



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
ltucker@morgantownwv.gov

AGENDA
MORGANTOWN CITY COUNCIL
SPECIAL MEETING
City Hall - Council Chambers
October 25, 2016
6:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL BY CITY CLERK**
3. **UNFINISHED BUSINESS:**
 - A. **Interviews for Various Boards and Commission:**
 - 5:50 pm Nikki Hoffman- Traffic Commission
 - 6:00 pm Bill Burton-BZA
 - 6:10 pm Frank Scafella-MUB
 - 6:20 pm Peter DeMasters-Planning Commission
 - 6:30 pm William Blosser-Planning Commission
4. **EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) In Order to Discuss Personnel Matters in considering new appointments for BOARDS & COMMISSIONS.**
5. **ADJOURNMENT**

If you need an accommodation contact us at 284-7439

Request Details

Request #31780 : Volunteer for Boards and Commissions

<p>Are you a Morgantown resident? Yes</p> <p>Are you a Morgantown resident? Yes</p> <p>If Yes, how many years have you lived in the City of Morgantown? 11</p> <p>If Yes, how many years have you lived in the City of Morgantown? 11</p> <p>In which City Ward do you reside? Sixth</p> <p>Who is your current employer (If retired, answer "retired")? WVU</p> <p>In which City Ward do you reside? Sixth</p> <p>Who is your current employer (If retired, answer "retired")? WVU</p> <p>On which Board, Commission, or Authority are you interested in being a volunteer? Traffic Commission</p> <p>What type of business are you, or were you, employed in? Research</p> <p>What type of business are you, or were you, employed in? Research</p> <p>Do you have professional certifications or licenses? Yes, but not applicable to this position (scientific research-related).</p> <p>Do you have professional certifications or licenses? Yes, but not applicable to this position (scientific research-related).</p> <p>Do you have any pertinent special interests? Community Education and Outreach, Community Parks and Recreation, Neighborhood Safety. Currently serve the Jerome Park Neighborhood Association, Neighborhood Coordinating Council, and Woodburn School Redevelopment Commission.</p> <p>Do you have any pertinent special interests? Community Education and Outreach, Community Parks and Recreation, Neighborhood Safety. Currently serve the Jerome Park Neighborhood Association, Neighborhood Coordinating Council, and Woodburn School Redevelopment Commission.</p>	<p>Active <input type="button" value="v"/></p> <p>Priority <input type="button" value="Normal"/> <input type="button" value="v"/></p> <p>Received 9/26/2016 at 1:41 PM</p> <p>Source of Request Anon Online by Anonymous</p> <p>Assigned To: Heather Carl Reassign</p> <p>Associated To: Anonymous Reassociate</p> <p>Est. Completion <input type="text" value="10/1/2016"/> <input type="button" value=""/></p> <p>Actual Completion <input type="text" value=""/> <input type="button" value=""/></p> <p><input type="button" value="Update"/> <input type="button" value="Complete"/> <input type="button" value="Cancel"/> <input type="button" value="Print"/></p> <hr/> <p>Citizen Information</p> <p>Christina Hoffman 1289 Carlisle Ave Morgantown, WV 26505 3042762663 cbyrne1@hsc.wvu.edu</p> <p>Preferred Response Method: E-Mail</p> <hr/> <p>Communication</p> <p>Select Communication Template <input type="button" value="Standard"/> <input type="button" value="v"/></p> <p><input type="button" value="Print Letter"/></p> <p>View Email Text</p>
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Staff Activities Add New Sort
Public Activities Add New Sort Request was successfully submitted. by Cartegraph Support on 9/26/2016 at 1:41 PM
Attachments Add New

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Morgantown

Request ID: 31780

Request Form: Volunteer for Boards and Commissions

Received: Monday, September 26, 2016

Status: Completed

Priority: Normal

Assigned To: Heather Carl

Contact Details

From: Christina Hoffman

Email: cbyrne1@hsc.wvu.edu

Telephone: 3042762663

Address1: 1289 Carlisle Ave

Address2:

City: Morgantown

State: WV

Zip Code:
26505

Pref. Method of Response: E-Mail

Request Address

Number:

Direction:

Street:

Type:

Apt:

City:

State:

Zip Code:

Questions and Answers

Are you a Morgantown resident?:

Yes

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

11

In which City Ward do you reside?:

Sixth

Who is your current employer (If retired, answer "retired")?:

WVU

What type of business are you, or were you, employed in?:

Research

Do you have professional certifications or licenses?:

Yes, but not applicable to this position (scientific research-related).

Do you have any pertinent special interests?:

Community Education and Outreach,

**Community Parks and Recreation,
Neighborhood Safety. Currently serve
the Jerome Park Neighborhood
Association, Neighborhood Coordinating
Council, and Woodburn School
Redevelopment Commission.**

**Are you a Morgantown resident?:
Yes**

**If Yes, how many years have you lived in
the City of Morgantown?:
11**

**In which City Ward do you reside?:
Sixth**

**On which Board, Commission, or
Authority are you interested in being a
volunteer?:
Traffic Commission**

**Who is your current employer (If retired,
answer "retired")?:
WVU**

**What type of business are you, or were
you, employed in?:
Research**

**Do you have professional certifications or
licenses?:
Yes, but not applicable to this position
(scientific research-related).**

**Do you have any pertinent special
interests?:
Community Education and Outreach,
Community Parks and Recreation,
Neighborhood Safety. Currently serve
the Jerome Park Neighborhood
Association, Neighborhood Coordinating
Council, and Woodburn School
Redevelopment Commission.**

Staff Activities

The status of the request was changed from Active to Completed. on 10/4/2016 at 9:14 AM

Public Activities

Request was successfully submitted. by Cartegraph Support on 9/26/2016 at 1:41 PM

Morgantown
Request ID: 28544

Request Form: Volunteer for City Boards and Commissions
Received: Wednesday, November 13, 2013
Status: Completed
Priority: Normal
Assigned To:

Contact Details

From: William Burton
Email: bill@whburton.com
Telephone: 304-290-7734
Address1: 450 Linden Street
Address2:
City: Morgantown **State:** WV **Zip Code:** 26501
Pref. Method of Response: E-Mail

Questions and Answers

Are you a Morgantown resident?:
Yes

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

In which City Ward do you live?:
Second

Who is your employer? (If retired, answer "retired"):
self-employed

What type of business are, or were, you employed in?:
real esate

Do you have any professional certifications or licenses?:
WV General Contractors License and WV Real Estate Brokers License.

National Association of REALTORS Certification and Designations:

ABR - accredited buyer representative, ABRM - accredited buyer representative manager, ARM -accredited residential manager, CRB - certified real estate brokerage manager, CRS - certified residential specialist, Green - nar's green designation, GRI - graduate realtors institute, AHWD - at home with diversity certification, and SFR - short sale and foreclosure resource certification.

Do you have any pertinent special interests?:
Have listed, sold, and managed real estate in the Morgantown Area for the past 30 years.

On which Board or Commission(s) are you interested in serving?:
Board of Zoning Appeals

Staff Activities

The status of the request was changed from Active to Completed. on 11/13/2013 at 1:52 PM

Public Activities

Request was successfully submitted. by EXEC EXEC on 11/13/2013 at 10:58 AM
Thank you for your interest in serving the City of Morgantown. We have received your application and will review the information you provided. The City Clerk will notify you if there are vacancies on the boards or commissions in which you have specified interest, pending verification of your eligibility and any given residency requirements. Should you have further questions please feel free to contact our office at 304-284-7439.
An email was sent to bill@whburton.com

Morgantown

Request ID: 24011

Request Form: Volunteer for City Boards and Commissions

Received: Monday, February 23, 2009

Status: Completed

Priority: Normal

Assigned To:

Contact Details

From: Frank Scafella

Email: fas4@labs.net

Telephone: 3042963145

Address1: 346 Virginia Ave.

Address2:

City: Morgantown

State: WV

Zip Code:
26505

Pref. Method of Response: E-Mail

Request Address

Number:

Direction:

Street:

Type:

Apt:

City:

State:

Zip Code:

Questions and Answers

Are you a Morgantown resident?

:

Yes

In which City Ward do you live?:

Third

Who is your employer?:

Retired

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

40 years

What type of business are you employed in?:

What is your job description?:

Do you have any professional certifications or licenses?:

Do you have any pertinent special interests?:

**On which commission(s) are you
interested in serving?:
Morgantown Utility Board**

**What is your work telephone number?:
3042963145**

Staff Activities

Will contact citizen directly to fill desired position. on 2/23/2009 at 12:37 PM
The status of the request was changed from Active to Completed. on 2/23/2009 at 12:37 PM
A printable copy of the request was prepared based on the template Request Print
Document. on 2/23/2009 at 12:41 PM

Public Activities

Request was successfully submitted. by Citizen on 2/23/2009 at 9:07 AM
An email was sent to fas4@labs.net.

MEMORANDUM

TO: City Council
Glen Kelly, Interim City Manager

FROM: Timothy L. Ball, General Manager, MUB 23

DATE: October 6, 2016

SUBJECT: MUB BOARD
Re-APPOINTMENT OF FRANK SCAFELLA

At its meeting on September 28, 2016, the MUB Board members directed that the following recommendation should be forwarded to City Council, as the Council members consider their selection of an appointee to fill the soon to expire term for the MUB Board, Secretary Frank Scafella.

The MUB Board respectfully recommends that Frank Scafella be re-appointed to a full 5 year term on the Board.

Linda Tucker

From: Tim Ball <tball@mub.org>
Sent: Friday, October 07, 2016 11:33 AM
To: Glen Kelly
Cc: Linda Tucker; Beverly Robertson; Doug Smith
Subject: Frank Scafella : Re-appointment
Attachments: reappointment.pdf

Glen

I respectfully request that you forward the attached request / recommendation to City Council.

Mr. Scafella's appointment to the MUB Board will expire in November.

The MUB Board requests / recommends his re-appointment.

Please let me know if you want a MUB representative at the Council meeting when this is discussed. I will be out of town Oct 18, but can send Asst GM Doug Smith.

Or if it is addressed on Nov 1, I will already be at the meeting for the approval of the Bond docs. That would be convenient timing. Whatever you think.

Thanks and Best Regards,
Tim

Timothy L. Ball P.E.
General Manager
Morgantown Utility Board
Phone: 304-292-8443 Ext. 121
www.mub.org

Follow us on Facebook and on Twitter: @MUBWater

City of Morgantown

Request ID: 559

Request Form: Volunteer for City Boards and Commissions

Received: 2/24/2006 1:12:50 PM

Status: Active

Priority: Normal

Assigned To:

Contact Details

From: Mr. Peter DeMasters

Email: peted@fsblaw.com

Telephone: 296-4346

Address1: 481 Winsley Street

Address2:

City: Morgantown

State: WV

Zip Code: 26501

Pref. Method of Response: US Mail

Additional Information

What is your work telephone number?

598-0788

Are you a Morgantown resident?

Yes

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

13

In which City Ward do you live?

Sixth

Who is your employer?

Flaherty Sensnabaugh & Bonasso

What type of business are you employed in?

Legal

What is your job description?

Attorney

Do you have any professional certifications or licenses?

West Virginia State Bar

Do you have any pertinent special interests?

I am a part time city attorney for a small Marion county town and enjoy the planning and zoning aspects of that work. I would like to be involved with the city and to help it grow and become a better, more productive city

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

Planning Commission

Staff Activities:

ALL ACTIVITIES

Citizen Activities:

ALL ACTIVITIES

Linda Tucker

From: DeMasters, Pete <PDeMasters@flahertylegal.com>
Sent: Wednesday, October 19, 2016 2:38 PM
To: Linda Tucker
Subject: RE: Special Meeting Interview

Certainly.

Peter T. DeMasters

Member

Flaherty

FLAHERTY SENSABAUGH BONASSO PLLC

PHONE: 304.225.3058

From: Linda Tucker [mailto:ltucker@morgantownwv.gov]
Sent: Wednesday, October 19, 2016 2:28 PM
To: DeMasters, Pete
Subject: RE: Special Meeting Interview

Peter, could we interview you by phone. We would only take a few minutes and get it over with 😊

From: DeMasters, Pete [mailto:PDeMasters@flahertylegal.com]
Sent: Wednesday, October 19, 2016 1:57 PM
To: Linda Tucker <ltucker@morgantownwv.gov>
Subject: RE: Special Meeting Interview

I won't know until that day whether I can get back in time or not. The meeting I have has no set end time and I would have to leave there at 4 at the latest to get back in time.

Peter T. DeMasters

Member

Flaherty

FLAHERTY SENSABAUGH BONASSO PLLC

PHONE: 304.225.3058

From: Linda Tucker [mailto:ltucker@morgantownwv.gov]
Sent: Wednesday, October 19, 2016 1:52 PM
To: DeMasters, Pete
Subject: RE: Special Meeting Interview

7pm 😊

From: DeMasters, Pete [mailto:PDeMasters@flahertylegal.com]
Sent: Wednesday, October 19, 2016 1:27 PM
To: Linda Tucker <ltucker@morgantownwv.gov>
Subject: Re: Special Meeting Interview

What time is the meeting? The email does not say. I have a meeting in Moorefield that day and may not get back in time.

Peter T. DeMasters
Member

Flaherty
304.225.3058<<tel:304.225.3058>>

Sent from my iPhone

On Oct 19, 2016, at 1:22 PM, Linda Tucker
<ltucker@morgantownwv.gov<<mailto:ltucker@morgantownwv.gov>>> wrote:

Bill Burton, Frank Scafella, Peter Demasters and William Blosser Council would like to interview all of you at a Special Meeting on October 25th at p.m. Council is getting to know all of their volunteers on Boards and Commissions. I am sending out my Agenda Thursday October, 20th 2016 so please let me know by noon tomorrow if you can attend this meeting. If you have questions feel free to contact me.

Linda L. Tucker
Morgantown City Clerk
389 Spruce Street, Rm. 10
Morgantown, WV. 26505
(304)284-7439

ltucker@morgantownwv.gov<<mailto:ltucker@morgantownwv.gov>>

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This e-mail and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

Morgantown

P

Request ID: 28405

Request Form: Volunteer for City Boards and Commissions

Received: Thursday, October 17, 2013

Status: Completed

Priority: Normal

Assigned To:

Contact Details

From: William Blosser

Email: williameblosser@gmail.com

Telephone: 304-598-2362

Address1: 127 Willowdale Road

Address2:

City: Morgantown

State: WV

Zip Code: 26505

Pref. Method of Response: Telephone

Questions and Answers

Are you a Morgantown resident?:

Yes

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

life long resident

In which City Ward do you live?:

Third

Who is your employer? (If retired, answer "retired"):

Retired

What type of business are, or were, you employed in?:

state employee

Do you have any professional certifications or licenses?:

M.F.A. from W.V.U.

Do you have any pertinent special interests?:

Participant in

Neighborhood Association

Co-coordinating Council

Pedestrian Safety Board

On which Board or Commission(s) are you interested in serving?:

Planning Commission

Staff Activities

The status of the request was changed from Active to Completed. on 10/21/2013 at 11:54 AM

Public Activities

Request was successfully submitted. by William Blosser on 10/17/2013 at 12:47 PM

Thank you for your interest in serving the City of Morgantown. We have received your application and will review the information you provided. The City Clerk will notify you if there are vacancies on the boards or commissions in which you have specified interest, pending verification of your eligibility and any given residency requirements. Should you have further questions please feel free to contact our office at 304-284-7439.

An email was sent to williameblosser@gmail.com.

ARTICLE 151
Traffic Commission

- | | |
|------------------------------------|---|
| 151.01 Established. | 151.03 Officers and rules of procedure. |
| 151.02 Composition and membership. | 151.04 Duties. |

CROSS REFERENCES

Authority to establish - see CHTR, Sec. 4.02

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".
(Ord. 15-09. Passed 2-17-15.)

151.02 COMPOSITION AND MEMBERSHIP.

(a) 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 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 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.

(b) 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. Each Council and Planning Commission members shall serve until his or her current respective term on Council or Planning Commission expires.

(c) The members appointed by ward residency, and the at-large members shall each serve for a term of three years. (Ord. 15-09. Passed 2-17-15.)

151.03 OFFICERS AND RULES OF PROCEDURE.

(a) 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.

(b) The Commission shall adopt its own rules of procedure and shall keep minutes of regular and special meetings.
(Ord. 15-09. Passed 2-17-15.)

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 to City Council on matters relating to:

- (a) The movement and regulation of motor vehicles, bicycles and pedestrians within the City.
- (b) The coordination of traffic activities.
- (c) Educational activities in traffic matters.
- (d) The ways, means and methods of improving traffic conditions within the City; and
- (e) The administration and enforcement of traffic regulation. 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.

(Ord. 15-09. Passed 2-17-15.)

ARTICLE 1389
Board of Zoning Appeals

1389.01	Establishment.	1389.04	Conditional uses.
1389.02	Powers and duties.	1389.05	Judicial review.
1389.03	Variances.		

CROSS REFERENCES

Charter provisions - see CHTR. 6.01

Statutory provisions - see W. Va. Code Art. 8A-8

1389.01 ESTABLISHMENT.

(A) The Board of Zoning Appeals is hereby established and shall consist of five members to be appointed by City Council, all of which shall be residents of the City and three-fifths of such members shall have been residents of the City for at least three years prior to the time of their appointment.

(B) No member of the Board of Zoning Appeals shall be a member of the Planning Commission nor shall any member hold any other elective or appointive office in the City of Morgantown.

(C) The members of the Board shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties. If a vacancy occurs by resignation or otherwise among the members of the Board of Zoning Appeals, City Council shall appoint a member for the unexpired term.

(D) City Council may appoint up to three additional members to serve as alternate members of the Board who shall meet the same eligibility requirements as regular Board members. The term for an alternate Board member shall be three years and Council may appoint alternate members on a staggered term schedule.

(E) An alternate Board member shall serve on the Board when one of the regular members is unable to serve. The alternate Board member shall serve until a final determination is made in the matter to which the alternate member was initially called on to serve.

(F) The Board of Zoning Appeals shall establish rules and procedures for designating an alternate member who shall have the same powers and duties as a regular Board member.

(G) Any decision of the City Manager in the enforcement of this ordinance may be appealed to the Board by any person claiming to be adversely affected by such decision.

1389.02 POWERS AND DUTIES.

The Board shall have the following powers and it shall be its duty to:

- (A) Hear, review and determine appeals from any order, requirement, decision or determination made by the City Manager in the enforcement of this ordinance;
- (B) Authorize exceptions to the district rules and regulations only in the classes of cases or in particular situations, as specified in this ordinance;
- (C) Hear and decide conditional uses upon which the Board is required to act under this ordinance;
- (D) Authorize, upon appeal in specific cases, a variance from the terms of this ordinance;
- (E) Reverse, affirm or modify the order, requirement, decision or determination appealed from and have all the powers and authority of the City Manager from whom the appeal was taken;
- (F) Adopt rules and regulations concerning:
 - (1) The filing of appeals, including the process and forms for the appeal;
 - (2) Applications for variances and conditional uses;
 - (3) The giving of notice;
 - (4) The conduct of hearings necessary to carry out the Board's duties as authorized by State law;
 - (5) Keep minutes of its proceedings;
 - (6) Keep an accurate and complete audio record of all the Board's proceedings and official actions and keep the audio record in a safe manner, accessible within twenty-four hours of demand, for three years;
 - (7) Record the vote on all actions taken;
 - (8) Take responsibility for the custody and preservation of all papers and documents of the Board, which shall be filed in the Planning Office and made public record;
 - (9) With consent from City Council, hire employees necessary to carry out the duties and responsibilities of the Board, provided that Council sets the salaries; and
- (G) Supervise the fiscal affairs and responsibilities of the Board.

1389.03 VARIANCES.

(A) No variance in the application of the provisions of this ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find that the variance:

- (1) Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (2) Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;

- (3) Would eliminate an unnecessary hardship and permit a reasonable use of the land; and,
- (4) Will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

(B) In the case where a variance is denied by the Board, said application shall not be eligible for re-submittal for one (1) year from the date of said denial. A new application must be, in the opinion of the Board of Zoning Appeals, substantially different from the application denied, or conditions must have substantially changed for the new proposal to be eligible for consideration within one (1) year from said date of denial.

1389.04 CONDITIONAL USES.

(A) No conditional use application under the terms of this Ordinance shall be made by the Board unless after a public hearing the Board shall find that the conditional use is within the fitting character of the surrounding area and is consistent with the spirit, purpose, and intent of the Zoning Ordinance, because:

- (1) Congestion in the streets is not increased;
- (2) Safety from fire, panic, and other danger is not jeopardized;
- (3) Provision of adequate light and air is not disturbed;
- (4) Overcrowding of land does not occur;
- (5) Undue congestion of population is not created;
- (6) Granting this request will not create inadequate provision of transportation, water, sewerage, schools, parks, or other public requirements;
- (7) Value of buildings will be conserved; and,
- (8) The most appropriate use of land is encouraged.

(B) Each applicant must give their own response to these statements as a basis for the Board's evaluation of the request.

1389.05 JUDICIAL REVIEW.

Every decision or order of the Board of Zoning Appeals shall be subject to review by certiorari. Any person or persons jointly or severally aggrieved by any decision or order of the Board of Zoning Appeals may present to the Circuit Court of the County of Monongalia a petition duly verified, setting forth that such decision or order is illegal in whole or in part, and specifying the grounds of the alleged illegality. The petition must be presented to the Court within thirty (30) days after the date of the decision or the order of the Board of Zoning Appeals complained of.

ARTICLE 169
Utility Board

169.01	Creation; members; compensation.	169.05	Financial reports; minutes; budget.
169.02	Organization.	169.06	Waterworks, sewerage system and stormwater system accounts; personnel policies.
169.03	Powers and duties.	169.07	Pension plan.
169.04	General Manager created; other employees.		

CROSS REFERENCES

Combined waterworks and sewage system - see W.Va. Code Art. 8-20

169.01 CREATION; MEMBERS; COMPENSATION.

(a) Upon the issuance of the combined waterworks and sewerage system refunding revenue bonds, the management, control and operation of the waterworks system and the sewerage system of the City shall be vested in the Morgantown Utility Board (the "Board"), created, appointed and functioning as hereinafter provided.

(b) The management, control and operation of the stormwater drainage and sewer system of the City shall be vested in the Morgantown Utility Board.

(c) The Board shall consist of five persons, each of whom shall be residential customers of the Morgantown Utility Board, shall be persons of outstanding reputation, ability and integrity, and shall be appointed by Council. No more than two of the appointees may be citizens of Monongalia County, residing outside of the corporate limits of the City; all remaining appointees shall be citizens and residents of the City. The City Manager shall notify all appointees of their appointment. The terms of such Boardmembers first appointed shall be for one, two, three, four and five years, respectively, from the first day of the month in which appointed. In the event of a vacancy and also within thirty days after the expiration of the term of office of any Boardmember, a successor shall be appointed by Council. All vacancies shall be filled for the unexpired term only and all other appointments shall be for a term of five years, to commence on the date following the scheduled expiration date of the previous term. The Board shall

169.05 FINANCIAL REPORTS; MINUTES; BUDGET.

The Board shall provide reports, at least semiannually, or as otherwise required by law, to the City Manager and Council, indicating the Board's financial condition. The Board shall also, if requested by the Mayor or City Manager provide the City with yearly audited financial statements, minutes of all meetings of the Board, an annual budget and other information as may reasonably be requested. (Ord. 9-1-87.)

169.06 WATERWORKS, SEWERAGE SYSTEM, AND STORMWATER SYSTEM ACCOUNTS; PERSONNEL POLICIES.

Following the defeasance of the water revenue bonds and sewer revenue bonds, all assets and liabilities of the waterworks system and sewerage system, including accounts receivable and accounts payable and all employees thereof, shall be under the management and control of the Board. All assets and liabilities of the stormwater system, including accounts receivable and accounts payable, shall be under the management and control of the Board. Personnel policies and practices and other matters affecting employees of the Board, except pensions, shall be determined by the Board. (Ord. 02-13. Passed 5-21-02.)

169.07 PENSION PLAN.

Upon transfer of the management and control of the employees of the waterworks system and sewerage system to the Board, all such employees shall be under the general pension plan of the City, subject to such adjustments as shall be provided for by resolution of Council. (Ord. 9-1-87.)

CHAPTER SEVEN - Boards and Commissions

- Art. 145. Planning Commission.
- Art. 147. Water Commission.
- Art. 149. Board of Park and Recreation Commissioners.
- Art. 151. Traffic Commission.
- Art. 153. Human Rights.
- Art. 155. Parking Authority.
- Art. 156. Metropolitan Theatre Commission.
- Art. 157. Sanitary Board.
- Art. 159. Library Board.
- Art. 160. Housing Advisory Commission.
- Art. 161. Housing Authority. (Repealed)
- Art. 162. Woodburn School Redevelopment Commission.
- Art. 163. Urban Landscape Commission.
- Art. 165. Citizens Advisory Committee. (Repealed)
- Art. 167. Historic Landmarks Commission.
- Art. 168. Museum Commission.
- Art. 169. Utility Board.
- Art. 170. Greater Morgantown Metropolitan Area Youth Commission. (Repealed)
- Art. 171. Building Commission.
- Art. 172. Morgantown Sister Cities Commission.
- Art. 175. Employment Provisions.
- Art. 177. Employees' Retirement and Benefit Fund.

ARTICLE 145
Planning Commission

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|--------|---|--------|-----------------------------------|
| 145.01 | Established. | 145.05 | Offices, facilities and expenses. |
| 145.02 | Composition and membership;
vacancies. | 145.06 | Meetings; quorum. |
| 145.03 | Original appointments. | 145.07 | Powers and duties. |
| 145.04 | Officers. | 145.08 | Purpose of article. |

CROSS REFERENCES

- Authority to establish - see CHTR. Sec. 6.01
- Comprehensive Plan - see CHTR. Sec. 6.02
- Vacancies - see CHTR. Sec. 6.04
- State law provisions - see W. Va. Code Art. 8-24-5 et seq.
- President to serve on Traffic Commission - see ADM. 151.02

145.01 ESTABLISHED.

There is hereby created and established a City Planning Commission.
(1967 Code Sec. 2-74)

145.02 COMPOSITION AND MEMBERSHIP; VACANCIES.

The Planning Commission of the City shall consist of nine members, all of whom shall be freeholders and residents of the City, who shall be qualified by knowledge and experience in matters pertaining to the development of the City and who shall include representatives of business, industry and labor. Three-fifths of all members shall have been residents of the Municipality for at least one year prior to nomination and confirmation or appointment. All members shall be nominated by the City Manager and confirmed by Council.

One member of the Commission shall also be a member of Council, and one member shall also be a member of the administrative department of the City. The term of these two members shall be coextensive with the term of office to which each has been elected or appointed, unless the City Manager and Council, at the first regular meeting each year, appoint others to serve as the City's representatives. The remaining seven members shall be appointed for terms of three years each, except those members first appointed, as provided in Section 145.03, one member being appointed from each ward of the City. Vacancies shall be filled by appointment in the same manner for the unexpired term only. Members of the Commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.
(Ord. 89-43. Passed 10-17-89.)

145.03 ORIGINAL APPOINTMENTS.

For the original appointment of the seven members of the City Planning Commission provided for in Section 145.02, three members shall be appointed for one year, two members for two years and two members for three years.
(1967 Code Sec. 2-76.)

145.04 OFFICERS.

At its first regular meeting in each year, the City Planning Commission shall elect from its members a president and vice-president. It shall designate a member of the Commission to act as an advisory member of the County Planning Commission.
(1967 Code Sec. 2-77.)

145.05 OFFICES, FACILITIES AND EXPENSES.

Council shall provide the City Planning Commission with suitable offices and facilities and shall provide by appropriation a sum sufficient to defray the reasonable expenses of the Commission to enable it to carry out its duties.
(1967 Code Sec. 2-78.)

145.06 MEETINGS; QUORUM.

The City Planning Commission shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July and October.

The provisions of West Virginia Code 8-24-8 and 8-24-9 shall govern special meetings and quorums. (1967 Code Sec. 2-79.)

145.07 POWERS AND DUTIES.

The City Planning Commission shall have all powers and perform all duties provided for in West Virginia Code Art. 8-24 consistent with the provisions of Article VI of the City Charter.

145.08 PURPOSE OF ARTICLE.

It is the object of this article to improve the present health, safety, convenience and welfare of the residents of the City and to plan for the future development of the City to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational and recreational facilities, that the needs of industry and business be recognized in future growth, that residential areas provide healthy surroundings for family life, and that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.
(1967 Code Sec. 2-81.)