



Office of the City Clerk

# The City of Morgantown

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**AGENDA**  
**MORGANTOWN CITY COUNCIL**  
**REGULAR MEETING**  
**November 19, 2013**  
**7:00 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES: Regular Meeting – November 5, 2013**
5. **CORRESPONDENCE**
6. **UNFINISHED BUSINESS:**
  - A. **BOARDS AND COMMISSIONS**
7. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION**
8. **SPECIAL COMMITTEE REPORTS**
9. **NEW BUSINESS:**
  - A. Consideration of **APPROVAL of FIRST READING of AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE.**
  - B. Consideration of **APPROVAL of A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS TO RECEIVE AND ADMINISTER GRANT FUNDS FROM THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.**

- C. Consideration of **APPROVAL of A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE WV DIVISION OF MOTOR VEHICLES TO APPLY, RECEIVE AND ADMINISTER GRANT FUNDS FROM THE GOVERNOR'S HIGHWAY SAFETY PROGRAM .**
- D. Consideration of **APPROVAL of A RESOLUTION TO APPLY FOR AND ADMINISTER A COMMUNITY PARTICIPATION PROGRAM GRANT, FUNDS FOR USE BY THE WEST VIRGINIA PUBLIC THEATRE.**

10. **CITY MANAGER'S REPORT:**

**NEW BUSINESS:**

- 1. **2014 Group Health Plan Renewal Rates**

**INFORMATION:**

- 1. **Airport Update**

11. **REPORT FROM CITY CLERK**

12. **REPORT FROM CITY ATTORNEY**

13. **REPORT FROM COUNCIL MEMBERS**

14. **ADJOURNMENT**

**\*If you need an accommodation contact us at (304) 284-7439\***

**REGULAR MEETING, NOVEMBER 5, 2013:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, November, 2013 at 7:00 P.M.

**PRESENT:** City Manager Jeff Mikorski, Assistant City Manager of Operations Glen Kelly, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Jenny Selin and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Marti Shamberger, Mike Fike and Nancy Ganz.

Primarily, the City Manager addressed Council, requesting that the Public Hearing and Second Reading items related to the Ordinance leasing space at the Woodburn School to the WVU College of Creative Arts be removed from the Agenda. The University has recently withdrawn the lease agreement and therefore the Ordinance cannot move forward.

**APPROVAL OF MINUTES:** By acclamation, the minutes of the October 15, 2013 Regular Meeting were approved as presented; and the minutes of the October 15, 2013 Special Meeting were approved as amended.

**CORRESPONDENCE:** Councilor Ganz noted that Comedian Kathy Griffin entertained an audience on November 6, 2013 at WVU Creative Arts Center. She also announced the next Suncrest Neighborhood Association Meeting will be on November 21, 2013 at 7 pm.

Councilor Fike reported there will be an open house on November 6, 2013 at Marilla Park to discuss the Bike Plan. He also announced upcoming parades, Veterans Day on November 11 at 6:30pm and Christmas on December 6 at 6:30pm; Performances of the Nutcracker on November 23&24<sup>th</sup>; Santa Claus on November 30, 10am-5pm and Small Business Saturday.

Councilor Shamberger read a letter from Arthur Trussler, member of the Morgantown Housing Authority with concerns about WVU and other entities obtaining building permits. Councilor Nugent announced more information about Small Business Saturday and the visit from Santa Claus at Arts Monongahela. He also elaborated about the Nutcracker.

Councilor Kawecki announced the opening of new exhibits at Arts Monongahela in November along with a silent auction. Councilor Bane announced the upcoming Empty Bowls charity event and a First Ward Open House event for neighbors. Lastly, Mayor Selin announced a Spa event at the Waterfront Hotel.

**PUBLIC HEARING – AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF EXTENSION, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WASTEWATER PORTION OF THE EXISTING PUBLIC COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,250,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2014 A (WEST VIRGINIA SRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A BOND PURCHASE AGREEMENT RELATING TO THE BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.**

There being no appearances, Mayor Selin declared the public hearing closed.

**PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING IT, AS LESSOR, TO LEASE SPACE AT THE FORMER WOODBURN SCHOOL, NOW OWNED BY THE CITY, TO THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, LESSEE, FOR USE BY THE WVU COLLEGE OF CREATIVE ARTS, SCHOOL OF ART DESIGN, CERAMICS DEPARTMENT.**

As noted above, the Ordinance was withdrawn and no action was taken.

**PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING IT, AS LESSOR, TO LEASE SPACE AT THE FORMER WOODBURN SCHOOL, NOW OWNED BY THE CITY, TO THE MOUNTAINEER BOYS AND GIRLS CLUB, INC., LESSEE.**

There being no appearances, Mayor Selin declared the public hearing closed.

James Giuliani, 256 Prairie Avenue, questioned the need for a lease agreement for an organization such as the Boys and Girls Club, and also questioned why the decision is being made by Council without waiting for input from the members of the newly forming Woodburn Redevelopment Commission.

**UNFINISHED BUSINESS:**

**AN ORDINANCE AUTHORIZING COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2014 A, FOR ACQUISITION OF THE SUNSHINE ESTATES SEWERAGE SYSTEM:**

The below entitled Ordinance was presented for third reading:

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF EXTENSION, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WASTEWATER PORTION OF THE EXISTING PUBLIC COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,250,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2014 A (WEST VIRGINIA SRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A BOND PURCHASE AGREEMENT RELATING TO THE BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

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

**AN ORDINANCE LEASING SPACE AT WOODBURN SCHOOL TO THE WVU CERAMICS DEPARTMENT:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING IT, AS LESSOR, TO LEASE SPACE AT THE FORMER WOODBURN SCHOOL, NOW OWNED BY THE CITY, TO THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, LESSEE, FOR USE BY THE WVU COLLEGE OF CREATIVE ARTS, SCHOOL OF ART DESIGN, CERAMICS DEPARTMENT.

As noted above, the Ordinance was withdrawn and no action was taken.

**AN ORDINANCE LEASING SPACE AT WOODBURN SCHOOL TO THE BOYS AND GIRLS CLUB:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING IT, AS LESSOR, TO LEASE SPACE AT THE FORMER WOODBURN SCHOOL, NOW OWNED BY THE CITY, TO THE MOUNTAINEER BOYS AND GIRLS CLUB, INC., LESSEE.

Motion by Bane, second by Fike, to adopt the above entitled Ordinance. After discussion, motion carried 7-0.

**BOARDS AND COMMISSIONS:**

**PUBLIC PORTION:**

James Giuliani, 256 Prairie Avenue, gave Council members a handout with regard to his comments and then discussed the Council's comprehensive plan and his perception of the City's adherence thereto. He chronicled his recent interactions with the Director of Development Services with regard to the Sheetz in development for the downtown area. He feels that downtown businesses should have input on such a high profile development and that the zoning is not proper for a major gas station in the area. He cautioned Council to monitor the activities of the BZA and warned about variances that CVS may request for developing in the downtown.

Breanna Asberry, 400 Beechurst Avenue, WVU Student, concerned about the traffic light at the intersection of University and Evansdale Drive. She stated that the timing of the light is very short at the intersection which causes hazards for drivers and the potential for traffic accidents.

Mayor Selin then requested the rules be suspended in order to ascertain more details about the above complaint. It was suggested that the speaker's contact information be taken down and that she be contacted after the meeting. Then, hearing no objections, the rules were suspended and Mayor Selin asked the speaker to restate her complaint about the traffic light.

There being no other appearances, Mayor Selin declared the public portion closed.

**SPECIAL COMMITTEE REPORTS:** No Reports.

**NEW BUSINESS:**

**A RESOLUTION TO SUPPORT THE RENAMING OF THE SOUTH HIGH STREET BRIDGE:** The above entitled Resolution was presented for approval.

Motion by Kawecki, second by Shamberger to approve the above entitled Resolution. After explanation from the Mayor, a letter from Delegate Fleischauer urging Council to give its support of the renaming was read. There was then discussion about the potential for naming criteria and whether this action allows for future naming requests of other structures.

Councilor Fike then motioned to postpone approval of the Resolution until the Nov. 19<sup>th</sup> Council Meeting. The motion was seconded by Councilor Nugent. After continued discussion about the merits of the issue, the question was called and the motion to postpone failed 2-5. Councilors Bane, Kawecki, Shamberger, Ganz and Mayor Selin voted NO for postponement of the Resolution.

After further discussion both advocating for the development of naming criteria, and supporting the Resolution renaming the bridge, the question was called on the main motion. The motion to approve the Resolution passed 5-2. Councilors Bane and Nugent voted NO.

**CITY MANAGERS REPORT:**

NEW BUSINESS:

1. Requesting Monongalia County Commission to Develop Runway Protected Zone as a Part of a County Planning District.

After explanation from the Manager, motion by Bane, second by Ganz to approve the letter of request for zoning be sent to the County as described. After discussion, motion carried 7-0.

INFORMATION:

1. Employee Satisfaction Survey.

Mr. Mikorski explained the status of the employee survey process and its expected outcomes.

Mr. Mikorski then clarified for the audience the differences between the Planning and Zoning Code and the Comprehensive Plan.

**REPORT FROM CITY CLERK:** The City Clerk announced the sale of Colasessano's Pepperoni Buns to benefit the United Way.

**REPORT FROM CITY ATTORNEY:** The City Attorney commented on the letter from Mr. Trussler, addressed in the correspondence portion of the meeting. He stated that the letter references "City Policy" in its dealings with WVU. Mr. Fanok clarified that there is no such policy, but that the City must follow the procedures set forth by State Law where the building permits and the University are concerned.

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

Councilor Ganz: Councilor Ganz announced the upcoming meeting of the Suncrest neighborhood association and the collection dates for Operation Shoebox.

Councilor Fike: Councilor Fike mentioned that he attended a ceremony honoring Lt. Steve Ford. He also noted a visit from professors from our Sister City in Guanajuato, MX, thanking the Sister Cities Commission for their assistance with the visit. Councilor Fike discussed the use of Suspension of the Rules in the proper context and procedure.

Councilor Shamberger: Councilor Shamberger congratulated the new officers of the Woodburn Neighborhood Association and thanked those who picked up trash in Whitmore Park. She announced the Spirit of America Concert at the Met. She then thanked Veterans for their service to the country.

Councilor Nugent: Councilor Nugent recognized Randy Jones, the WVU SGA Liaison and announced the Main Street Economic Restructuring

Committee meeting. He reported an uncompleted street sign request and several code enforcement issues he wishes to speak to the Manager about. Additionally, Councilor Nugent announced the Mountaineer Idol event.

Councilor Kawecki

Councilor Kawecki remarked on the Fire Marshall's latest activity report and the incidents that have recently occurred. He inquired as to the cost of these incidents incurred by the City as well as the penalty for the offenses.

Councilor Bane:

Councilor Bane proposed that the Manager and the Director of Development Services host a public forum for the benefit of the citizens and downtown business owners to allow clarification for recent changes. He then offered further commentary about his views on the bridge renaming issue.

Mayor Selin:

Mayor Selin announced an upcoming meeting to discuss the Evansdale plan, an energy saving program at the Library. She noted she attended First Night Friday and a concert at the Met. She announced that some street lights previously reported have been repaired. Mayor Selin concurred with Councilor Bane's renaming comments and stated that the fourth ward tour was successful. She discussed the WVU smoking ban and encouraging employees and smokers to relocate in certain areas. She noted a steam vent that the University will check on and then invited everyone to the Evansdale plan meeting.

**EXECUTIVE SESSION:** Motion by Bane, second by Nugent to enter into executive session pursuant to WV State Code section 6-9A-4(2)(9) as it pertains to the sale, purchase of lease of realty with the City Manager, Assistant City Manager of Operations, City Attorney and City Council members present. Session entered at 8:38 p.m., exited at 8:50 p.m.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:50 p.m.

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

\_\_\_\_\_  
Mayor

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



**Office of the City Manager**

# The City of Morgantown

Jeff Mikorski, ICMA-CM  
City Manager  
389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7405 FAX: (304) 284-7430  
[www.morgantownwv.gov](http://www.morgantownwv.gov)

## **City Manager's Report for City Council November 19, 2013**

### **New Business:**

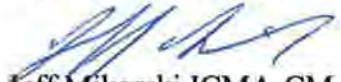
1. **2014 Group Health Plan Renewal Rates**

Attached is a memo from Finance Director JR Sabatelli summarizing the proposed rate changes for the City of Morgantown Group Health Plan effective January 1, 2014. We will see a small 3.9% increase in health premiums for the City contribution, and in active employee, and retiree contributions in 2014. Pages 2 and three of the memo outline the employee and retiree contributions to their Group Health Plan.

### **Information:**

1. **Airport Update**

The WV Department of Environmental Protection and the Army Corps of Engineers permits have been approved and the construction contract for the Airport Access Road has been signed by the Monongalia County Development Authority. Construction will begin soon on the clearing and grading of the site. During the interim, the WV National Guard will be utilizing Everlasting Lane to access the new National Guard Readiness Center, once complete. The access road will be funded with a Federal grant and local funds.

  
Jeff Mikorski ICMA-CM,  
Morgantown City Manager

# City of Morgantown

## Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone (304) 284-7407/Fax 7418

# MEMO

**DATE:** November 13, 2013

**TO:** Jeff Mikorski, ICMA-CM  
City Manager

**FROM:** Joseph R. Sabatelli, CPA  
Finance Director



**RE:** Health Plan Renewal Rates - Effective 1/1/2014

The following summarizes the proposed rate changes in the City of Morgantown's Group Health Plan effective January 1, 2014:

	<u>2013</u>	<u>2014</u>	<u>% Change</u>
<u>Fixed Costs:</u>			
Reinsurance Premiums	\$ 578,246	\$ 578,246	0.0%
Administrative Fees	<u>158,131</u>	<u>159,494</u>	0.9%
	\$ 736,377	\$ 737,740	0.2%
<u>Projected Claims (120%)</u>			
Medical Claims	\$2,661,602	\$2,855,380	7.3%
Prescription Claims	791,115	735,354	- 7.0%
Dental	160,801	144,083	- 10.4%
Vision	<u>0</u>	<u>47,447</u>	100.0%
Projected Claims	\$3,613,518	\$3,782,264	4.7%
Total Costs to be Funded	\$4,349,895	\$4,520,004	3.9%

The City budgeted for rates to decrease in health plan contributions as of January 1, 2014. Consequently, the rates to be implemented January 1, 2014 effect an approximate 8.0% increase from the amount originally budgeted for the fiscal year. This results in total additional costs to the General Fund of approximately \$127,550.

In accordance with the policy adopted by Council on June 1, 2010, it is also proposed that employee and retiree contribution rates increase 3.9%, effective January 1, 2014, except that rates related to the spousal surcharge, Medicare Advantage participants, and those required to pay the full premiums have been adjusted according to premium requirements. I have attached schedules of the rates for each benefit group.

**City of Morgantown  
Group Health Plan  
Employee Contribution Rates (Per Pay Period)  
Effective January 1, 2014  
(with 3.9% Increase)**

Class I - Employees with annual regular earnings up to \$23,711

Class II - Employees with annual regular earnings between \$23,712 and \$39,519

Class III - Employees with annual regular earnings over \$39,519

	Medical Only	Dental Only	Vision Only	Medical & Dental	Medical & Vision	Dental & Vision	Medical, Dental & Vision
<u>Class I</u>							
Single	\$ 3.91	\$ 2.68	\$ 1.92	\$ 4.34	\$ 5.83	\$ 4.60	\$ 6.26
Family	\$ 13.65	\$ 3.52	\$ 3.84	\$ 14.92	\$ 17.49	\$ 7.36	\$ 18.76
<u>Class II</u>							
Single	\$ 7.02	\$ 2.95	\$ 1.92	\$ 7.72	\$ 8.94	\$ 4.87	\$ 9.64
Family	\$ 23.41	\$ 4.37	\$ 3.84	\$ 25.53	\$ 27.25	\$ 8.21	\$ 29.37
<u>Class III</u>							
Single	\$ 7.79	\$ 3.01	\$ 1.92	\$ 8.55	\$ 9.71	\$ 4.93	\$ 10.47
Family	\$ 25.74	\$ 4.58	\$ 3.84	\$ 28.07	\$ 29.58	\$ 8.42	\$ 31.91
Spousal Surcharge**		\$ 329.49					

*All contributions will be withheld on a before-tax basis under the Section 125 Plan, unless you waive this election.*

*Contribution rates are subject to change by action of the Morgantown City Council.*

*\*\*The Spousal Surcharge will be charged each pay period for spouses remaining on the plan that do not meet certain criteria.*

**City of Morgantown  
Group Health Plan  
Retiree Monthly Contribution Rates  
Effective January 1, 2014  
(with 3.9% Increase)**

**NON-MEDICARE  
(UNDER AGE 65)**

	Pre 1/1/11 Hires	Post 1/1/11 Hires
Single	\$ 123.34	\$ 704.12
Family	\$ 249.81	\$ 1,672.41
Spousal Surcharge**	\$ 713.90	

**MEDICARE  
(AGE 65 AND OLDER OR DISABLED)**

	Medicare Advantage Plan Pre 1/1/11 Hire	Medicare Advantage Plan Post 1/1/11 Hire
Single	\$ 65.60	\$ 82.00
Spouse	\$ 131.20	\$ 164.00

	Non-Medicare Advantage Plan
Single	\$ 704.12
Family	\$ 1,672.41

*If members of a family belong to both the Medicare and Non-Medicare groups, family members will be charged according to the applicable single rate for each participant (or family rate if more than one eligible dependent).*

*Contribution rates are subject to change by action of the Morgantown City Council.*

*Medicare eligible retirees electing to return to the City's plan must pay the entire premium.*

*\*\*The Spousal Surcharge will be charged each monthly for spouses remaining on the plan that do not meet certain criteria.*

## BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES

### **BOARD OF ZONING APPEALS:**

Thomas Shamberger does not wish to continue to serve on this board. The Clerk did not get enough candidates and will advertise with Council's approval. Deadline for applicants is December 6, 2013. Residents appointed by City Council-5members.

### **TRAFFIC COMMISSION:**

5<sup>th</sup> ward and 7<sup>th</sup> ward members have resigned. Councilors Shamberger and Ganz are looking for replacements. Residents appointed by Council, must represent specific categories.

### **URBAN LANDSCAPE COMMISSION:**

Judy Kierig resigned this is a Second Ward representative, our Second Ward Councilor (Bill Kawecki) is searching to find a replacement. Attached is bio. for Adrian Olmstead Councilor Kawecki's candidate for the Second Ward vacancy. Council can vote on this on November 19, 2013. Residents appointed by Council, must represent specific categories.

### **WOODBURN SCHOOL REDEVELOPMENT COMMISSION:**

7 members shall be appointed by Council. Deadline for applicants was November 7, 2013. Council will interview candidates at two separate Special Meetings.

**\*POLICE & FIRE CIVIL SERVICE COMMISSIONS:** NEW PRESIDENTS APPOINTED 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.*

*\*Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, that they will not interview; the City Clerk will check with Council before scheduling a Special Meeting.*

*\*BZA and Planning Commission term expirations are advertised in October and interviews must be completed by December per State Law.*

*Boards and Commission interview structure will be reviewed at a Committee of the Whole.11/12/13*

## **Morgantown**

**Request ID:** 28504

**Request Form:** Volunteer for City Boards and Commissions

**Received:** Tuesday, November 05, 2013

**Status:** Completed

**Priority:** Normal

**Assigned To:** Bethany Sypolt

### **Contact Details**

**From:** Adrian Olmstead

**Email:** adrianolmstead8@gmail.com

**Telephone:** 304.594.2952

**Address1:** 442 Park St.

**Address2:**

**City:** Morgantown

**State:** WV

**Zip Code:** 26501

**Pref. Method of Response:** E-Mail

### **Questions and Answers**

**Are you a Morgantown resident?:**

Yes

**In which City Ward do you live?:**

**E** 2nd Ward

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

Acree and Sons, LLC

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

30

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

Geneologist for oil & gas company

**Do you have any professional certifications or licenses?:**

Realtor

TEOFL (Teacher of English as a Foreign Language)

**Do you have any pertinent special interests?:**

Beautification of Morgantown

Gardening

Interior Design

Healthful Living

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

Urban Landscape Commission

### **Staff Activities**

The status of the request was changed from Active to Completed. on 11/8/2013 at 11:57 AM

### **Public Activities**

Request was successfully submitted. by EXEC EXEC on 11/5/2013 at 2:02 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. by Bethany Sypolt on 11/8/2013 at 11:56 AM

An email was sent to adrianolmstead8@gmail.com. by Bethany Sypolt on 11/8/2013 at 11:57 AM

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 ~~2012~~ 2013 Replacement Pages to the City Code are hereby approved and adopted.

Traffic Code

345.28 Video Screens and Monitors, Television Receivers in View of Driver Prohibited. (Amended)

General Offenses Code

521.01 Liquor Control Definitions. (Amended)  
545.03 Exceptions to Carrying Concealed Deadly Weapons. (Amended)  
545.04 Persons Prohibited from Possession of Firearms. (Amended)

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

FIRST READING:

\_\_\_\_\_  
MAYOR

ADOPTED:

FILED:

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

RECORDED:

**RESOLUTION**

*The City of Morgantown met on November 19, 2013, with a quorum present and passed the following resolution:*

***Be It Resolved that the City of Morgantown hereby authorizes its City Manager, Jeff Mikorski, to act on its behalf to enter a contractual agreement with the Department of Justice, Office of Justice Programs, to receive and administer grant funds from the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program for Equipment and Technology Upgrades for the City of Morgantown.***

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**MAYOR**

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**CITY CLERK**



# Morgantown Police Department

300 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7522  
[www.morgantownwv.gov](http://www.morgantownwv.gov)



## **Program Narrative – Revised (Attachment 1)**

The City of Morgantown, West Virginia is applying for the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. According to the 2013 West Virginia JAG Allocations, the individual allocation award for Morgantown City is \$22,378.00. The police department plans to use these funds for equipment purchases that will enhance citizens' and officers' safety and upgrade building security. These equipment and technology enhancements and upgrades are the purpose areas for this grant. The first and largest portion of these funds will be used for the safety equipment. That will help the police department with its overall mission of providing quality law enforcement services and equipment needed to accomplish this goal. The equipment will provide more officers with tools to protect society and themselves, which is a pillar that American Law Enforcement is built upon. The second part will be the purchase and installation of building security upgrades and related technology. The upgrades and technology will provide a more secure working environment for the police department and the citizens that travel there for service. This occurs at a time when the decline in the economy has made it difficult for police departments to purchase needed equipment and technology to perform their ever demanding duties and provide the type of services that the public has come to expect.

The City plans to use its grant funds to purchase 15 less lethal, defensive weapons. These weapons are electro-muscular disruption devices (EMDs), commonly referred to by the brand name, Taser. In conjunction with that purchase, 31 EMD cartridges and 18 EMD batteries need to be bought in order to have an adequate amount of reserve gear to employ the new EMDs. EMDs

enhance citizens' and officers' safety because apprehending hostile and violent individuals often results in physical altercations that lead to officers and suspects being injured. EMDs have proven effective in efficiently stopping hostile and violent individuals, reducing the threat to citizens as well as preventing injury to both officers and suspects. Plans for building security upgrades and technology include purchasing and installing magnetic locks for the main entrance door, a key pad / card swipe entry for employees, an audible signal button for the public that will be answered via intercom, an exterior camera linked to a DVR and a lap top computer containing software to manage the system, and fire alarm disengagement wiring. This system will be used after close of the City's normal business hours and will be operated from within the communications center. It will help control access to the police department during the times that are frequently the busiest with arrests and subsequent bond releases. Antagonistic people and crowds often gather currently, which create an unnecessary risk to citizens present for legitimate reasons and police officers. All of these purchases from this grant will enhance the safety of the public and police officers, along with improving the Morgantown Police Department's ability to perform day to day duties at the high level its community has come to expect.

The City of Morgantown will act as the fiscal agent for this Grant. The City uses accepted financial practices of tracking all draw downs and purchases by the use of a purchase order system, receiving reports, and the payment and tracking of all invoices. The City will place the grant funds into an account by itself and it will be handled separately from other grants or federal funding. The City of Morgantown will use the grant funds in the purpose area designated to improve or enhance its equipment and technology. The City will work toward completing all of the goals and objectives of the grant during the assigned grant period. It will file the appropriate financial, progress, and / or other required grant reports according to the grant guidelines.

*RESOLUTION*

**WHEREAS,** The City Council of the City of Morgantown, West Virginia, met on November 19, 2013, and passed the following resolution:

**BE IT RESOLVED THAT THE CITY OF MORGANTOWN** hereby authorizes its City Manager, Jeff Mikorski, to act on its behalf to enter into an agreement with the West Virginia Division of Motor Vehicles to apply, receive, and administer grant funds pursuant to provisions of the West Virginia Governor's Highway Safety Program.

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MAYOR

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CITY CLERK

**GRANT CONTRACT AGREEMENT**  
**BETWEEN THE**  
**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF MOTOR VEHICLES**  
**AND**  
**CITY OF MORGANTOWN**  
**F14HS-18**

This **AGREEMENT**, entered into this 1st day of October 2013, by the Secretary of Administration, for and on behalf of the State of West Virginia, Department of Transportation, Division of Motor Vehicles hereinafter referred to as "DMV," and The City of Morgantown hereinafter referred to as "Subgrantee."

**Whereas**, DMV is the recipient of a National Highway Traffic Safety Administration appropriation from the United States Department of Transportation, and

**Whereas**, the Subgrantee is an eligible applicant, who is desirous of receiving funds to **maintain the Traffic Safety Program.**

**Now, therefore**, the parties hereto mutually agree as follows:

1. The Subgrantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. DMV agrees to assist the Subgrantee to perform such tasks and functions as set forth in the application which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Subgrantee shall do, perform, and carry out in a satisfactory manner as determined by DMV all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Subgrantee shall commence its duties under this Agreement on October 1, 2013, and continue those services/activities through September 30, 2014. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.

5. In consideration of the services rendered by the Subgrantee, the sum of up to **\$110,000** shall be obligated by DMV and said amount shall be deemed to be the maximum compensation to be received for this agreement unless a written modification is entered into between the parties amending the Agreement.
6. It is the understanding of all parties, to this Agreement; that DMV by joining in the Agreement neither pledges, nor promises to pledge, the credit of the State of West Virginia, nor does it promise payment of the compensation hereunder from monies from the "Treasury of the State of West Virginia."
7. To be eligible for any and all payments of the grant amount, the Subgrantee shall submit a Request for Reimbursement no more frequently than once a month to DMV. Upon receipt of said request, DMV shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. The Subgrantee shall submit both a fiscal report detailing expenditures and a narrative progress report on a monthly basis by the 20<sup>th</sup> day of the following month.
8. The Subgrantee hereby represents that it possesses the legal authority to contract for this Agreement. Furthermore that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, or motion of similar action, which the Subgrantee's governing body has clearly adopted or passed; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Subgrantee is a State agency, the completed application signed by the agency head is sufficient.
9. The Subgrantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that DMV has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
10. If, through any cause, the Subgrantee shall fail to fulfill in a necessary and proper manner his obligations under this Agreement, the DMV may withhold payments to the Subgrantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the DMV reasons for taking said action.
11. DMV and Subgrantee may from time to time require changes in the scope of services performed hereunder. Subgrantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation here-under or work to be performed, which are mutually agreed upon between the parties shall be in writing.

12. If for any reason funds received by DMV are suspended or terminated, in whole or in part, funding for this agreement shall cease.
13. The Subgrantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to DMV a final report on forms provided by DMV. Said reports shall reflect actual costs incurred during the terms of this Agreement.
14. The parties hereto agree that notice shall be given by personal service or served when mailed certified US Mail, postage prepaid, return receipt requested to the following addresses:
  - a. Governor's Highway Safety Program  
5707 MacCorkle Avenue, SE  
P. O. Box 17600  
Charleston, West Virginia 25317-0010
  - b. **Subgrantee Mailing Address:**  
**City of Morgantown**  
**389 Spruce Street**  
**Morgantown, West Virginia 26505**
15. The Subgrantee shall hold and save DMV and its officers, agents, and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent, or representative of the Subgrantee.

**IN WITNESS WHEREOF**, the parties hereto attach their signatures representing that each is acting with full authority.

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**Jeff Mikorski**  
**City Manager**  
**City of Morgantown**

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**Steven O. Dale**  
**Commissioner**  
**WV Division of Motor Vehicles**

**RESOLUTION**

*WHEREAS, the City of Morgantown must submit the necessary paperwork to obtain \$20,000 for the West Virginia Public Theatre which has been listed as a project for a Community Participation Program Grant; and*

*WHEREAS, the grant would help to fund production expenses ;and*

*WHEREAS, Morgantown City Council is of the opinion that this project is of great benefit to the residents of Morgantown.*

*NOW, THEREFORE, BE IT RESOLVED by the City of Morgantown this 19th day of November, 2013, that the City agrees to apply for and administer the Community Participation Grant Program, Project Number 13LEDA1014N, funds for use for the West Virginia Public Theatre*

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*Mayor*

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*City Clerk*

# Community Participation Grant Program

Fiscal Year 2010



**Grantee:** City of Morgantown

**Project Title:** West Virginia Public Theatre - Production Expenses

**Project Number:** 10LEDA1014N

**Amount:** \$20,000

## Section 1: Grantee (Local Governing Agency)

GOVERNING AGENCY NAME:	City of Morgantown				
CONTACT PERSON:	Jeff Mikorski	E-MAIL:	jmikorski@cityofmorgantown.org	PHONE:	304-284-7405

Yes  No Are funds requested for a nonprofit organization? If yes, complete Section 2.

## Section 2: Subgrantee (Nonprofit Organization)

NONPROFIT ORGANIZATION:	West Virginia Public Theater				
EXECUTIVE DIRECTOR:	Ron Iannone	E-MAIL:	info@wvpublictheatre.org		
ADDRESS:	111 High Street	CITY:	Morgantown	ZIP:	26505
PHONE:	304-291-4117	WEBSITE:	wvpublictheatre.org		

Federal nonprofit certification, 501 (c) determination letter from Internal Revenue Service is attached.

Mission statement, brochure, or web page explaining the organization's mission and services provided is attached.

## Section 3: Project Details

Describe in specific terms the scope of the work to be completed and the proposed use(s) of the grant funds. A separate sheet may be attached if additional space is needed.

DESCRIPTION OF PROJECT:
West Virginia Public Theatre (WVPT) provides top quality, professional musical theatre to several thousands of patrons each year. Each season, WVPT performs a number of plays and musicals in Morgantown. This grant will reimburse costs associated with these plays and musicals.

### PROJECT LOCATION:

OWNER OF PROJECT SITE, PROPERTY OR BUILDING:	City of Morgantown, managed by the Morgantown Board of Parks and recreation
LOCATION AND ADDRESS WHERE GRANT FUNDS WILL BE USED (SUFFICIENT TO DRIVE TO SITE):	WVPT rents several sites for preparation, housing, and actual productions. The MET is the current location for productions located at 369 High St.

Attach a copy of the property deed if project site(s) or building(s) are owned by a nonprofit organization. Application WILL NOT be processed without a deed.

## Section 4: Funding Summary

A minimum of 10% is required as a local match. Attach commitment letters for each funding source listed below.

	AMOUNT	SOURCE GRANT, BANK LOAN, FUNDRAISING, ETC.	STATUS PENDING, APPROVED, ONGOING, ETC.	DOCUMENTATION LETTER, RESOLUTION, ETC.
GRANT FUNDS REQUESTED	\$ 20,000			
LOCAL FUNDS (10% REQUIRED MATCH)	\$ 2,000			
OTHER FUNDS	\$			
OTHER FUNDS	\$			
OTHER FUNDS	\$			
<b>TOTAL PROJECT COST</b>	<b>\$ 22,000</b>			

Grantee: City of Morgantown  
Project Title: West Virginia Public Theatre - Production Expenses

Project Number: 10LEDA1014N  
Amount: \$20,000

## Section 5: Assurances and Signature

The Grantee hereby assures the State that it and any Subgrantee(s) shall comply with the following laws, regulations, policies, and requirements:

1. The Grantee will perform the work for which the grant was made as determined by the State.
2. The Grantee will start work on the project before the end of the fiscal year in which the grant award is made.
3. The Grantee will comply with the equal employment provision of Titles VI and VII of the 1964 Civil Rights Act and Presidential Executive orders 11246 and 11375 in its hiring practices for work to be performed using grant funds.
4. The Grantee will solicit competitive bids on any major work element exceeding \$2,500 in cost as per West Virginia Purchasing Division procedures outlined in Section 3 of the Purchasing Division handbook, authorized by the WV Code of State Rules Title 148 Series 1. Purchasing Division competitive bidding requirements, at a minimum, are as follows:

▪ \$2,500 or less	▪ No bids required; however, competition is encouraged
▪ \$2,500.01 to \$5,000	▪ Three verbal bids documented on a verbal bid summary
▪ \$5,000.01 to \$25,000	▪ Three written bids required
▪ \$25,000 or more	▪ Class II Legal Ads required
5. The Grantee will comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A for all contracts, involving, but not limited to, construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work necessary for the undertaking and completion of the project, regardless of the source of funds utilized to pay such construction contracts. Bids for such contracts shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3.
6. The Grantee will pay State prevailing wage rates on contract construction unless federal funds are included in the project, in which case, the higher of the State's or Davis-Bacon wage rates will be paid on all contract construction.
7. The Grantee shall obtain professional services, such as consulting, through a request for proposals. Architectural or engineering services shall be pursued in accordance with West Virginia Code §5G.
8. The Grantee assures no costs will be incurred or commitments made relative to a grant prior to the approval of this grant and execution of a contract with the State of West Virginia.
9. The Grantee assures project sites and buildings will be publicly owned or owned by a federally certified nonprofit organization. The use of grant funds at/for private property or private gain is prohibited.
10. The Grantee assures that any part of the project to be occupied by the general public will be made accessible to the handicapped.
11. The Grantee assures that any permits, licenses, or other requirements of particular State or Federal agencies necessary for the project's design, construction, or operation will be secured.
12. The Grantee will not subgrant any of the grant funds received to any of its officials or employees or the members of their families or to employees of the WVDEO or members of the State Legislature in any contracts awarded for work to be performed.
13. The Grantee will maintain and have available for inspection on written request by the State all records kept on the project including bid documents, copies of all contracts, contractors' payrolls, time sheets, and invoices. The Grantee further assures the State that it will schedule an audit of any grant funds to be included in its annual audit as performed by the State Tax Department.
14. The Grantee assures that it has the legal authority to apply for this grant, commit any local matching shares, authorize the person signing the grant to act as an agent for the grantee and abide by the assurances described in section 5 of this application.
15. As the grantee, the county or municipality will act as the administrator of any grant funds provided to nonprofit organizations and will maintain fiduciary responsibility for the expenditure of funds.

# West Virginia PUBLIC THEATRE

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## Board of Trustees

### Officers:

Carol Rotruck  
President

Ed Johnson  
Vice President

Kim Clarke  
Secretary

Kevin Taylor  
Treasurer

### Trustees:

Ro Brooks  
Ron Iannone  
Steve LaCagnin  
Robert Kushner  
Dottie Oakes  
Janet Paladino  
Rodney Pyles  
Michael Licata  
Devon Stewart  
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Bill and Susan Seaforth Hayes  
David and Kathy Raese  
Norma Jean Skriner  
Joseph Timms

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Tom Rogers  
Neil Bucklew  
Darlene Dunn  
Ron Stovash  
Stephanie Stovash  
Deborah Prezioso  
Roman Prezioso

111 High Street  
Morgantown, WV 26505  
Phone: (304) 291-4117  
Fax: (304) 291-4125  
Tickets: (304) 291-4122

Email:  
info@wvpublictheatre.com  
Web:  
www.wvpublictheatre.com

West Virginia Public Theatre continues to exist because of the generosity of our sponsors, private donors, grants and the State of West Virginia. Due to the generous out-pouring of contributions from private donors and businesses, we produced a fabulous 2013 season, and have planned an impressive 2014 season. Our supporters understand the value both artistically and economically that West Virginia Public Theatre adds to our community, our region and our State.

West Virginia Public Theatre is a professional, non-profit theatre which produces high-quality Broadway-style productions, and:

- provides educational experiences for children,
- provides free tickets to the underserved of our area, (*over \$19,000 in tickets donated*)
- produces our own shows from start to finish, (*average cost to produce is \$45,000 per show*)
- hires local staff, musicians, and creative talent, (*average cost for Orchestra \$9,000 annually*)
- hires and houses a staff of professional actors, directors, choreographers, and designers each year, creating over 130 jobs, (*average seasonal salaries \$156,000, plus 2 full year staff*)
- rents the Metropolitan Theatre, administrative offices, vehicles and storage/work space to build sets and costumes, (*average cost \$54,000 annually*)
- locally purchases lumber, fabric, and supplies for each production, (*average cost \$14,000 annually*)
- attracts thousands of tourists to West Virginia, more specifically Morgantown and its downtown area. (*In 2013 over 1,200 ticket holders attended through bus tours*)

Another benefit is that West Virginia Public Theatre provides to the community and region a professional theatre experience at an extremely reasonable price. For our 2013 season, we substantially reduced our ticket price to attract a more diverse audience. Yet, our ticket sales provide us with less than one-third of our operating expenses.

Additionally, for 16 years our Holiday Show has annually reached over 11,000 students and adults from schools in 16 counties across West Virginia, Maryland, and Pennsylvania; and, we continue to receive excited responses from teachers and principals about the joy it gives their students. The school systems attend at discounted rates, and each year we provide study guides and other material for the teachers and students to promote literacy through the use of drama. (This year the Holiday Show will be *The Wizard of Oz*.)

The cost of producing first-rate theatrical productions continues to grow. Recruiting talented artists has become more competitive. Even though we have seen our production costs increasing we have been able to maintain artistic quality while considerably stream-lining our bottom line.

This investment enables us to continue providing family entertainment, community outreach projects, and educational programs as we attract thousands of tourists to the area. Your continued support and partnership is a vital part of our future. If you should have any questions please feel free to contact us at (304) 291-4117 or visit [www.wvpublictheatre.org](http://www.wvpublictheatre.org).

Best Regards,

*West Virginia Public Theatre*

*Celebrating 30 years of presenting Broadway's Best!*