas, the 2012 Greater Morgantown Bicycle Plan addresses League of American Bicyclists evaluation of the City's 2007 application for recognition as a Bicycle Friendly Community; and

Whereas, the Greater Morgantown Bicycle Plan has been created by the Morgantown Municipal Bicycle Board and reviewed and approved by key stakeholders including the City Manager, Chief of Police, Director of Public Works, Director of Development Projects, the Traffic Commission, the Morgantown Monongalia Metropolitan Planning Organization, the WVU Director of Transportation and Parking and the West Virginia Department of Transportation,

Now, Therefore, Be It Resolved, on this _____ day of May, 2012, the City of Morgantown supports adoption of the 2012 Greater Morgantown Bicycle Plan.

MAYOR

CITY CLERK

RESOLUTION AUTHORIZING THE NEIGHBORHOOD/BUSINESS RECOGNITION PROGRAM

Whereas, *the Morgantown City Council is proud of the City's neighborhood and business groups and would like to recognize their time and effort in building a better community by creating a neighborhood / business association recognition program; and*

Whereas, *the Morgantown City Council hopes that this program will improve communication between neighborhoods, businesses and the City; and*

Whereas, *the Morgantown City Council requests that neighborhood or business associations meet the standards set forth in the "Neighborhood / Business Association Recognition Policy" to take advantage of the recognition program; and*

Whereas, *the Morgantown City Council authorizes the City Administration to make resources available to oversee the recognition program and provide written notice of any necessary changes in the policy to the existing recognized associations in order to more effectively administer the program; and*

Now therefore be it resolved *on this day, May 1, 2012, the City of Morgantown authorizes the resources needed to administer the Neighborhood / Business Recognition Program and directs the Office of the City Manager to administer the program effective immediately.*

MAYOR

CITY CLERK

Neighborhood / Business Association Recognition Policy

The purpose of this policy is to establish a neighborhood / business association recognition program that provides a standardized City recognition policy for Morgantown neighborhood or business associations and sets forth the responsibilities and benefits accruing thereto.

B. The City Council finds, determines and declares that a standardized recognition policy will improve communication between neighborhoods, their residents, the private sector, and city government on civic matters affecting the livability and character of their neighborhoods. It is the finding of the City Council that the neighborhood / business association recognition program will establish a means whereby early identification and resolution of potential conflicts involving neighborhoods, their residents, and the private sector can be achieved.

Criteria for Recognition of a Neighborhood Association

A. In order to obtain City designation as a recognized neighborhood association, a neighborhood must satisfy the following criteria and standards at the time of application filing:

1. Membership. The membership of the neighborhood association shall be open to all residents, business owners or owners' representatives, non-profit organizations' representatives, property owners or tenants who reside, own, or occupy property or maintain a business within the boundary of the neighborhood association. The membership of the neighborhood association must be comprised of at least 10 members. The membership of the neighborhood association shall not be limited by race, creed, color, sex, age, heritage, national origin, sexual orientation, mobility, or income. The neighborhood association shall use its best faith good efforts to have its membership evenly distributed throughout its boundary.

2. Boundary. The boundary of a neighborhood association shall be drawn by the association membership. The boundary shall be reasonable and representative of physical and social characteristics of the neighborhood; represent a geographic area that is no smaller than four square blocks; have parameters that correspond with street center lines and property parcel lines.

3. By-laws or rules and regulations. The neighborhood association must have adopted written by-laws or rules and regulations that contain provisions that address the following subject matters:

- a. Statement of organizational purpose(s);
- b. Method of election of officers on a regular schedule, at least biennially;
- c. Description of officer terms and term limits;
- d. Establishment of a quorum number for voting purposes;
- e. Stated duties and responsibilities of officers;
- f. Definition of membership;
- g. Provide a system of financial accountability of its funds and records including maintenance of meeting sign-in sheets;
- h. Rules of Order;
- i. Statement of Non-Discrimination; and
- j. Current boundary map.

Responsibilities of Recognized Neighborhood Associations

Recognized Neighborhood Associations shall:

- A. Provide its membership with timely and effective written notifications received by the City. Written notice to its membership may be provided by U.S. regular mail, electronic mail, or delivered handbills within the boundary.
- B. Organize and undertake at least one activity, project or program which fosters a sense of community with the neighborhood.
- C. Each recognized neighborhood association shall hold at least one general membership meeting per year for which it makes a reasonable attempt to give prior written notice to every residence and place of business within the boundary regardless of membership status. Written notice may be provided by U.S. regular mail, electronic mail, or delivered handbills within the boundary.
- D. Abide by the conflict of interest provision where an officer of a recognized neighborhood association may not serve concurrently as an officer of another recognized neighborhood association. This provision, however, shall not prohibit an officer of any neighborhood association from serving as an officer of a business association that for purposes of this chapter has registered as a recognized neighborhood association.
- E. Comply with its by-laws or rules and regulations. The recognized neighborhood association will provide to the City Manager's office a copy of any updates or amendments of the bylaws and rules and regulations.
- F. Establish and utilize an orderly and democratic process for making representative decisions. The rules of order adopted by the recognized neighborhood association shall address conduct and proper decorum during meetings.
- G. Establish and follow a clear method for reporting to the City actions which accurately reflect the recognized neighborhood association's position on a matter that is the subject of a pending City Council agenda item. When the recognized neighborhood association presents its official position on the issue to the City, it shall identify whether the decision was reached by the board, a survey of the general membership, or by a vote at a general membership meeting, and the vote for and against the position. Dissenting views on any issue considered by a recognized neighborhood association shall be recorded and transmitted along with any recommendations made by the recognized neighborhood association.
- H. Provide notice to the City Manager's office within thirty (30) days of updated or revised contact information for the officers, and for official representative(s) of the recognized neighborhood association for purposes of receiving notices.
- I. Notify the City Manager's office and the applicable City Council district representative of its general membership meeting at least two weeks in advance or promptly without delay if notification of the meeting was provided to members less than two weeks prior to the meeting.
- J. Provide City Council an annual report summarizing the Neighborhoods activities of the previous year.
- K. Make recommendations for and coordinate various beautification, safety, and other initiatives deemed beneficial to the neighborhood.

Criteria for Recognition of a Business Association

A. In order to obtain City designation as a recognized business association, a an organization must satisfy the following criteria and standards at the time of application filing:

1. Membership. The membership of the business association shall be open to all business owners or owners' representatives, within the boundary of the business association. The membership of the business association must be comprised of at least 20 members. The membership of the business association shall not be limited by race, creed, color, sex, age, heritage, national origin, sexual orientation, mobility, or income.

2. Boundary. The boundary of a business association shall be drawn by the association membership. The boundary can be physical or isolated to a type of business.

3. By-laws or rules and regulations. The business association must have adopted written by-laws or rules and regulations that contain provisions that address the following subject matters:

- a. Statement of organizational purpose(s);
- b. Method of election of officers on a regular schedule, at least biennially;
- c. Description of officer terms and term limits;
- d. Establishment of a quorum number for voting purposes;
- e. Stated duties and responsibilities of officers;
- f. Definition of membership;
- g. Provide a system of financial accountability of its funds and records including maintenance of meeting sign-in sheets;
- h. Rules of Order;
- i. Statement of Non-Discrimination; and
- j. Current boundary map.

Responsibilities of Recognized Business Associations

Recognized Business Associations shall:

A. Provide its membership with timely and effective written notifications received by the City. Written notice to its membership may be provided by U.S. regular mail, electronic mail, or delivered handbills within the boundary.

B. Organize and undertake at least one activity, project or program.

C. Each recognized business association shall hold at least one general membership meeting per year for which it makes a reasonable attempt to give prior written notice to every business within the boundary regardless of membership status. Written notice may be provided by U.S. regular mail, electronic mail, or delivered handbills within the boundary.

D. Abide by the conflict of interest provision where an officer of a recognized business association may not serve concurrently as an officer of another recognized business association.

E. Comply with its by-laws or rules and regulations. The recognized business association will provide to the City Manager's office a copy of any updates or amendments of the bylaws and rules and regulations.

F. Establish and utilize an orderly and democratic process for making representative decisions. The rules of order adopted by the recognized business association shall address conduct and proper decorum during meetings.

- G. Establish and follow a clear method for reporting to the City actions which accurately reflect the recognized business association's position on a matter that is the subject of a pending City Council agenda item. When the recognized business association presents its official position on the issue to the City, it shall identify whether the decision was reached by the board, a survey of the general membership, or by a vote at a general membership meeting, and the vote for and against the position. Dissenting views on any issue considered by a recognized business association shall be recorded and transmitted along with any recommendations made by the recognized association.
- H. Provide notice to the City Manager's office within thirty (30) days of updated or revised contact information for the officers, and for official representative(s) of the recognized business association for purposes of receiving notices.
- I. Notify the City Manager's office of its general membership meeting at least two weeks in advance or promptly without delay if notification of the meeting was provided to members less than two weeks prior to the meeting.
- J. Provide City Council an annual report summarizing the associations activities of the previous year.
- K. Make recommendations for and coordinate various beautification, safety, or other initiatives deemed beneficial to creating a better business climate with the City.

Services Available to Recognized Neighborhood / Business Associations

The City will provide the following services and benefits to recognized neighborhood / business associations:

A. Upon request, supply a current listing of city departments, respective department heads, and corresponding telephone numbers.

B. A newsletter to be created and disseminated on at least a quarterly basis, the purpose of which being to provide pertinent information related to local government and civic affairs and to increase communication between recognized neighborhood / business associations and the City. The newsletter will be made available to the association's membership directly, but also to the general public through the City's official internet website.

C. To the extent practicable, provide the following support services to recognized neighborhood / business associations: 1) electronic distribution of general communications which promote civic engagement, serve a public purpose, and do not directly or indirectly involve fundraising, advertising, or political activity; 2) provide copying of meeting agendas prior to the neighborhood / business Association's membership meetings; list the neighborhood / business association on the City Web site with contact information and monthly meeting times and locations.

D. Written notice to the official representative(s) of a recognized neighborhood association regarding any land use application submitted to the City, which contains property lying partially or wholly within the boundary of the particular recognized neighborhood association. The notice shall be sent on the final day of submission for the next Planning Commission meeting and at a minimum will contain a general description of the location of property subject to the land use change, the date, time and place of the applicable public hearings, if known, and other opportunities for public input on the application. Notifications by email to the official representative(s) of the recognized neighborhood association and documents posted to the City's web page shall be deemed to satisfy the provision of written notice.

E. Written notice regarding City sales, bids, or leases of land within the City of Morgantown inventory to a recognized neighborhood / business association when all or a portion of the area proposed for sale is within the boundary of the recognized association. The department or agency designated by the city manager will provide the notice.

F. Written notice to the official representative(s) of the recognized neighborhood / business association by electronic mail, of each upcoming City Planning Commission and Board of Zoning Appeals agenda that contains land development applications. The notice will include a map of the location for each such application.