The City of Morgantown

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Office of the City Clerk

AGENDA
MORGANTOWN CITY COUNCIL
COMMITTEE OF THE WHOLE
October 29, 2013
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:

- **Partners in Education Certificates**
- **WV DOH- Update on High Street Paving**
- **Public Portion**

ITEMS FOR DISCUSSION:

1. **Bridge Renaming**
2. **Human Rights Commission Bylaws**
3. **Building and Housing Code Ordinance**
4. **Visioning Retreat to Establish City Goals**

If you need an accommodation contact us at 284-7439

DRAFT 7/7/13

City of Morgantown
HUMAN RIGHTS COMMISSION
Bylaws and Procedures

Article 1: Name and Bylaws

A. **Name:** The name of this Commission shall be the City of Morgantown Human Rights Commission.

B. **Role of Bylaws:** The intent of these bylaws shall be to inform and expedite the implementation of the policies, objectives, functions and services of Sections 153.01 – 153.09 of the Morgantown City Code as applied to the City of Morgantown Human Rights Commission. Should there be any instance in which the these bylaws may be determined to be in conflict with ordinances of the City Code, City Council's interpretation of the City Code shall prevail.

Article 2: Organization

A. **Authority:** The role of municipal government is not only to provide services but to maintain ways in which a community can live together inclusively, functionally, and justly despite differences, complexities, and conflicts. A city organization must focus on more than stewardship and service but also on the quality of community life and the protection of the community from preventable unfair damage to the lives of individual citizens and families. The Morgantown Human Rights Commission (hereafter referred to as "the Commission") has been established by the City Council using Section 153.01 et seq. of the Morgantown City Code to authorize and empower the Commission to assist the City of Morgantown in providing leadership for addressing community interaction and fairness concerns.

B. **History:** The State of West Virginia has addressed human rights concerns by first passing a West Virginia Human Rights Act (codified as WV 5-11-1 et seq.) in 1961. The action preceded the passage of the federal Civil Rights Act of 1964, which outlawed discrimination nationwide. The West Virginia Human Rights Act has been amended over the years from an act designed to "encourage" and "endeavor to bring about mutual understanding" to enable power within the State to compel equal opportunity. Related federal legislation to protect human rights includes the American Disabilities Act, the Equal Opportunity Employment Act and the Fair Housing Act. The Morgantown City Council first established a Human Right Commission in 2001. The work of the Commission was redirected and reactivated in 2012 following National League of Cities designation of Morgantown as an "Inclusive City" in 2006 and collaborative work of an Inclusive City Committee thereafter.

Article 3: Definitions

A. When used in these bylaws:

1. "Person" means one or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons;

2. "Commission" means the Human Rights Commission of the City.

3. "Inclusive City" and "Inclusive Community" as used in this ordinance, shall mean the same thing, e.g., a city that helps people thrive by: supporting hospitality; welcoming diversity; promoting civility; promoting safe, affordable dwellings; enabling participation in community, services, and local government; supporting fairness in access to opportunities and services; reducing violence; supporting social justice; encouraging awareness and understanding of opportunities/limitations; making residents aware of the West Virginia Human Rights Commission; and working for a more sustainable community for present and future citizens.

4. "Discriminate" or "discrimination" means to exclude from, or fail or refuse to extend to, a person equal opportunities in employment, public accommodations, housing, or other real property transactions because of race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation or familial status. Discriminate includes to separate or segregate based on any of these characteristics;

5. "Race, religion, color, national origin, ancestry, sex, age, blindness, handicap or disability, and familial status" are defined herein to be equivalent to the definitions in the West Virginia Human Rights Act, Code 5-11-3;

6. "Sexual orientation" means having a preference for heterosexuality, homosexuality, being transgendered, or bisexuality, having a history of such preference or being identified with such preference.

7. "National League of Cities" means the National League of Cities and its various institutes and programs which relate to diversity in municipal populations throughout the United States and to efforts to support development of more equitable and sustainable communities.

8. "A conflict of interest" is a question of direct personal or monetary interest – other than being considered for elective office or representation of the Commission - that is not common to other members of the organization.

Article 4: Purpose

A. The purpose of the Commission shall be to:

1. Work to make Morgantown an inclusive city.

2. Enhance the ability of the City Government to respond to issues of inclusivity and potential or identified violations of human rights as authorized in the Section 153.01 et. seq. of the City Code.

3. Collaborate with the National League of Cities, West Virginia University, Monongalia County Commission and other partners as appropriate to encourage leadership in helping attain inclusivity in the City and its larger community.

4. Assess needs and identify barriers towards becoming a more inclusive community. Establish goals and objectives for sustaining welcoming environments, enhancing global awareness, and promoting optimum opportunities for supporting safe housing and thriving people.

5. Support as well as plan, publicize, implement, and evaluate programs, services and activities which promote appreciation for all peoples and the personal worth of every individual.

6. Enlist the cooperation of civic, community, corporate, educational, ethnic, health care, labor, racial, religious, social justice or other identifiable groups of the City in programs and services devoted to the advancement of tolerance, communication and understanding, and equal protection of the laws of all groups and people.

7. Encourage and endeavor to bring about mutual understanding and respect among all racial, religious and ethnic groups within the City; and shall strive to eliminate all discrimination in employment and places of public accommodations by virtue of race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation or disability, and shall strive to eliminate all discrimination in the sale, purchase, lease, rental or financing of housing and other real property by virtue of race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation or disability.

Article 5: Functions, Duties and Powers

A. The work of the Commission shall be as follows:

1. Do all acts and deeds necessary and proper to carry out and accomplish effectively the objectives, functions and services specified in Section 153.01 et

seq. of the Morgantown City Code including the promulgation of rules and regulations implementing the powers and authority vested in the Commission.

2. Receive contributions from individuals and organizations identifying needs and requesting action pertaining to the purposes and work of the Commission.

3. Study both opportunities to increase inclusivity and barriers which limit community inclusiveness and civil rights.

4. Research best practices utilized in addressing specific issues.

5. Study identified concerns and formulate recommended plans, steps and strategies for addressing priority needs and critical issues.

6. Prepare a community plan for inclusivity based on public issue identification, study of survey results and outcomes of public participation, establishment of priorities-goals-objectives and collaborative strategies, and proposed evaluations.

7. To keep the City Council and the City Manager informed of pertinent outcomes of studies, planning and recommendations which relate to program development or sensitive public concerns.

8. To recommend to Council policies, procedures, practices and legislation in matter and questions affecting human rights.

9. To generate public awareness of the results of research and studies through preparation of plans, programs, media, publications, and collaborative initiatives whenever feasible as in the Commission's judgment will tend to promote goodwill and public understanding and assist in minimizing or eliminating discrimination while protecting the identity of any parties involved.

10. Review City plans and policies which contain matters relating to inclusivity or discrimination.

11. Create such advisory agencies within the City as in the Commission's judgment will support study the problem of discrimination, foster goodwill, cooperation and conciliation, lead to recommendations to the Commission for the development of policies and procedures and/or programs of formal and informal education, which the Commission may recommend to the appropriate City agency.

12. To prepare a written report on the Commission's work, functions and services for each year ending on June 30 and to deliver copies thereof to Council on or before the following December 1.

B. The Commission is authorized and empowered to:

1. Cooperate and work with federal, state and local government officers, units, activities and agencies in the promotion and attainment of more harmonious understanding and greater equality of rights between and among all racial religious and ethnic groups in this City.

2. Enlist the cooperation of racial, religious, and ethnic units, community and civic organizations, industrial and labor organizations and other identifiable groups of the City in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws of all groups and people.

3. Hold and conduct public meetings relating to any and all types of discrimination. (These meetings shall be of a non-adjudicatory nature and shall not constitute investigations or adjudication of individual complaints regarding unlawful discrimination.)

4. Refer any individual or group complaint regarding alleged acts of unlawful discrimination to the West Virginia Human Rights Commission for investigation and adjudication.

Article 6: Complaints, Procedures

A. The Commission shall inform any individual claiming to be aggrieved by an alleged unlawful discriminatory practice under West Virginia Human Rights Act 5-11-9 that the Commission does not have the power to accept formal complaints of illegal practices. Any individual claiming to be so aggrieved shall be referred to the West Virginia Human Rights Commission for investigation and adjudication of the complaint.

Article 7: Membership

A. The Commission shall consist of seven members to be appointed by the City Council.

B. Commissioners shall serve for two year terms beginning with the first meeting after the beginning of the municipal fiscal year. Four of the seven members shall be appointed to serve terms of two years, while three shall be appointed to serve terms of one year. Thereafter terms of office for all commissioners will be two year terms with four terms expiring one year and three terms expiring in the following year. Members may be reappointed to subsequent two-year terms.

C. When each vacancy occurs, the Commission shall provide to the City Clerk for the City Council a list of recommended replacements of not more than three citizens who it believes can best support the work of the Commission at that time.

D. The Commission may appoint, with the approval of City Council, ex-officio members who shall have the privilege of participation without the right to vote.

Article 8: Officers

A. Officers: The officers of the Commission shall be a Chairperson, Vice Chairperson, and Secretary. The Chairperson, Vice Chairperson, and Secretary shall be elected from the Commission membership. Officers elected shall hold term for one (1) year and be eligible for re-election. All nominees shall confirm their willingness to serve if elected, prior to their name being placed in nomination.

B. Administration Representative: An Administration Representative may be appointed by the City Manager or his/her designee to be a non-voting member of the Commission. The Administration Representative shall provide reports as needed and supervise interns working with the Commission.

C. Chairperson: The Chairperson of the Commission shall prepare agenda, call all meetings, preside at all meetings, serve as a liaison with the City Administration, be a consulting member of all committees formed, and perform all functions pertaining to the office.

D. Vice-Chairperson: The Vice Chairperson shall act as Chairperson in the absence of the Chairperson. The Vice-Chairperson shall have such other duties, as the Commission may authorize from time to time to be assigned to the office.

E. Secretary: The Secretary shall be responsible for the minutes of all regular and special Meetings of the Commission, keeping records of membership and meeting attendance, and for preparing correspondence and reports of the Commission to the City Manager, City Council or other body as needed or requested. The Secretary shall have custody of all records and have final responsibility for submitting copies of approved minutes to the City Clerk and City Public Information Officer in compliance with City policies.

Article 9: Commission Meetings

A. Regular Meetings: Meetings shall be conducted in compliance with the West Virginia Public Meetings Law and be open to the general public. Meetings shall be held monthly or no less than quarterly upon the call of the chairperson. Dates of regular meetings will be decided upon in advance or at the previous meeting. All

meetings will be publicized utilizing the City website and/or services of the City Public Information Officer in compliance with the West Virginia Open Governmental Proceedings Act.

B. Public Sessions: Each regular meeting shall provide an opportunity for a public session to allow citizens and visitors to comment on matters to be discussed or to have input on other matters of concerns. Each speaker shall provide their name and home address and limit remarks to five minutes or other time limit set by the chairperson. Any extended or audio-visual presentations must be arranged one week in advance of the meeting in consultation with the chair person.

C. Special Meetings: Special meetings may be called by the chairperson or by decision of the majority of the membership at a regular meeting. No business other than the subject of the special Meeting shall be transacted at the special meeting.

D. Quorum: Fifty percent (50%) of the voting members shall constitute a quorum for the transaction of business. Meeting attendance reports shall be reported in meeting minutes and reported to the City Clerk as requested.

E. Decision Making: Rules for meeting procedure will follow Robert's Rules of Order as Revised. Informal decision making may be decided by consensus.

F. Committees: The Commission shall have the authority to establish standing or ad hoc committees as necessary to meet its responsibilities. The Commission or its chairperson shall appoint chairpersons for committees. Committees shall report on progress at each regular meeting.

G. Conflict of Interest: A Commission member should not vote on a question in which she/he has a direct personal or monetary interest not common to other members. By general principle a member with a conflict of interest does not participate in discussion of a matter – unless invited by the Commission to do so - or vote on the question. However, a Commission member is not compelled to abstain because of such a conflict of interest.

H. Accommodation: Persons needing sound support or other accommodation for a meeting shall be required to make a request for the accommodation to the chairperson no less than one full week in advance of the meeting.

Article 9: Funding and Fiscal Responsibilities

A. Appropriation of Funds: City Council may appropriate funds that it deems necessary to carry out the proposals submitted by the Commission. The Commission, with the approval of City Council, may apply for State, Federal or foundation financial aid in grants or other forms of assistance through the City Administration to assist in carrying out approved plans ort projects.

B. Fiscal Responsibilities: The Commission shall not have the authority to maintain any account or to manage any appropriation, grant, gifts, endowments, bequests or investments. Any such accounts shall be managed by the office of the City Manager.

Article 10: Changes to Bylaws or Other Rules of Procedure

A. Amendments, revisions or additions to these bylaws or other rules of procedure may be recommended by two-thirds (2/3) vote of the Commission membership and must be approved by the City Council.

Approved by action of the Morgantown City Council,

Date: August____ 2013

_____
Mayor

_____
Attest

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 1741.03 AND 1741.09 OF THE CITY'S BUILDING AND HOUSING CODE, AS THE SAME APPLY TO REQUIREMENTS FOR A GRADING PERMIT AND GRADING PERMIT FEES.

The City of Morgantown hereby ordains that Sections 1471.03 and 1741.09 of its Building and Housing Code are amended as follows (new matter underlined, deleted matter struck through.):

1741.03 REQUIREMENTS FOR GRADING PERMIT.

Any person desiring a Grading Permit shall submit the following information for the entire site upon which any minor or major grading, stripping, cutting and/or filling is to be done.

(a) Minor Grading. Grading Permits upon which area disturbed will be ~~less than or equal to 1,000 square feet.~~ as follows:

(1) The grading will less than or equal to 120 sq. feet or 1 cubic yard (remove and/or fill)

OR

(2) The grading will be greater than **Section 1741.03 a.1** or equal to 1,000 sq. ft.

~~(1)~~ (i) Site plan with dimensions including a description of the features, existing and proposed, surrounding the site, of importance to the proposed development.

~~(2)~~ (ii) Description of general topographic conditions on the site.

~~(3)~~ (iii) Location and description of existing and future man made features of importance to the proposed development.

~~(4)~~ (iv) Nature or source of soil if a fill project.

~~(5)~~ (v) Soil erosion and sedimentation control techniques if the proposed grading, stripping, cutting and/or filling will result in soil erosion and/or siltation of adjoining property or property in the area.

~~(6)~~ (vi) Description of proposed revegetation.

~~(7)~~ (vii) A timing schedule indicating the anticipated starting and completion dates.

~~(8)~~ (viii) Evidence of compliance with Floodplain Ordinance.

~~(9)~~ (ix) All applications for Grading Permits shall be made in writing upon a form provided by the Code Enforcement Division and shall be made under oath and signed by the owner of the site, or for the owner by the contractor proposing to do the work, or other authorized person.

~~(10)~~ (x) Evidence of compliance with the Stormwater Ordinance (Article 929).

~~(i)~~ (A) No City Grading Permit shall be issued without the approval of a stormwater Management and Comprehensive Drainage Permit issued under the provisions of Article 929, unless the Director of the Morgantown Utility Board, or his/her designee, has issued a formal Determination stating that a stormwater Management and Comprehensive Drainage Permit is not required. Processing of

the application for a stormwater Management and Comprehensive Drainage Permit shall be coordinated with the Grading Permit as provided in Section 1741.04.

~~(ii)~~ (B) No City Grading Permit shall be issued without the approval of a stormwater Management and Drainage Permit issued under the provision of Article 929, unless the Director of the Morgantown Utility Board, or his/her designee, has issued a formal Determination stating that a stormwater Management and Comprehensive Drainage Permit is not required. Processing of the application for a stormwater Management and Comprehensive Drainage Permit shall be coordinated with the Grading Permit as provided in Section 1741.04.

(b) Major Grading. Grading Permits upon which area disturbed will be more than 1,000 square feet.

(1) A plat or boundary line survey of the entire site on which the grading, stripping, cutting and/or filling is to be done. For major subdivisions of properties, monuments will be required to be placed on said property to be developed as specified in Section 1323.02 Monuments.

(2) Site plan with dimensions including a description of the features, existing and proposed, surrounding the site, of importance to the proposed development.

(3) A grading plan, prepared by a registered design professional, showing the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extend of the work and show in detail that it complies with the requirements of this article. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this article. Upon execution of the grading plan once the Grading Permit has been approved, any changes, modifications, etc. to the submitted grading plan requires approval from the City Engineer and an as-built grading plan to be submitted once grading is completed. The City Engineer may cause an exception to be made that a registered design professional is not required where the nature of the work applied for is such that the requirement is not necessary.

(4) Location and description of existing and future man made features of importance to the proposed development including sufficient detail of adjoining properties.

(5) A geotechnical report prepared by a registered design professional shall be provided. The report shall contain at least the following:

(i) The nature and distribution of existing soils.

(ii) Conclusions and recommendations for grading procedures.

(iii) Soil design criteria for any structures or embankments required to accomplish the proposed grading.

(iv) Where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

(v) The City Engineer may cause an exception to be made that a geotechnical report is not required where the nature of the work applied for is such that a report is not necessary.

(6) Nature of source of soil if a fill project.

(7) Soil erosion and sedimentation control techniques if the proposed grading, stripping, cutting and/or filling will result in soil erosion and/or siltation of adjoining property or property in the area.

(8) Description of proposed revegetation.

(9) A timing schedule indicating the anticipated starting and comletion dates.

(10) Evidence of compliance with Floodplain Ordinance. Information is available from the City Engineer's Office.

(11) Evidence of the application and approval from the West Virginia Department of Environmental Protection as follows:

(i) For development(s) between 1 acre and less than 3 acres a Notice of Intent (NOI) Construction Stormwater WV/NPDES General Permit is required.

(ii) For development(s) 3 acres or more a WV/NPDES is required.

(12) The City Manager or his/her designee may require that a performance bond be posted in an amount sufficient, as determined by the City Engineer, to either restore the ground to its original condition or to complete grading as permitted, if the work is not completed by the completion date as stated in the Grading Permit.

(13) Evidence of compliance with the Stormwater Ordinance (Article 929).

(i) No City Grading Permit shall be issued without the approval of a stormwater Erosion and Sediment Permit issued under the provisions of Article 929, unless the Director of the Morgantown Utility Board, or his/her designee, has issued a formal Determination stating that a stormwater Erosion and Sediment Permit is not required. Processing of the application for a stormwater Erosion and Sediment Permit shall be coordinated with the Grading Permit as provided in Section 1741.04.

(ii) No City Grading Permit shall be issued without the approval of a stormwater Management and Comprehensive Drainage Permit issued under the provisions of Article 929, unless the Director of the Morgantown Utility Board, or his/her designee, has issued a formal Determination stating that a stormwater Management and Comprhensive Drainage Permit is not required. Processing of the application for a stormwater Management and Comprehensive Drainage Permit is not required. Processing of the application for a stormwater Management and Comprehensive Drainage Permit shall be coordinated with the Grading Permit as provided in Section 1741.04

and

1741.09 PERMIT FEE.

(a) Minor Grading Permit. Upon filing an application for a minor grading permit, the applicant shall pay a sum ~~equal to thirty-five dollars ($35.00) and~~ as follows:

(1) For grading less than or equal to 120 sq. feet or 1 cubic yard – five dollars ($5.00)

(2) For grading greater than Section 1741.03 a.1- thirty five dollars ($35.00).

The payment of such sum shall be prerequisite to the processing of the permit application.

(b) Major Grading Permit. Upon filing an application for a major grading permit, the applicant shall pay a sum equal to thirty-five dollars ($35.00) for the first 1,000 square feet and an additional ten dollars ($10.00) for each additional 1,000 square feet thereafter; however, in any event a minimum permit fee of thirty-five dollars ($35.00) shall be submitted and the payment of such sum shall be prerequisite to the processing of the permit application.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED: