



Office of the City Clerk

The City of Morgantown

Linda L. Tucker, CMC
389 Spruce Street, Room 10
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
llittle@cityofmorgantown.org

AGENDA
MORGANTOWN CITY COUNCIL
COMMITTEE OF THE WHOLE
January 27, 2015
7:00 p.m.

NOTE: Committee of the Whole Meetings of the Morgantown City Council are intended to provide an opportunity for the Council to receive information, ask questions, and identify policy options in an informal setting. No official action is taken at these meetings. At this Committee of the Whole Meeting the following matters are scheduled:

PRESENTATIONS:

1. Woodburn School Redevelopment Commission Annual Report
2. Proposed Riverfront landscape design, supported by River Towns and Brownsfield Assistance Center

PUBLIC PORTION:

ITEMS FOR DISCUSSION:

1. Ordinance Amending Article 151 of the Traffic Commission Administrative Code.
2. Ordinance Amending Article 373 relating to Bicycles.
3. Ordinance amending section 337.03 relating to driving on the right side of the road.
4. Request by WVU B.O.G and American Campus Communities Operating Partnership, LP to annul a 6.83' wide unnamed alley in the Fourth Ward.
5. Request by Monongalia County Commission for Speed Reduction on Route 119 and Route 73.

If you need an accommodation contact us at 284-7439

AN ORDINANCE AMENDING ARTICLE 151 OF THE ADMINISTRATIVE CODE RELATING TO COMPOSITION AND DUTIES OF THE MORGANTOWN TRAFFIC COMMISSION

The City of Morgantown hereby ordains that Article 151 of the City Code is amended as follows:

151.01 ESTABLISHED.

There is hereby established and created a Traffic Commission for the City, the official name of which shall be "The Morgantown Traffic Commission."

151.02 COMPOSITION AND MEMBERSHIP.

The Traffic Commission shall be composed of: a member of Council; one resident from each of the City wards; one resident at-large to represent bicycling; one resident at-large to represent walking and one resident at-large; and, one Planning Commission member. All ward, at-large and Planning Commission members shall be appointed by Council. Ex-officio Commission members of the Traffic Commission shall include the Police Chief, or his/her designee; the City Engineer, or his/her designee; ~~the City Planning Director, or his/her designee~~ the WVU Parking Director/Planner or his/her designee; the Director of the Morgantown Board of Park and Recreation Commissioners (BOPARC) or his/her designee; the Director of the Mountain Line Transit Authority or his/her designee; and the Director of the Morgantown Monongalia Metropolitan Planning Organization (MMMPO) or his/her designee.

The ex-officio members shall serve without any specific term and shall serve by virtue of their office, enjoying all rights of membership except a vote. ~~The~~ Each Council and Planning Commission members shall serve until his or her current respective term on Council or Planning Commission expires.

The members appointed by ward residency, and the at-large members shall each serve for a term of three years.

151.03 OFFICERS AND RULES OF PROCEDURE.

The City Engineer shall call the first meeting of the Traffic Commission. The Commission shall meet at least once a month, and shall select from its own membership a chairperson.

The Commission shall adopt its own rules of procedure and shall keep minutes of regular and special meetings.

151.04 DUTIES.

The duties of the Traffic Commission shall be to receive citizen input pertaining to traffic issues and to act as an advisory board to City Council on matters relating to: (1) the movement and regulation of traffic motor vehicles, bicycles and pedestrians within the City, (2) ~~to coordinate~~ the coordination of traffic activities, (3) ~~to carry on~~ educational activities in traffic matters, ~~to receive complaints having to do with traffic problems, and to make recommendations to Council of~~ (4) the ways, means and methods of improving traffic

conditions within the City, (5) and the administration and enforcement of traffic regulations. The Commission shall receive such reports and information as deemed necessary by City Administration. The Commission may request the assistance and advice of any other department or official of the City. The City Engineer shall provide primary services for agendas, minutes, studies and implementation of tasks resulting from Commission actions.

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

AN ORDINANCE AMENDING ARTICLE 373 OF THE CITY CODE RELATING TO BICYCLES

WHEREAS, the West Virginia Legislature has enacted H.B. 4304 to amend West Virginia Code sections 17C-7-3, 17C-11-5, and 17C-11-7, all relating to use of a bicycle on a roadway; and

WHEREAS, the City of Morgantown (the "City") intends to amend its ordinances to promote the intent of the West Virginia Code relating to use of a bicycle on a roadway; and

WHEREAS, the City is authorized by West Virginia Code sections 8-12-5(4) and 17C-2-8(a)(8) to regulate the use of bicycles on roadways under its jurisdiction

NOW THEREFORE, The City of Morgantown hereby ordains that Article 373 of the City Code is amended as follows:

373.05 RIDING ON ROADWAYS AND BICYCLE PATHS.

~~(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.~~

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

~~(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.~~

373.07 LIGHTS AND REFLECTOR ON BICYCLE; SIGNAL DEVICE; BRAKES; HELMET.

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Department of Motor Vehicles which shall be visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

~~(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.~~

(e) (b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(d) (c) No person shall operate or be a passenger on any bicycle unless he or she is wearing securely fastened on his or her head by either neck or chin strap, a protective helmet that is designed to deflect blows, resist penetration and spread impact forces, which protective helmet shall meet or exceed the specifications of ANSI Z90.4.

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

AN ORDINANCE AMENDING SECTION 337.03 OF THE CITY CODE RELATING TO DRIVING ON THE RIGHT SIDE OF THE ROAD AND PASSING

WHEREAS, the West Virginia Legislature has enacted H.B. 4304 to amend West Virginia Code sections 17C-7-3, 17C-11-5, and 17C-11-7, all relating to use of a bicycle on a roadway; and

WHEREAS, the City of Morgantown (the "City") intends to amend its ordinances to promote the intent of the West Virginia Code relating to use of a bicycle on a roadway;

NOW THEREFORE, The City of Morgantown hereby ordains that Section 337.03 of the City Code is amended as follows:

337.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

The following rules shall govern the overtaking and passing of vehicles or bicycles proceeding in the same direction, subject to these limitations, exceptions and special rules hereinafter stated.

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left ~~thereof~~ of the overtaken vehicle at a safe distance and ~~shall~~ may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) The driver of a vehicle overtaking a bicycle traveling in the same direction shall pass to the left of the bicycle at a distance of not less than three feet at a careful and reduced speed, and may not again drive to the right side of the roadway until safely clear of the overtaken bicycle.

~~(b)-(c)~~ Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and ~~shall~~ may not increase the speed of his vehicle until completely passed by the overtaking vehicle.

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

MonPower
A FirstEnergy Company
5001 NASA Blvd
Fairmont, WV 26554

West Virginia University
104 Stewart Hall, PO Box 6205
Morgantown, WV 26505

American Campus Comm
235 Jones Ave
Morgantown, WV 26505

1/21/2015

Re: Letter of Availability

Dear WVU and ACC,

This letter confirms that Mon Power will provide electric service to the property located at University Ave and Quay St, bordered by property's owned by West Virginia University and American Campus Communities.

We will process your request for service as promptly as possible after your application has been received and all financial and contractual arrangements have been satisfied. All work performed by Mon Power will be completed according to the rules and regulations filed with the Public Service Commission of West Virginia (PSC).

In addition Mon Power will remove existing unused facilities as needed on this property pending receiving payment for the costs of such removals per existing company policy and regulations filed with the Public Service Commission of West Virginia (PSC). Upon completion of the removal of existing facilities, Mon Power has no current need for the right of way and releases its rights to the right of way.

If I can be of further assistance or if you require additional information, please contact me at 304-612-4305

Sincerely,



Ryan M. Zaph
Customer Support
Mon Power

THIS AGREEMENT made this 21st day of January, 2015, by and among: WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY, a State Institution of Higher Education, and AMERICAN CAMPUS COMMUNITIES OPERATING PARTNERSHIP LP, a Maryland limited partnership, parties of the first part, grantors, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, part of the second part, grantee.

WITNESSETH

THAT WHEREAS, the grantor is the owner of the following lots and parcels of land, situate in the Fourth Ward of the City of Morgantown, Monongalia County, West Virginia:

Map 20, Parcel 182; and

Map 20, Parcel 183 (currently assessed as Map 14A, Part of Parcels 3 and 4)

WHEREAS, the said grantors have petitioned the Common Council of the City of Morgantown for an annulment, have filed this agreement in duplicate and have paid the required fees, the portion of the streets to be annulled being:

1. That certain street or public way being an unnamed Alley (6.83' wide right of way) containing 0.02 acre, more or less, all as more particularly set forth on the plat of survey dated January 15, 2015, prepared by Potesta & Associates, Inc., and attached hereto and made a part hereof for all pertinent purposes.

WHEREAS, it appears that said street/alley is not used nor useful as a public way within the City of Morgantown, West Virginia, and is not necessary for public uses and purposes, and that the rights of the public will not be prejudiced by such an annulment, that the property of no person will be injured by the same, and that such annulment will promote public interest; and,

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by each of the parties hereto to the other, and other good and valuable considerations, including the annulment of said

street/alley and the release and quit claim for street purposes and utility purposes, the parties hereto mutually covenant and agree as follows:

1. A map or plat showing the public way so vacated, abandoned, and annulled is attached to this agreement as a part hereof and to be recorded herewith.

2. For the considerations aforesaid the said grantee, The City of Morgantown, West Virginia, hereby releases and quit claims, unto the said grantor, its personal representatives, successors and assigns, all of its easements and rights of way for street purposes and utility purposes in said annulled public way so that the said grantor shall have that moiety or public way so vacated, abandoned, and annulled which is adjacent to its respective property for its full use and enjoyment in fee simple.

3. The parties hereto further covenant and agree as follows: N/A

4. This Agreement and any ancillary document hereto may be executed in counterpart signature pages, and each such counterpart signature page shall constitute one and the same original signature page.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

WITNESS the following signatures and seals:

WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY,
a State Institution of Higher Education

By: Nauf G. West

Its: VP for Administration + Finance

AMERICAN CAMPUS COMMUNITIES, OPERATING PARTNERSHIP, LP, a Maryland limited partnership

By: American Campus Communities Holdings LLC, a Maryland limited liability company

Its: General Partner

By: American Campus Communities, Inc., a _____ corporation

Its: Member

By: _____

Its: _____

THE CITY OF MORGANTOWN, WEST VIRGINIA,
a municipal corporation

By: _____

Its: City Manager

ATTEST:

City Clerk

STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to wit:

Melissa A. Patterson, a Notary Public in and for the County and State aforesaid do certify that Narvel G. Weese, Jr. who signed the foregoing writing bearing date the 21st day of January 2015, for West Virginia University Board of Governors on behalf of West Virginia University, a State Institution of Higher Education, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this 21st day of January 2015.

My commission expires: March 17, 2019

{seal}



STATE OF _____,
COUNTY OF _____, to
wit:

_____, a Notary Public in and for the County and State aforesaid do certify that _____ who signed the foregoing writing bearing date the _____ day of _____ 2015, for American Campus Communities, Inc., a _____ corporation, the member of American Campus Communities Holdings LLC, a Maryland limited liability company, the General Partner of American Campus Communities Operating Partnership, LP, a Maryland limited partnership, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this ___ day of _____ 2015.

My commission expires: _____

{seal}

Notary Public

WITNESS the following signatures and seals:

WEST VIRGINIA UNIVERSITY BOARD OF
GOVERNORS ON BEHALF OF WEST
VIRGINIA UNIVERSITY,
a State Institution of Higher Education

By: _____

Its: _____

AMERICAN CAMPUS COMMUNITIES,
OPERATING PARTNERSHIP, LP, a
Maryland limited partnership

By: American Campus Communities Holdings
LLC, a Maryland limited liability company

Its: General Partner

By: American Campus Communities, Inc., a
Maryland corporation

Its: Member

By: *John M*

Its: *Vice President*

THE CITY OF MORGANTOWN, WEST
VIRGINIA,
a municipal corporation

By: _____

Its: City Manager

ATTEST:

City Clerk

STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to wit:

_____, a Notary Public in and for the County and State aforesaid do certify that _____ who signed the foregoing writing bearing date the _____ day of _____ 2015, for West Virginia University Board of Governors on behalf of West Virginia University, a State Institution of Higher Education, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this ___ day of _____ 2015.

My commission expires: _____

{seal}

Notary Public

STATE OF Texas,

COUNTY OF Tarrant, to

wit:

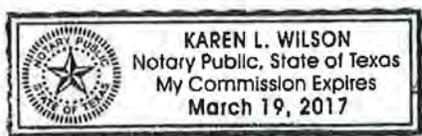
Karen L. Wilson, a Notary Public in and for the County and State aforesaid do certify that Jonathan Graf who signed the foregoing writing bearing date the 21st day of January 2015, for American Campus Communities, Inc., a Maryland corporation, the member of American Campus Communities Holdings LLC, a Maryland limited liability company, the General Partner of American Campus Communities Operating Partnership, LP, a Maryland limited partnership, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this 21st day of January 2015.

My commission expires: March 19, 2017

{seal}

Notary Public



STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to wit:

_____, a Notary Public in and for
the County and State aforesaid do certify that _____
who signed the foregoing writing bearing date the _____ day of _____
2015, for The City of Morgantown, a municipal corporation, has this day in my said
County before me acknowledged the said writing to be the act and deed of said
corporation.

Given under my hand and notarial seal this ___ day of _____
2015.

My commission expires: _____

{seal}

Notary Public

PLAT OF SURVEY
SHOWING
PORTION OF UNNAMED ALLEY TO BE ANNULLED

SITUATE IN
FOURTH WARD OF MORGANTOWN,
MORGAN DISTRICT,
MONONGALIA COUNTY, WEST VIRGINIA,
SCALE: 1"=20', DATE: JAN. 15, 2015

LEGEND:

- P/K NAIL FOUND
- ⊙ 5/8" REBAR W/PLASTIC CAP FOUND (UNLESS OTHERWISE NOTED)
- CALCULATED POINT

NOTES:

1. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS.
2. SEE PLAT OF SURVEY SEE ALTA/ACSM LAND TITLE SURVEY FOR WEST VIRGINIA BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY BY CTL ENGINEERING OF WEST VIRGINIA DATED FEBRUARY 26, 2013, UNRECORDED.
3. TAX MAP 14A WAS CREATED TO INCLUDE THE SUNNYSIDE COMMONS DEVELOPMENT AND INCLUDES PARCELS 1 THROUGH 10, 10.1 AND 10.2. THESE PARCELS ON TAX MAP 14A REPLACES THE PREVIOUS TAX MAP 20, PARCELS 183, 184, 184.1, 185, 186 AND 187 AND TAX MAP 14, PARCEL 193.

TM 14A, PAR 3
AMERICAN CAMPUS COMMUNITIES
OPERATING PARTNERSHIP, LP
DEED BOOK 1360, PAGE 39

TM 14A, PAR 1
AMERICAN CAMPUS COMMUNITIES
OPERATING PARTNERSHIP, LP
DEED BOOK 1360, PAGE 39

±0.02 ACRES
UNNAMED ALLEY
TO BE ANNULLED

TM 14A, PAR 4
AMERICAN CAMPUS COMMUNITIES
OPERATING PARTNERSHIP, LP
DEED BOOK 1360, PAGE 39

TM 20, PAR 182
WEST VIRGINIA UNIVERSITY
BOARD OF GOVERNORS
DEED BOOK 1468, PAGE 379

N58°55'53"E
10.20'

S25°05'57"E
6.82'

S25°05'57"E
27.05'

QUAY AVENUE

UNIVERSITY AVENUE

N24°31'24"W
6.83'

N59°07'44"E 140.70'
S59°07'44"W 140.78'



Victor M. Dawson
VICTOR M. DAWSON P.S. #956

THIS SUBDIVISION PLAT HAS BEEN REVIEWED BY THE MONONGALIA COUNTY ADDRESS ADVISORY COMMITTEE AND APPROVED AS MEETING ALL EXISTING REGULATIONS OF SAID COMMITTEE ON 1-16-15 AND IS READY FOR RECORDING BY THE MONONGALIA COUNTY CLERK.
AUTHORIZED AGENT *[Signature]*
TITLE *Deputy*

POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS
7012 MacCorkle Ave. SE, Charleston, WV 25304
TEL: (304) 342-1400 FAX: (304) 343-9031
potesta@potesta.com

WV NORTH NAD-83



JOB #14-0229-001

DWG: BX14

MONONGALIA COUNTY COMMISSION

243 HIGH STREET, ROOM 202
COURTHOUSE
MORGANTOWN, WEST VIRGINIA 26505

Eldon A. Callen, Commissioner
Tom Bloom, Commissioner
Edward A. Hawkins, Commissioner



Telephone: 304 291-7257

January 15, 2015

Mr. Ray Urse
WV Department of Transportation
Division of Highways, District Four
P. O. Box 4220
Clarksburg, West Virginia 26302-4220

Dear Mr. Urse:

The Monongalia County Commission asked that I contact you with a request to decrease the speed limit in the area of the intersection of RT. 119 and RT. 73.

As you are aware, this intersection is probably one of the most dangerous in Monongalia County. We are averaging at least one serious accident per week. This problem has only gotten worse during the past seven years.

We are grateful the DOH has made some improvements with stripping and traffic control sticks, but this has not resolved the problem.

The Commission would also like you to consider the installation of flashing yellow "Caution" lights in the area. This would no doubt bring greater attention to this intersection.

A copy of this letter is being sent to the City of Morgantown asking for their support since technically the roadway is within the City limits.

Any consideration you may be able to provide the residents and travelers of Monongalia County would be greatly appreciated.

Thank you.

For the Commission,

A handwritten signature in cursive script, reading "Diane DeMedici".

Diane F. DeMedici
County Administrator
Monongalia County Commission

Cc: Jeff Mikorski