

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**  
**WEDNESDAY, OCTOBER 5, 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 September 20, 2011.
5. **CORRESPONDENCE:**
6. **PUBLIC HEARING:**
  - A. **PUBLIC HEARING on AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE.**
7. **UNFINISHED BUSINESS:**
  - A. Consideration of **APPROVAL** of **SECOND READING** of **ADOPTION** of **AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE.** (First Reading September 20, 2011)
  - B. **BOARDS AND COMMISSIONS**
8. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY CITY COUNCIL AND ADOPTED BY RESOLUTION**
9. **NEW BUSINESS:**
  - A. Consideration of **APPROVAL** of **FIRST READING** 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.**

- B. Consideration of APPROVAL of FIRST READING of AN ORDINANCE AMENDING TABLE 13331.05.01 "PERMITTED LAND USES" OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO "ANIMAL GROOMING SERVICE" USES.**

**10. SPECIAL COMMITTEE REPORTS**

**11. REPORT FROM CITY MANAGER:**

**Information: Special Event Waiver obtained for Arts Monongahela for Arts Walk on Friday October 14 from 6 to 9 p.m.**

**New Business: 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.**

**12. REPORT FROM CITY CLERK**

**13. REPORT FROM CITY ATTORNEY**

**14. REPORT FROM COUNCIL MEMBERS**

**15. ADJOURNMENT**

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

**REGULAR MEETING SEPTEMBER 20, 2011:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, September 20, 2011, at 7:30 P.M.

**PRESENT:** City Manager Terrence Moore, Deputy City Clerk Bethany Sypolt, Mayor Jim Manilla and Council Members Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger, and Linda Herbst. City Clerk Linda Little, Deputy City Manager Jeff Mikorski and Councilor Bill Byrne were absent.

**APPROVAL OF MINUTES:** The minutes of the Regular Meeting on September 6, 2011 were approved as printed.

**CORRESPONDENCE:** Mayor Manilla first read several proclamations honoring Constitution Week, Worldwide Day of Play, Public Lands Day, and a Proclamation for former Council Member Charlie Byrer, for his years of service on City Council. City Manager Terrence Moore then introduced Michael Clow, the new Director of the Municipal Airport.

**PUBLIC HEARING - AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN, LESSOR, TO EXECUTE A COAL REMOVAL LEASE AGREEMENT WITH MEPCO, LLC, AS LESSEE, AS THE SAME PERTAINS TO COAL RESERVES SITUATE IN MARION COUNTY, WEST VIRGINIA:** 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.

**PUBLIC HEARING - AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 10' WIDE PORTION OF AN UNNAMED ALLEY EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND SEVENTY-SEVEN FEET IN A NORTHWEST DIRECTION FROM ITS INTERSECTION WITH JONES AVENUE, IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES:** 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.

**PUBLIC HEARING - AN ORDINANCE VACATING, ABANDONING, AND ANNULLING A 12' WIDE PORTION OF AN UNNAMED ALLEY EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND EIGHTEEN FEET FROM ITS INTERSECTION WITH JONES AVENUE TO A 10' WIDE UNNAMED ALLEY IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES:** 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.

**PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN WHICH WILL EXTEND THE EFFECTIVE DATE OF AN ORDINANCE ADOPTED JUNE 21, 2011, PERTAINING TO ARTICLE 1155, CLEAN INDOOR AIR CODE:** Mayor Manilla declared the Public Hearing open on the above entitled Ordinance.

John McGraw, 522 Monroe Street, as a business owner, he spoke on behalf of other businesses who are urging Council to come to a consensus with the County on Smoking Regulation, and asked that the City continue to postpone implementation of such until a reasonable conclusion is reached.

Chris Roberts, representative of Breathe Easy Alliance, stated that he is eager to learn any updates regarding the Smoking Ordinance, and asked Council to remain consistent. He feels the Ordinance should be implemented as soon as possible, and that community support for the ban on smoking is great.

Beverly Keener, Regional Tobacco Prevention Coordinator, expressed she is glad talks with the County are underway for possible County-wide smoking regulation. She hopes that Council will remain steadfast regarding this ban on smoking and implement the Ordinance as soon as possible.

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A COAL REMOVAL LEASE AGREEMENT:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN, LESSOR, TO EXECUTE A COAL REMOVAL LEASE AGREEMENT WITH MEPCO, LLC, AS LESSEE, AS THE SAME PERTAINS TO COAL RESERVES SITUATE IN MARION COUNTY, WEST VIRGINIA.

Motion by Nugent, second by Bane to adopt the above entitled Ordinance. After brief explanation by the City Manager, motion carried 6-0.

**AN ORDINANCE ANNULLING AN UNNAMED ALLEY IN THE FOURTH WARD:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 10' WIDE PORTION OF AN UNNAMED ALLEY EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND SEVENTY-SEVEN FEET IN A NORTHWEST DIRECTION FROM ITS INTERSECTION WITH JONES AVENUE, IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

Motion by Nugent, second by Bane to adopt the above entitled Ordinance. After brief discussion following a point of information presented by Councilor Nugent, motion carried 6-0.

**AN ORDINANCE ANNULLING AN UNNAMED ALLEY IN THE FOURTH WARD:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE VACATING, ABANDONING, AND ANNULLING A 12' WIDE PORTION OF AN UNNAMED ALLEY EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND EIGHTEEN FEET FROM ITS INTERSECTION WITH JONES AVENUE TO A 10' WIDE UNNAMED ALLEY IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

Motion by Nugent, second by Bane to adopt the above entitled Ordinance. Motion carried 6-0.

**AN ORDINANCE EXTENDING THE EFFECTIVE DATE OF A PREVIOUS ORDINANCE:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN WHICH WILL EXTEND THE EFFECTIVE DATE OF AN ORDINANCE ADOPTED JUNE 21,2011, PERTAINING TO ARTICLE 1155, CLEAN INDOOR AIR CODE.

Motion by Bane, second by Nugent to adopt the above entitled Ordinance. Motion carried 5-1. Councilor Shamberger voted NO.

**BOARDS AND COMMISSIONS:** No Appointments.

**PUBLIC PORTION:**

Wil Smith, 200 Webster Avenue, reported problems with construction on Grand Avenue, causing traffic to be re-routed down an alley behind his home. He reported that large trucks, buses and heavy traffic have been using this small unpaved alleyway since June. He stated that the alley use is continuing to increase, which produces dust and deteriorates the condition of the roadway. He also informed Council that the Public Works department was not helpful when he inquired about the construction, and reported the diverted traffic and subsequent hazards it created.

Bert Manning, Owner, Pita Pit Restaurant, informed Council that he is displeased with what he feels is a lack of regulation for food-cart vendors. He feels these after-hours hot dog vendors are undercutting downtown businesses. He asked that Council look into the regulation and procedures under which these vendors operate and asked that they be more stringently enforced. He also stated that he does not wish to allow these vendors to operate outside of the front of his business, and will not grant permission for such at any time. He inquired as to whether the use of “no solicitation” signs would prevent the vendors from doing business in front of his restaurant.

Evan Dove, 37 Shady Village, WVU-SGA Student Liaison, introduced himself to Council and stated that he is looking forward to working with Council to improve relations between the students of WVU and the City of Morgantown. He also stated that the Communications team set up by former Liaison Nelson France will resume presently. He invited Council to attend the Student Government meetings as well.

Doris Znoy, Cheat Lake Area Resident, reported that her property is being adversely affected by the recent acquisition by MUB of the Canyon PSD. She has various issues including drainage and looks to Council for assistance in getting her concerns met by the appropriate authorities.

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

**NEW BUSINESS:**

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

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

Motion by Bane, second by Selin to pass the above entitled Ordinance to second reading. After brief explanation from the City Attorney, motion carried 6-0.

**A RESOLUTION THAT THE MORGANTOWN CITY COUNCIL SUPPORTS THE EFFORTS OF THE FRIENDS OF DECKERS CREEK IN ADDRESSING THE RICHARD MINE DISCHARGE, AND FURTHER AUTHORIZES THE CITY MANAGER TO EXECUTE AND SEND LETTERS TO SUPPORT THE SMALL WATERSHED GRANT PROJECT:** The below entitled Ordinance was presented for first reading:

Motion by Nugent, Second by Bane, to approve the above entitled Resolution. After a brief comment from the City Manager, followed by discussion, the motion carried 6-0.

**SPECIAL COMMITTEE REPORTS:** No Reports.

**CITY MANAGERS REPORT:**

**NEW BUSINESS:**

Item No. 1: Budget Adjustment Considerations to Support Morgantown Market Place Project and to Expand OPEB Trust Fund.

Motion by Bane, second by Nugent to approve of the above reference Budge Adjustments. After explanation from the City Manager, motion carried 6-0.

Item No. 2: Bid Proposal Considerations for 2012 Salt Bid.

Motion by Nugent, second by Bane to accept the above referenced Bid Results. After explanation from the City Manager and continued discussion, motion carried 6-0.

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

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

**REPORT FROM COUNCIL MEMBERS: (Roll Reversal)**

Councilor Herbst:

Councilor Herbst reported that the new WVU game-day shuttles were used sparsely throughout this past weekend, and hopes that ridership continues to increase. She addressed the order of the Council agenda and suggested that the Public Portion be moved closer to the Council reports, if possible, so that Council may promptly and adequately address their comments, without having to attend to other business matters in-between the comment portions. By consensus of Council it was decided that this should be discussed at an upcoming Committee of the Whole. Councilor Herbst concluded by encouraging students and citizens to celebrate responsibly on WVU game-days.

Councilor Byrne:

Absent.

Councilor Shamberger:

Councilor Shamberger commended the community on recent 9/11 Memorial events. She mentioned that she enjoyed the City Tour recently and relayed concerns regarding the Trick-or-Treat times designated by the City and MPD. She asked whether they could be moved or changed to accommodate these concerns for children's safety. She announced she attended the Fairness West Virginia Reception and then congratulated the Code Enforcement and Fire Departments for their work on this week's couch abatement exercises.

Councilor Selin: Councilor Selin announced that she attended an Art Show featuring art based on 90 different species of animals. She appreciates all the opportunities that the various galleries in the area present to artists and art enthusiasts. She also complimented the City Tour and stated that the Council is supportive of the Morgantown Market Place Project.

Councilor Nugent Councilor Nugent added that he also appreciated the City Tour, and all those employees who work hard behind the scenes. He announced the Wiles Hill/Highland Park Neighborhood Association meeting, where the couch abatement order will be discussed. He then expressed some concerns and questions over the boundaries of the abatement order. Councilor Nugent also remarked that he has concerns over future sources of revenue for the City.

Councilor Bane: Councilor Bane reported that several traffic lights are not synchronized on University Avenue below downtown, and this has been exacerbating the already congested corridor. He remarked that he agrees with Mr. Manning of the Pita Pit, that street vendor regulations should be reviewed. He stated that downtown is a vibrant area and encourages everyone to visit, shop and dine there at least once a month. He commended the MPD for recently expanding their presence, and the increased level of enforcement.

Mayor Manilla: Mayor Manilla addressed Mrs. Znoy regarding her concerns over the Canyon PSD acquisition and its effects on her property. She was encouraged to contact MUB, and it was agreed that the City will help Mrs. Znoy by initiating her dialogue with MUB. Mayor Manilla suggested, and Council agreed by consensus that street vendor regulation be addressed at the next available Committee of the Whole meeting, and discussion continued. Mayor Manilla addressed Mr. Smith and it was agreed that the City will look into the construction and alley concerns he brought forth. Mayor Manilla then welcomed Mr. Dove, the new WVU-SGA Student Liaison. He then confirmed with Mr. Moore that the new Planning Administrator position had been appropriately budgeted for. He also suggested added signage to encourage observance of pedestrian cross-walks on High Street and other areas. Mr. Fanok added that WVDOH permission would need to be granted in order to place such signs. Discussion erupted concerning the details of this issue.

Mayor Manilla discussed the Mountain Line service expansion plan, to research the possibility of adding public transportation amenities to the area. Councilor Bane explained that the Dave Bruffy, Director of the Transit Authority first wishes to determine Council's interest in such a possibility. Discussion continued about the merits and other conceivable uses of this prospect. By Consensus of Council it was agreed to hear Mr. Bruffy's presentation and engage discussion of this possibility. Lastly, Mayor Manilla inquired as to the best course of action to forward citizen's complaints and concerns to City Officials. Mr. Moore added that Council may feel free to forward complaints received via email to the City Manager as well

as the appropriate City Official in order to comply with the City Charter. He added for the public's benefit that anonymous tips can be accommodated as well.

**EXECUTIVE SESSION:** By acclamation, Council unanimously moved to go into Executive Session pursuant to Section 6-9A-4 of the West Virginia State Code in order to discuss attorney-client matters; with the following persons present: Mayor Manilla, Council Members, City Attorney, City Manager and Mr. Bob Bastress; at 8:45pm.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 9:44pm.

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

\_\_\_\_\_  
Mayor

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



## Morgantown Municipal Airport

100 Hart Field Road  
Morgantown, West Virginia 26505  
(304) 291-7461  
[www.morgantownairport.com](http://www.morgantownairport.com)

Jackie R. Marhefka  
Deputy Director  
C: 304-376-2600

September 8, 2011

Terrence R. Moore  
City Manager  
City of Morgantown  
389 Spruce Street  
Morgantown, WV 26505

IN TURN: City Council Members

Dear Mr. Moore:

On August 15, 2011, bids were opened for the Deicer Truck Acquisition. We received two proposals, and the low bidder was JBT AeroTech, of Orlando, FL, with a bid of \$358,562. Additional cost for spare parts selected by the Airport for inclusion with this deicer equipment purchase is \$6,632.54. Therefore, the total cost of the equipment and spare parts is \$365,194.54. The FAA share is \$346,935 and the state share is \$18,260. There is no local match.

Our consulting engineering firm, Michael Baker Jr., Inc., designed the specifications for this project and has recommended that JBT AeroTech be awarded the contract.

We concur with Baker's recommendation and request City Council's approval.

Respectfully,

Jackie R. Marhefka  
Deputy Director  
Morgantown Municipal Airport (MGW)

Enc. Michael Baker Jr., Inc. Letter Dated 9/7/11  
Deicer Truck Spare Parts List

**Baker**

**Michael Baker Jr., Inc.**  
A Unit of Michael Baker Corporation

Airside Business Park  
100 Airside Drive  
Moon Township, PA 15108

(412) 269-6300  
FAX (412) 375-3990

September 7, 2011

Ms. Jackie Marhefka  
Morgantown Municipal Airport  
100 Hart Field Road  
Morgantown, WV 26505

Subject: Morgantown Municipal Airport  
Deicer Truck Acquisition

Dear Ms. Marhefka:

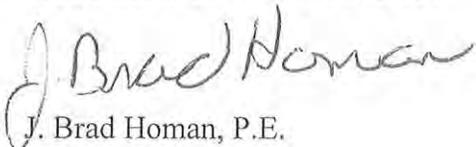
The lowest total responsive bid for the subject project was submitted by JBT AeroTech (JBT). Their total bid price is \$358,562. In accordance with the specifications, JBT also submitted a list of suggested spare parts and prices. The attached list indicates those parts selected by the City for inclusion with the acquisition of the truck. The additional cost of these spare parts is \$6,632.54 .

We have reviewed the bid documents submitted by JBT and have found that all required documents were submitted. The bid included an exception to the Buy American clause. Certain parts of the truck as identified in the bid will not be manufactured in the United States. A waiver for the Buy American clause has been submitted to the FAA for approval. Baker recommends a contract be awarded to JBT AeroTech in the amount of \$365,194.54.

Please call me at 412-269-2744 if you have any questions or comments.

Sincerely,

**MICHAEL BAKER JR., INC.**



J. Brad Homan, P.E.  
Project Manager

jma/JBH

enclosure

Morgantown Municipal Airport  
Deicer Truck Acquisition  
Spare Parts List

Part Number	Description	Quantity	Price	Ext'd Price
514-1021-022	Fuel Nozzle, 3.75 x 30Deg. S-S	4	\$ 12.62	\$ 50.50
514-4745	Switch temperature	1	\$ 81.31	\$ 81.31
519-4244-002	Gasket, filter	1	\$ 7.58	\$ 7.58
620-0461	Element, filter	1	\$ 54.40	\$ 54.40
620-0757	Contacto	1	\$ 33.14	\$ 33.14
620-8433	Motor, Hydraulic - 3.00 C.I.D.	1	\$ 276.56	\$ 276.56
621-5556-002	Filter, element	2	\$ 10.31	\$ 20.62
622-2485	Electronic igniter	1	\$ 139.30	\$ 139.30
622-4457	Motor, Hydraulic, .218	1	\$ 397.54	\$ 397.54
622-5566	A-Fuel valve, 24V DC	4	\$ 79.57	\$ 318.27
622-6488	Flame sensor	1	\$ 120.97	\$ 120.97
622-6490	Electrode	2	\$ 7.17	\$ 14.37
623-2121	Hydraulic motor	1	\$ 516.51	\$ 516.51
623-9412-300	Fluid heater controller V2.3	1	\$ 1,377.08	\$ 1,377.08
623-9483-002	Element, filter	1	\$ 83.00	\$ 83.00
623-0926	Espar heater fuel filter	1	\$ 18.47	\$ 18.47
624-5188-103	Wiper arm, radial, wet, 19" (RH, LH)	2	\$ 85.70	\$ 171.41
624-5188-104	Wiper blade, 28" (front window)	1	\$ 97.30	\$ 97.30
624-5188-105	Wiper arm, wet, 22" (front window)	1	\$ 82.86	\$ 82.86
624-5188-113	wiper motor, wwf (LH, side)	1	\$ 165.70	\$ 165.70
624-5188-114	Wiper motor, wwj (Front window)	1	\$ 189.30	\$ 189.30
624-5188-122	Wiper Mtr RH side, EC 2001	1	\$ 205.91	\$ 205.91
624-5245	Spray control joystick, non-af	1	\$ 1,209.94	\$ 1,209.94
624-5250	Boom control joystick	1	\$ 883.78	\$ 883.78
624-5261	Heater control unit	1	\$ 116.72	\$ 116.72

*Total*            \$            6,632.54

## **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.**

### **MUSEUM COMMISSION: 5 YEAR TERM:**

**Per e-mail from Pam Matthews Scott Matthews has not been able to attend meetings, so Charlie Byrer will be replacing him. Residents, 10 members, 1 from Council.**

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

**Kara Hurst, Chair informed the City Clerk that Sandy Polson, 7<sup>th</sup> wd resigned; Jerry Steketee has been residing in the 4<sup>th</sup> wd and has moved to the 7<sup>th</sup> wd and will serve in that position. Marilyn Bowers, 2<sup>nd</sup> wd resigned. On July 27<sup>th</sup> Anne Cumming, Urban Forester resigned. 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 members at a Special Meeting on October 18<sup>th</sup>. Residents and qualified voters to serve at large.**

### **WARD & BOUNDARY COMMISSION: 2 YEAR TERM:**

**All members' terms expired on 6-30-11. All wish to continue to serve. Appointed by Council with 30 days of term commencement. One member per ward.**

### **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.**

9-27-11

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

**WHEREAS,** various ordinances of a general and permanent nature have been passed by Council which should be included in the City Code.

**WHEREAS,** certain provisions in the Traffic and General Offenses Codes should be revised to comply with current State law;

**WHEREAS,** the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, THE CITY OF MORGANTOWN HEREBY ORDAINS:

Section 1: That the ordinances of the City of Morgantown, West Virginia, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, chapters, articles and sections within the ~~2010~~-2011 Replacement Pages to the City Code are hereby approved and adopted.

Section 2: That this Ordinance shall be effective from the date of adoption.

FIRST READING:

\_\_\_\_\_  
MAYOR

ADOPTED:

FILED:

\_\_\_\_\_  
CITY CLERK

RECORDED:

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

\_\_\_\_\_

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

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

The City of Star City

\_\_\_\_\_

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

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

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

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

**The Morgantown City Council hereby ordains that Table 1331.05.01 "Permitted Land Uses" of the Planning and Zoning Code of the City of Morgantown is amended as follows (new matter underlined):**

Table 1331.05.01: Permitted Land Uses

Uses	R-1	R-1A	R-2	R-3	PRO	B-1	B-2	B-4	OI	B-5	I-1	Supplemental Regulations
Animal Grooming Service		C	C	C	<u>C</u>	P	P	P		P		28, 29

This ordinance shall be effective upon date of adoption.

FIRST READING:

\_\_\_\_\_  
Mayor

ADOPTED:

FILED:

RECORDED:

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