



Office of the City Clerk

# The City of Morgantown

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**AGENDA**  
**MORGANTOWN CITY COUNCIL**  
**REGULAR MEETING**  
**OCTOBER 18, 2011**  
**7:30 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL BY CITY CLERK**
3. **PLEDGE TO FLAG**
4. **APPROVAL OF MINUTES:** Regular Meeting October 5, 2011.
5. **CORRESPONDENCE**
6. **PUBLIC HEARING:**
  - A. **PUBLIC HEARING on AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MORGANTOWN-MONONGALIA METROPOLITAN PLANNING ORGANIZATION(MPO) AND THE TOWN OF STAR CITY FOR THE PURPOSE JOINTLY UPDATING THE RESPECTIVE MUNICIPAL COMPREHENSIVE PLANS AND THE MPO'S URBAN AREA LONG-RANGE TRANSPORTATION PLAN.**
7. **UNFINISHED BUSINESS:**
  - A. Consideration of **APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MORGANTOWN-MONONGALIA METROPOLITAN PLANNING ORGANIZATION(MPO) AND THE TOWN OF STAR CITY FOR THE PURPOSE JOINTLY UPDATING THE RESPECTIVE MUNICIPAL COMPREHENSIVE PLANS AND THE MPO'S URBAN AREA LONG-RANGE TRANSPORTATION PLAN.**  
(First Reading October 5, 2011)
  - B. **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. **REPORT FROM CITY MANAGER**
11. **REPORT FROM CITY CLERK**
12. **REPORT FROM CITY ATTORNEY**
13. **REPORT FROM COUNCIL MEMBERS**
14. **EXECUTIVE SESSION**
15. **ADJOURNMENT**

**\*If you need an accommodation contact us at 284-7439\***

**REGULAR MEETING OCTOBER 5, 2011:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Wednesday, October 5, 2011, at 7:30 P.M.

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

**APPROVAL OF MINUTES:** The minutes of the Regular Meeting on September 20, 2011 were approved as printed.

**CORRESPONDENCE:** Mayor Manilla introduced Jayson Nicewarner, President of Morgantown Firefighters Local 313 and he announced that during the month of October they will be wearing and selling pink t-shirts in support of Breast Cancer Awareness Month. Mayor Manilla then presented proclamations for "Freedom from Bullies Week" and "Live Strong Day".

**PUBLIC HEARING - AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE:** Mayor Manilla declared the Public Hearing open on the above entitled Ordinance.

There being no appearances or objections, Mayor Manilla declared this public hearing closed.

**UNFINISHED BUSINESS:**

**AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE.

Motion by Selin, second by Bane to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** By acclamation Council appointed: Charlie Byrer to serve on the Museum Commission; Jerry Steketee & Ann Pannicone to serve on the Urban Landscape Commission and Don West, David Huffman, Robert Feathers, Steve Carpenter and William Ryan to serve another two years on the Ward and Boundary Commission.

**PUBLIC PORTION:**

Susan Eason, President Woodburn Neighborhood Association, spoke on behalf of its members, urging Council to purchase the Woodburn School. She stated that there could be many uses for the property and encouraged Council to preserve the building for community use. The Woodburn Association of Neighbors is calling for a design charrette, an ideas from Council and the community.

Jerry Lorenze, 735 Chestnut Ridge Road, spoke in regard to the smoking Ordinance and feels Council should rescind the Ordinance as written and await cooperation from the County and follow Board of Health recommendations.

Christina Mickey, Smoke Free Alliance of WV, stated that in 1999 the Board of Health attempted such an Ordinance and it was met with opposition from business owners. She asked that Council use caution in a decision to uphold such an Ordinance, based upon what action the County takes.

John McGraw, voiced that Council should not pass a smoking ban in Morgantown and handed out information on smoking regulation from the last Board of Health Meeting. He asked that the Council repeal their Ordinance and allow the County to do their job.

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

**NEW BUSINESS:**

**AN ORDINANCE EXECUTE INTERGOVERNMENTAL AGREEMENT WITH MPO & STAR CITY TO UPDATE THE COMPREHENSIVE PLAN & MPO'S TRANSPORTATION PLAN:**

The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MORGANTOWN-MONONGALIA METROPOLITAN PLANNING ORGANIZATION(MPO) AND THE TOWN OF START CITY FOR THE PURPOSE JOINTLY UPDATING THE RESPECTIVE MUNICIPAL COMPREHENSIVE PLANS AND THE MPO'S URBAN AREA LONG-RANGE TRANSPORTATION PLAN.

After discussion, and explanation from the City Manager, motion by Nugent, second by Bane to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AMENDING 1331.05.01 "PERMITTED LAND USES; PERTAINING TO "ANIMAL GROOMING SERVICE":** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING TABLE 1331.05.01 "PERMITTED LAND USES" OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO "ANIMAL GROOMING SERVICE" USES.

Motion by Herbst, second by Selin to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**SPECIAL COMMITTEE REPORTS:** Council Shamberger commended the Community Coalition for Social Justice for all the work they are doing for the Martin Luther King events.

**CITY MANAGERS REPORT:**

**INFORMATION:**

Item No. 1: Special Event Waiver obtained for Arts Monongahela for Arts Walk on Friday October 14<sup>th</sup> from 6 to 9pm.

**NEW BUSINESS:**

Item No. 1: Airport bids for the Deicer Truck Acquisition were on August 15, 2011 and the low bidder was JBT AeroTech at \$358,562, additional cost for parts \$6,632.54, with total cost at \$365,194.54. The FAA share is \$346,935. And the State share is \$18,260. The consulting engineering firm for the project has recommended JBT AeroTech be awarded the contract.

Motion by Byrne, second by Selin to approve of the above referenced bid report. After explanation from the City Manager, motion carried 6-0.

Mr. Moore continued by offering clarification regarding the United States Department of Justice Office of Police and Community Oriented Policing Services announcement concerning the possibility of

creating new Police Officer positions for the City of Morgantown. He proceeded to detail the information regarding such a grant offer and explained the procedure for following this possibility. Discussion continued regarding the timing and other aspects of the process.

Mr. Moore then responded to the concerns over the Woodburn School property, and announced an upcoming meeting to discuss these issues. The City will be conferring with the County and BOE as well. Discussion continued regarding the property.

Mr. Moore continued by updating Council on the Board of Health's progress regarding smoking regulations.

**CITY CLERK'S REPORT:** No Report.

**CITY ATTORNEY'S REPORT:** No Report.

**REPORT FROM COUNCIL MEMBERS:**

- Councilor Bane: Councilor Bane mentioned the overtime situation with the Morgantown Police Officers, and that a lot of this time is spent working with students. He suggested a meeting with WVU in order to work out the responsibility issues. He talked about the Sunnyside Up budget and asked that the line item be downsized.
- Councilor Nugent: Councilor Nugent announced the Arts Walk and MPO Meetings coming up. He also mentioned the PSC hearing regarding taxi companies at the Courthouse.
- Councilor Selin: Councilor Selin stated that she supports the Woodburn Neighborhood's proposed design charrette for the Woodburn School and expressed her thanks for the new business cards provided by the City. She then announced the Fall Festival event at the Botanical Gardens.
- Councilor Shamberger: Councilor Shamberger thanked Woodburn supporters and concurred with the charrette. She recognized Eleanor Green for her Flash Mob event for local food pantries, and congratulated Morgantown High School for their invitation to the 2013 Rose Parade.
- Councilor Byrne: Councilor Byrne agreed with comments regarding the Flash Mob food drive. He announced the South Hills neighborhood picnic and added that traffic calming was discussed. He commended Mr. Fletcher on his prompt response to a recent issue. Councilor Byrne stated that he feels the City should wait until November's BOH meeting before further action is considered. He then suggested that we find ways to work more cooperatively with WVU to meet common interests. He added that Sunnyside Up has been a success and hopes the program will continue for many years.
- Councilor Herbst: Councilor Herbst noted that she walked with the pedestrian board and Damien Davis, where various accessibility improvements were noted. She was disappointed that the Dominion Post Good Will

meeting happened to be on the same night as Council, but was assured that City Representatives were in attendance.

Mayor Manilla:

Mayor Manilla mentioned concerns about the amount of resources being spent by the MPD during WVU home game weekends. Mr. Fanok suggested that a budget analysis can be done showing the true cost. Mayor Manilla stated that the graffiti cover-up work on the South Park bridge does not look its best. Mr. Moore explained that it, and the Walnut bridge will be satisfactorily completed in the near future. Mayor Manilla inquired as to the work on upper Grand Street, and Mr. Moore replied that the work will be completed very soon as well. Mayor Manilla mentioned the Mountaineer Mall is in need of an update to appear more inviting for shoppers and businesses. He announced the Deckers Creek adventure day, Art Walk, and MT Pockets Theatre productions upcoming events. He added that Main Street Morgantown is planning a mobile web app. to include news, a directory and announcements.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 8:40 pm.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

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

## **BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES**

**\*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.**

### **FIRE CIVIL SERVICE: 4 YEAR TERM:**

**David Alexander IAFF Local 313 Representative has resigned and the Firefighters are looking for a representative.**

### **URBAN LANDSCAPE COMMISSION: 2 YEAR TERM:**

**Marilyn Bowers, 2<sup>nd</sup> wd resigned still vacant and On July 27<sup>th</sup> Anne Cumming, Urban Forester resigned and still vacant.** Nominated by CM, from each ward, 13 members with staggered terms, 1 councilmember, and non-ward members must represent specific category.

### **PERSONNEL BOARD: 3YEAR: NEED TO INTERVIEW:**

**Bob Roberts and Sarah Stevenson terms expired on 8-11-11. Sarah wishes to continue to serve. Bob Roberts has not responded to letter we sent him. Council will interview at a Special Meeting on October 18<sup>th</sup>.** Residents and qualified voters to serve at large.

### **YOUTH COMMISSION 1 YEAR TERM:**

**Marissa Travinski has names of all new members.** High School students residing in Metropolitan area.

**\*POLICE & FIRE CIVIL SERVICE COMMISSIONS APPOINT NEW PRESIDENTS 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.

10-13-11

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MORGANTOWN-MONONGALIA METROPOLITAN PLANNING ORGANIZATION (MPO) AND THE TOWN OF STAR CITY FOR THE PURPOSE JOINTLY UPDATING THE RESPECTIVE MUNICIPAL COMPREHENSIVE PLANS AND THE MPO'S URBAN AREA LONG-RANGE TRANSPORTATION PLAN.**

The City of Morgantown hereby ordains that its City Manager is authorized to execute the 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:

RECORDED:

\_\_\_\_\_  
City Clerk

## **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding is between and among the Morgantown Monongalia Metropolitan Planning Organization (hereinafter MPO), The City of Morgantown, a West Virginia Municipal Corporation (hereinafter Morgantown), and the Town of Star City, a West Virginia Municipal Corporation, (hereinafter Star City);

WHEREAS, the MPO is an organization that assists in transportation planning for the Morgantown Metropolitan area; and

WHEREAS, the MPO wishes to update its Urban Area Long Range Transportation Plan (hereinafter LRTP); and

WHEREAS, Morgantown wishes to update its comprehensive plan; and

WHEREAS, Star City wishes to update its comprehensive plan and/or develop a new comprehensive plan; and

WHEREAS, the MPO, Morgantown, and Star City believe it is necessary to hire a consultant to assist in the updating, the development, and/or the preparation of their respective plans, and

WHEREAS, the MPO, Morgantown, and Star City believe it would be more cost effective to integrate the plans and to use the same consultant to assist with the development and preparation of the plans.

NOW THEREFORE, witnesseth:

In consideration of the aforementioned recitals and respective obligations and responsibilities, the parties covenant and agree as follows:

1. The MPO through its Executive Director, is willing to perform the function of project lead with the consultant for all three of the respective plans.
2. The parties agree that in furtherance of their respective plans it would be more cost effective to use a shared data base in formulating said plans.
3. The parties agree that in furtherance of their respective plans, it would be more cost effective to have shared public input to the respective plans.
4. The project manager for the MPO in its LRTP will be its Executive Director J. William B. Austin.
5. The project manager for Morgantown will be Christopher Fletcher.
6. The project manager for Star City will be Allen Sharp.
7. The parties agree that the point of contact for the negotiation with the consultant regarding the work to be done, scope of work and any other questions or negotiations regarding the request for qualification or request for proposal shall be the Executive Director of the MPO with input from the other parties.
8. Star City's participation in the arrangement outlined herein, will result in the development of a new comprehensive plan for Star City.
9. Star City's financial commitment is limited to Thirty Thousand Dollars (\$30,000) for any and all work /services rendered by any consultants, contractors, or other service providers. It is understood that prior to obligating Star City to pay for any such work/services, the project manager for the MPO

must notify Star City's project manager and discuss the matter with him. The project manager for the MPO shall not obligate Star City to pay for such work/services until specific authorization is received from Star City's project manager.

10. The City of Morgantown's financial commitment is limited to One Hundred and Seventy Five Thousand Dollars (\$175,000) for any and all work /services rendered by any consultants, contractors, or other service providers. It is understood that prior to obligating the City of Morgantown to pay for any such work/services, the project manager for the MPO must notify Morgantown's project manager and discuss the matter with him. The project manager for the MPO shall not obligate Morgantown to pay for such work/services until specific authorization is received from Morgantown's project manager.
11. The MPO's financial commitment is limited to Three Hundred Eleven Thousand One Hundred Dollars (\$311,100). The MPO's project manager may not obligate the MPO to pay for additional services without the consent of the MPO's governing board.
12. The parties agree that the point of contact for consultant bills will be the Executive Director of the MPO.
13. When bills are presented to the Executive Director of the MPO they will be presented already broken down into work done for each entity.
14. The Executive Director of the MPO will pass on those portions of the bill to the respective entities to pay the consultant within one week of receipt from the

consultant. Each entity will provide payment to the Consultant within 3 weeks of receipt of the bill from the MPO's project manager. The MPO will provide remittance within one month of the receipt of the bill. The consultant will be paid directly from each entity for the portion of the work done for that entity minus 5 percent of the billed amount which will be paid to the consultant upon completion of the work for that entity.

15. No other entity will be responsible for the payment of any portion of the consultant bill that does not pertain to it.
16. Each entity agrees that it will fully fund that portion of the contract with the consultant chosen as it relates to its individual comprehensive plan.
17. Even if the individual entities are not signatories to the contract with the consultant, each signature covenants and agrees that it will pay all monies charged by the consultant, to the consultant and shall not cause any of the other entities to be liable for any portion of its charges.

Witness the following signatures:

Morgantown Monongalia Metropolitan Planning Organization

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By: \_\_\_\_\_

Its: \_\_\_\_\_

The City of Morgantown

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By: \_\_\_\_\_

Its: \_\_\_\_\_

The City of Star City

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By: \_\_\_\_\_

Its: \_\_\_\_\_