



Office of the City Clerk

# The City of Morgantown

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**AGENDA**  
**MORGANTOWN CITY COUNCIL**  
**REGULAR MEETING**  
**November 15, 2016**  
**7:00 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES: COW Meeting Minutes 10/28/2016, and Regular Meeting Minutes 11/1/2016.**
5. **CORRESPONDENCE:**  
**PROCLAMATIONS: Small Business Saturday**
6. **PUBLIC HEARINGS:**  
**A. AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE.**
7. **UNFINISHED BUSINESS:**  
**A. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE.**  
**B. BOARDS AND COMMISSIONS**
8. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION**
9. **SPECIAL COMMITTEE REPORTS:**
10. **NEW BUSINESS:**

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

**New Business:**

1. Meeting with Carye Blaney
2. Hazel Ruby McQuain Park

12. **REPORT FROM CITY CLERK:**

13. **REPORT FROM CITY ATTORNEY:**

14. **REPORT FROM COUNCIL MEMBERS:**

16. **ADJOURNMENT:**

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



**Office of the City Manager**

# The City of Morgantown

Interim City Manager  
COL (Ret) Glen Kelly  
389 SPRUCE STREET  
MORGANTOWN, WEST VIRGINIA 26505  
(304) 284-7404 FAX: (304) 284-7430  
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**November 10, 2016**

## **City Manger's Report for City Council Meeting on November 15, 2016**

### **New Business:**

**1. Meeting with Carye Blaney**

This is to inform council that we met with Carye Blaney the county clerk. We had members of city staff, our demographer and the ward and boundaries commission.

**2. Hazel Ruby McQuain Park**

The foundation is willing to allow us to submit a more comprehensive plan for repairing and upgrading the park. They will allow us to submit our final grant proposal in the spring. We are continuing to work with BOPARC and our grant writer to complete this grant.

**Glen Kelly**

**Interim City Manager  
Morgantown, West Virginia**

**COMMITTEE OF THE WHOLE MEETING October 25, 2016:**

The committee of the whole meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 25, 2016 at 7:00 p.m.

**PRESENT:** Interim City Manager Glen Kelly, City Attorney Ryan Simonton, Mayor Marti Shamberger, Deputy Mayor Kawecki, Ron Bane, Wes Nugent, Jenny Selin, Jay Redmond, and Nancy Ganz.

Deputy Mayor Kawecki called the meeting to order.

**PRESENTATIONS:**

**1. Animal Control & Double Taxation**

Dana Johnson, Manager of Canine Adoption gave Council an overview of what the County does for the Cities agreement of \$37,000. She stated that wardens enforce City laws, collect dead cats and dogs. Council asked questions. Renetta McClure, Commission Administrator, explained to Council that each municipality adds its own tax, county residents pay \$3.00, city resident pays \$6.00 and the assessor collects \$3.00 which is 10% and the rest is the cities.

**2. Arts Mon Presentation- Jack Thompson**

Deputy Mayor Kawecki announced Mr. Thompson canceled due to illness and will do presentation at November 29<sup>th</sup>, 2016 Cow. He also announced that Mr. Thompson was going to announce the upcoming Art Auction on November 11, 2016.

**3. Habitat for Humanity**

Shawanda Cook, Director for Habitat for Humanity, informed Council of upcoming homes being built and requested their support in waving fees for building permits. After discussion and question session, Deputy Mayor called for Green Team Presentation.

**4. Green Team Presentation**

Joey James, representing Green Team, presented the Energy Assessment Report to Council. He stated that the report the locations were assessed City Hall, Public Safety Building, Woodburn (Main Building), Woodburn (Friends of Decker's Creek), Southside Fire Station, City Maintenance Garage and Signs and Signals. He noted that the implementation cost would be \$113,104 and that the potential saving would be \$32,755. He asked Council per the Green Team to consider a budget line item for this project to continue this cost savings for the City. After discussion and suggestions from assessment member Alexandra Davis, Deputy Mayor called for John Sonnenday Presentation.

**5. John Sonnenday Presentation**

John Sonnenday, Chair, Coordinating Council on Homeless, updated Council on the progress made since the Task Force was developed and how pleased he was with the community meeting at the Spruce Street Church. He noted that from that meeting many committees have been formed and another meeting will be held soon to look at each committee to see what comes next. He thanked Council for their continued support of this

community concern.

**PUBLIC PORTION:**

Travis Henline, Director of Main Street, read a letter of support in hiring Glen Kelly as the next City Manager for Morgantown. **Exhibit A**

Joseph Schaeffer, Attorney speaking on behalf of Calvary Baptist Church urged Council to place the Zoning on to the Regular agenda for First Reading.

**ITEMS FOR DISCUSSION:**

**1. Double Taxation**

After explanation from Interim City Manager Glen Kelly and discussion from Council. No action on this item.

**2. Arts Mon**

After discussion of waiving fees for Arts Mon. Council requested the Interim City Manager Glen Kelly to research the waiving of the fees for non-profits and report back to Council. No action on this item.

**3. John Sonnenday-Task Force**

After discussion Mayor Shamberger requested to support task force with a Resolution and to appoint a City Councilor to be a member on the Task Force. Council by consensus referred item to the Regular Agenda.

**4. Firearm Ordinance**

Interim City Manager Glen Kelly explained the ordinance. After discussion, and questions by Council. Council referred ordinance to the Regular Agenda by consensus.

**5. Zoning Ordinance Southern Baptist Convention RZ 16-05**

Interim City Manager Glen Kelly explained the zoning ordinance and that the Planning Commission voted not to approve, but per procedure ordinance must be placed on the Regular Agenda. Council suspended the rules to have Chris Fletcher, Planning Director answer questions. Mr. Fletcher informed Council the opposition was that the area neighbors wanted the zoning to remain R-1. After discussion, Council referred Zoning Ordinance to the Regular Agenda by consensus.

**6. Legislative Issues**

Interim City Manager Glen Kelly presented proposed Legislative Items to Council for 2017:

Airport Protection Against Land Development and Land Use Encroachments. Overlay District, Reintroduction and continued support of H.B. 2479, change in aviation fuel tax from 14.2 cents a gallon to 25

cents a gallon to support the State of West Virginia's 5% match of FAA grants for airports and review and introduce Unauthorized Substance Tax. After discussion, and questions asked by Council to Interim City Manager Glen Kelly, City Attorney Ryan Simonton and Chief Ed Preston. Council by consensus approved the 4 Legislative items presented by the Interim City Manager. **Exhibit B**

**ADJOURNMENT:**

There being no further business, Council adjourned the committee of the whole meeting at 9:30 pm.

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

\_\_\_\_\_  
Mayor

Exhibit A



# MAIN STREET morgantown

[downtownmorgantown.com](http://downtownmorgantown.com) • [director@downtownmorgantown.com](mailto:director@downtownmorgantown.com)

Main Street Morgantown, Inc. • 201 High St., Suite 2 • Morgantown, WV 26505 • (304) 292-0168

October 20, 2016

Dear Mrs. Tucker:

Please find attached a letter of support from Main Street Morgantown. We would like to request that this letter be distributed to each member of the Morgantown City Council and to the acting City Manager, Glenn Kelly prior to the Committee of the Whole meeting on Tuesday, October 25.

Please let me know should you have any questions or concerns. Thank you.

Sincerely,

Travis Henline

Executive Director

Main Street Morgantown



# MAIN STREET morgantown

[downtownmorgantown.com](http://downtownmorgantown.com) ♦ [director@downtownmorgantown.com](mailto:director@downtownmorgantown.com)

Main Street Morgantown, Inc. ♦ 201 High St., Suite 2 ♦ Morgantown, WV 26505 ♦ (304) 292-0168

October 20, 2016

Morgantown City Council:

On behalf of Main Street Morgantown, we would like to offer our commendation and thanks to Colonel Glen Kelly for the leadership and vision he has brought to the position of City Manager while he has been serving in that role in recent months. Colonel Kelly has demonstrated a refreshing leadership approach that has been very effective in moving a number of things forward, facilitating momentum and results regarding several projects and issues. His approach has been very proactive and his understanding of the issues facing our city has been clear. There have been noticeable and tangible differences that we have witnessed and that have been reported to us by a number of individuals in the business and non-profit communities of our city, among others. Moreover, many people have indicated there has been a palpable improvement in attitude and morale among city employees since Colonel Kelly has assumed this leadership role.

We at Main Street Morgantown would like to reiterate our support of Colonel Kelly, and highly encourage the Morgantown City Council to consider him for the permanent position as our next City Manager. He is capable, determined and effective, and we believe he is the best choice to move our city forward. Thank you for your consideration.

Sincerely,

Travis Henline

Executive Director

Main Street Morgantown

**REGULAR MEETING November 1, 2016:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, November 1, 2016 at 7:00 p.m.

Mayor Shamberger announced item B under New Business on the Agenda is being pulled due to the fact that new ordinances must go to the COW Meeting for discussion and referred by Council to be placed on the Agenda. She pulled Items C&D under New Business for items that were already approved and are part of Resolutions F&G.

**PRESENT:** Interim City Manager Glen Kelly, City Attorney Ryan Simonton, City Clerk Linda Tucker, Mayor Marti Shamberger, Council Members: Ron Bane, Deputy Mayor Bill Kawecki, Wes Nugent, Jenny Selin, Jay Redmond, and Nancy Ganz.

The meeting was called to order by Mayor Shamberger.

**APPROVAL OF MINUTES:** October 18, 2016 Special Meeting Minutes; October 18, 2016 Regular Meeting Minutes; and October 25, 2016 COW Meeting Minutes were approved by acclamation. Mayor Shamberger noted receiving a thank you from the Koon Family for presenting a proclamation honoring them for singing for 50 years.

**CORRESPONDENCE:** Mayor Shamberger presented proclamations for Extra Mile and National Hospice Palliative Month. Mayor Shamberger announced an event held on Saturday involving 40 WVU Greek Life Students, Morgantown Fire Department. She stated that American Red Cross, Executive Director Carisa Collins reported that information was provided to 100 homes, 15 smoke alarms installed in the 5<sup>th</sup> ward. She requested that the Interim City Manager Glen Kelly help publicize the Red Cross "Smoke Alarm" event to help keep the Community Safe.

**PUBLIC HEARING -** None

**UNFINISHED BUSINESS:** None

**BOARDS AND COMMISSIONS:** By acclamation Council reappointed the following: BZA; Bill Burton, MUB; Frank Scafella, Planning Commission; Peter DeMasters and Planning Commission William Blosser. By acclamation Council appointed the following: Parking Authority; Amy Dale and Traffic Commission Erica Hetzel.

**PUBLIC PORTION:**

Mayor Shamberger declared the Public Portion open.

Tom Bloom, 1021 Ashton Drive, noted he was surprised Council had on the agenda first reading of an ordinance developing a TIF district on Falling Run Road. He stated that he thanked the Mayor for taking the TIF ordinance off the agenda at the beginning of the meeting. He noted that he spoke with Mr. Kelly and that he was going to suggest that the ordinance be placed on COW meeting in November. He noted his concerns about this TIF and thanked Mr. Kelly for recommending delaying the topic and requested Council to investigate the scope of the project. **Exhibit A**

Joseph Schaeffer, 48 Donley Street, representing Calvary Baptist Church noted that the re-zoning of this parcel is consistent with the Comprehensive Plan. He urged Council to approve this parcel to B-2.

There being no more appearances Mayor Shamberger declared the Public Portion closed.

**SPECIAL COMMITTEE REPORTS:** Councilor Ganz gave an update on the Hydro-Power meeting on 11-1-16 and that Council has requested the Interim City Manager Glen Kelly to write a response of no significant impact. She suggested checking into the issue of no significant impact with the Federal Energy Regulatory Commission; coordinate cooperate with developer so that recreation and other interest are taken into consideration and too cooperate with the two other sites. She asked the Interim City Manager to have the City Attorney work with the WVU Land Management Institute to address the 3 issues she brought forth.

Councilor Ganz announced that Suncrest Elementary School will be opening in the next month and requested that the Interim City Manager Glen Kelly work with BOE in annexation of the School. She then mentioned that the US DOE which is also on Collins Ferry Road is needing annexed and requested the Interim City Manager & City Attorney work on both of these projects together.

Mayor Shamberger mentioned that Hotel Motel fees would be a good topic to mention to the Municipal League so that Cities can be on top of the fees that are collected.

By acclamation Councilor Ganz and Councilor Redmond were appointed to the Downtown Task Force.

**NEW BUSINESS:**

**AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE SEVENTH WARD FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-2 SERVICE BUSINESS DISTRICT:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-2 SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN.

Motion by Redmond, second by Nugent to approve the above entitled Ordinance to second reading. After discussion, question was called. Motion failed 5-2. Nugent & Redmond Voted Yes.

**AN ORDINANCE APPROVING AND CREATING A NEW TAX INCREMENT FINANCING DISTRICT:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE APPROVING AND CREATING A NEW TAX INCREMENT FINANCING DISTRICT IN THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA TO BE KNOWN AS "THE CITY OF MORGANTOWN DEVELOPMENT DISTRICT NO.5"; APPROVING THE UPPER FALLING RUN PROJECT PLAN NO. 1 AS APPROVED BY THE WEST VIRGINIA DEVELOPMENT OFFICE; ESTABLISHING A TAX INCREMENT FINANCING FUND AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

This item was pulled from the Agenda per Mayor.

**AN ORDINANCE AUTHORIZING IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM NOT MORE THAN \$100,000,000 IN AGGREGATED PRINCIPAL:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING ACQUISITION & CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN AND FINANCING THE COST OF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$100,000,000 IN AGGREGATED PRINCIPAL.

This item was pulled from Agenda per Mayor.

**AN ORDINANCE AUTHORIZING IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE COMBINED UTILITY SYSTEM THE FINANCING OF THE COST NOT OTHERWISE PROVIDED THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$29,000,000 IN AGGREGATE PRINCIPAL AMOUNT COMBINED SYSTEM REVENUE BONDS SERIES 2016 B-1 AND NOT MORE THAN \$1,000,000 COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016 B-2:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS BETTERMENTS AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST NOT OTHERWISE PROVIDED THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$29,000,000 IN AGGREGATE PRINCIPAL AMOUNT COMBINED SYSTEM REVENUE BONDS SERIES 2016 B-1 AND NOT MORE THAN \$1,000,000 COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016 B-2.

This item was pulled from Agenda per Mayor.

**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 Selin, second by Ganz to approve the above entitled Ordinance to second reading. Motion carried 7-0.

**A SUPPLEMENTAL RESOLUTION RE-DESIGNATING THE PREVIOUSLY AUTHORIZED COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2016 A (TAX EXEMPT) AS COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016 A:** The above entitled Resolution was presented for first reading.

Motion by Ganz, second by Kawecki, to approve the above entitled Resolution. Council suspended the rules to have Tim Ball, MUB Director explain Resolution and answer questions. Motion carried 7-0.

**A SUPPLEMENTAL RESOLUTION AUTHORIZING ISSUANCE OF TWO SERIES AND REDESIGNATING PREVIOUSLY AUTHORIZED COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016 C-1 AS COMBINED UTILITY SYSTEM BONDS SERIES 2016 B-1 AND COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016 B-2 AS TO PRINCIPAL**

**AMOUNTS DATES, MATURITY DATES, REDEMPTION PROVISIONS, INTEREST RATES, INTEREST AND PRINCIPAL PAYMENT DATES, SALE PRICES AND OTHER TERMS OF THE COMBINED UTILITY BONDS:** The above entitled Resolution was presented for first reading.

Motion by Ganz, second by Kawecki to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH THE DIVISION OF JUSTICE AND COMMUNITY SERVICES FOR THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION GRANT PROGRAM:** The above entitled Resolution was presented for first reading.

Interim City Manager Glen Kelly explained. Motion by Selin, second by Ganz to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, GLEN KELLY, TO ACT ON ITS BEHALF TO ENTER A CONTRACTUAL AGREEMENT WITH THE DIVISION OF JUSTICE AND COMMUNITY SERVICES, TO RECEIVE AND ADMINISTER GRANT FUNDS FOR THE SUPPORT OF A PREVENTION RESOURCE OFFICER (PRO) AT MOUNTAINEER MIDDLE SCHOOL:** The above entitled Resolution was presented for first reading.

Interim City Manager Glen Kelly explained. Motion by Selin, second by Nugent to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION SUPPORTING THE DOWNTOWN TASK FORCE:** The above entitled Resolution was presented for first reading.

After discussion, motion by Kawecki, second by Selin to approve the above entitled Resolution. Motion carried 7-0.

**CITY MANAGER'S REPORT:**

**New Business:**

**1. Legislative Agenda Items**

Interim City Manager Glen Kelly asked council for approval of the 4 legislative items to be approved for release to the Municipal League and other entities in support of City Councils Legislative Agenda. The items attached are the same from committee of the whole last week.

**Exhibit B**

After discussion, Interim City Manager Glen Kelly went over the 4 legislative items with Council and by acclamation they approved items to be released.

**2. Demographer Search**

Interim City Manager Glen Kelly informed council that we only received one proposal. He asked council to approve the signing of the contract.

After discussion, motion by Kawecki, second by Ganz to approve signing of the contract for the demographer. Motion carried 5-2. Nugent& Redmond Voted No

**3. Hazel Ruby McQuain Park**

Interim City Manager announced that the mayor, Councilor Selin and Redmond met with the Hazel Ruby McQuain Foundation about a place holder for a grant for repair and improvements at the park. City Administration will continue to work with the foundation, BOPARC, Mon County to develop a grant to fill this requirement.

**REPORT FROM CITY CLERK:** No Report

**REPORT FROM CITY ATTORNEY:** No Report

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane appreciates that the paving in the 1<sup>st</sup> Ward is complete. He mentions that there were some issues with the paving but hopes that next year who ever we get, he would like for us to be a top priority and that paving should start once students leave and be completed by the time they return.

Deputy Mayor Kawecki: Deputy Mayor Kawecki agreed with Councilor Bane with the street milling and paving. He went to Empty Pockets at Woodburn and was enjoyable. He mentions that the Arts Mon will be sponsoring an Arts Auction by Joe Pyles on November 11<sup>th</sup> at Hotel Morgan and the cost for that will be \$10 that can be obtained at the Convention and Visitors Bureau or any Council Member.

Councilor Nugent: Councilor Nugent noted that he has received complaints about the paving in the 3<sup>rd</sup> Ward. He mentioned that he had talked with the City Manager in regards to Aspen Street and how it was repaved. He hopes that because it so late in the season that there are not any corner's being cut. Councilor Nugent stated that when the Falling Run TIF Project is put on the COW meeting and is discussed that any correspondence to and from the West Virginia Development Office be included for Council to review. Councilor Nugent mentioned the RFP portal and how it needs to be unlinked from the City's Website immediately. He also mentioned that route changes at Transit will affect transportation for students. He announced public hearings coming up for the Mountain Line Transit Authority routes through Evansdale will be held on November 8<sup>th</sup> at 1:30 pm and November 9<sup>th</sup> at 6:00 pm at 420 DuPont Road in Westover. He also

reminded everyone that November 8<sup>th</sup> is Election day and encourages everyone to get out and vote and fulfill their civic duty and make your voice be heard.

Councilor Selin:

Councilor Selin noted the paving and patching in the City. and appreciates the portion of the staff that has worked very hard on the paving project. She stated that next year she hopes that they start on time with the paving. She mentioned that Baldwin traffic has calmed down. and the sidewalks progress in the Suncrest area. She also mentioned the yellow lines in the Suncrest area and how it is still an issue. Councilor Selin announced that she spent a couple of days in Philadelphia with the Botanic Gardens visiting various gardens. Councilor Selin talked about the Hydro Electric Facility being considered at our lock & damn and thanked City Administration for their representation at those meetings.

Councilor Redmond:

No Report

Councilor Ganz:

Councilor Ganz noted that she had over 200 children for Trick-or-Treat and enjoys the community spirit of Morgantown. She noted that 4<sup>th</sup> & 7<sup>th</sup> wards have had yellow lines, and very little paving, but did have a milled street. She stated that we did have some paving and would have appreciated signs stated being paved or milled due to User Fee. She reported that someone informed her that attended a meeting with our City Fire Marshall that there has been less fires under the Home Rule by empowering our Fire Marshalls. She announced a Town Hall Safe Community Meeting on November 14, 2016, and referenced the Dominion Post and all the alcohol related incidents and how the city is in need of this Town Hall Meeting. She noted being thankful to serve as a Councilor for the Citizens of Morgantown. She encouraged citizens to either early vote or vote on Election Day as it is our civic duty.

Mayor Shamberger:

Mayor Shamberger welcomed WVU Forestry Class 438 - Human Dimensions & Natural Resources to the Council Meeting. By acclamation Council will have their meeting with Legislatures in December. She thanked the Police for being out and about making it safer during Trick-or-Treat in the 5<sup>th</sup> ward. Mayor Shamberger agrees that the City needs to place a deadline on the paving contract, and if they don't follow the contract have to pay for the delay. She noted that a schedule of what streets get paved would be very valuable for next year. She said thank you to our Veterans Deputy Mayor Kawecki & Interim City Manager Glen Kelly for serving our country. She announced the Veterans Day Parade will be on November

11, 2016 downtown. She noted being very proud of her father-in-law who is a WWI Veteran and 95 years and he will be giving a presentation at Morgantown High on Monday about World War II. She then made the following announcements: WVU Musical Theatre, Faibo, 11-3 to 11-5; M.T. Pockets, Neverwhere, 11-3 to 11-5; MGT. Library, Veterans Day, 11-5; MGT Library, Dracula, & Penny Pinchers Coupon Swap, 11-7; Eastwood Elementary, Honoring Veterans, 11-10; MGT. Library, How2Go Green, 11-10; Bears, Chairs & Derrieres Art Auction, Clarion, 11-11; MGT. Library, Under the Sea, 11-12; Old Time Square Dance & Concert, Marilla, 11-12; Concerts in the Loft/Wesley UMC, 11-13; Adult Relaxation Night, MGT. Library, 11-14; Hemlock Woolly Adelgid Program, 11-20; MGT. Library, Finding Dory, 11-22; MGT. Library, Charlie Brown Library, 11-22; Downtown MGT, Small Bs. Saturday, 11-26 and WVU CAC, David Crosby, 12-1. Mayor Shamberger announced that the Service League will be open 11-5&6 for their Holiday Bazaar at the Old Stone House proceeds go back to the community. Mayor Shamberger sent sympathy to Lisa Dooley on the loss of her husband.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:45 p.m.

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

\_\_\_\_\_  
Mayor

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

My name is Tom Bloom, 1021 Ashton Drive and I am speaking as an individual County commissioner. I was surprised that you had listed a first reading of an ordinance to develop a TIF district on Falling Run Road. I met with Mr. Glen Kelly and he explained to me that he is recommending it be placed on the Committee of the Whole, which I believe is the prudent thing to do....

I spoke to this group on July 5<sup>th</sup> and requested that you respond to several concerns that I voiced. I have not seen any documentation to this date, and I believe there are now two more legal questions that need to be reviewed

- 1) Mr. Maryts presented a letter written on February 2, 2015 which changes the definition of low cost housing to be added to the deed...this document states that it will be updated to the property deed in the Court house.....It never happened....Therefore, with no addition to the deed of record, which takes preference????? The deed or a letter that is not certified, notarized or may never have been approved by all parties?
- 2) The Tif district is being established currently for a nonprofit group. Thereby, they are NON tax producing and can never pay back the TIF...This nonprofit is planning to sell this property to a developer? Or are they going to lease the property?? (which could be considered at a different tax rate) This seems contrary to the reasons for having a TIF in the State of WV?????....

I want to thank Mr. Kelly for his recommendation of delaying this topic and only hope the City Council will answer these questions and also investigate if the scope of the project that was in the application, has been changed.



**Office of the City Manager**

# The City of Morgantown

Interim City Manager  
 COL (Ret) Glen Kelly  
 389 SPRUCE STREET  
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October 25, 2016

## **Proposed Legislative Agenda Items**

### **1. Airport Protection Against Land Development and Land Use Encroachments. Overlay District**

As you are well aware, the City of Morgantown, along with the other local airports across West Virginia, are not afforded local control to protect airspace above and around our airports. In 2014, the City of Morgantown took steps, what appear to be the first in West Virginia, under the Planning and Zoning Code to establish a zoning overlay district. Unfortunately, the overwhelming majority of the Federal Aviation Administration's (FAA) Federal Aviation Regulations (FAR) Part 77 surfaces for which the geometry of the City's Airport Overlay District was designed lies outside the City's corporate boundary.

At the heart of the matter is the lack of legislative authority to enact local protection measures for public health, safety and welfare. Specifically, local measures can protect pilots, passengers, people and property by:

- Identifying possible obstructions before they occur.
- Restricting heights of objects in and around airports so they will not interfere with aircraft operations.
- Providing a link to existing federal processes that evaluate airspace for objects, existing or proposed, to prevent and/or mitigate hazards.
- Reducing the possibility of accidents that could injure both passengers in the air and people on the ground.
- Protecting against incompatible land uses and liabilities.

In addition to potential public safety calamities, our airports are economic assets and engines to both the communities where our airports are located and to the state as a whole. Height obstructions can reduce access to and economic impact our airports have on:

- General business use.
- Movement of people and good
- Tourism and recreation.
- Air Ambulance

## SOLUTION = COLLABORATION + LEGISLATION

We need to understand this is a local, regional AND statewide problem. We need to recognize our obligation to protect life in the air; life and property on the ground; and, our airports' economic vitality and growth potential. We need the right people working together to develop creative solutions that fit our unique physical and political landscapes. We need legislation to empower local authority and intergovernmental coordination to establish protection around our airports through the airport sponsors authority to establish an airport.

I respectfully request Morgantown City Council, through the City Manager's Office, to include this matter on its 2017 legislative agenda and work towards a joint legislative study resolution during the 2017 Legislative Session.

A study resolution will enable the issue to be assigned to a joint legislative committee for study, engagement of affected entities and interested sectors, identification of factual constraints and creative solutions, scheduling of informative hearings, and the formation of a legislative bill that could be considered during a Special Legislative Session in 2017 or during the Regular Legislative Session in 2018.

Creative solutions are long overdue, but measured exploration should lead to a higher degree of participation, support and endorsement resulting in a stronger legislative effort to advance local public safety and desired economic development outcomes.

**2. Re-introduction and continued support of H.B. 2479. The purpose of the bill is to state the legal right and authority of state and local law enforcement to enter public areas on or adjacent to any private club, or take other appropriate police action to enforce underage drinking laws of WV.**

A comprehensive analysis Alcohol Related Issues, as prepared by Robert F. Williams, House Judiciary Committee is will be attached.

The Attorney General Opinion of January 21, 1970, which has served as the leading interpretation of the WV Code as it relates to Private Clubs is attached. (Tab3) This opinion is clearly outdated and could/should be reviewed for interpretation in accordance with the analysis presented in Tab 2. Should a legislative revision not be appropriate, a re-visitation and analysis of the ABC Code, in particular with attention being paid to the specific action of management of "Private Clubs" as described by the ABC Commission.

- 3. Change in aviation fuel; tax from 14.2 cents a gallon to 25 cents a gallon to support the State of West Virginia's 5% match of FAA grants for airports.**
  
- 4. Review and introduction of an Unauthorized Substance Tax. Such a statute would provide a mechanism for law enforcement to subsidize criminal prosecution of drug and unauthorized substances violations as well as provide a revenue stream for State Government of off-set Coal Severance Funds that have been reduced as a result of economic trends.**

These recommendations are submitted for your discussion and approval.

Respectfully,

Glen Kelly  
Interim City Manager

# Boards & Commissions Available Positions

| <u>Board/Commission</u>                                                               | <u>Appt/reappt</u> | <u>Name of Applicants</u> | <u>Res./Non Res.</u> | <u>Ward</u> | <u>Code Sec.</u> | <u>Other</u> |
|---------------------------------------------------------------------------------------|--------------------|---------------------------|----------------------|-------------|------------------|--------------|
| Historic Landmarks                                                                    | Re-Appt            | ShannonTinnell            | Resident             |             | 167              | exp.11/15    |
|                                                                                       | Re-Appt            | Jeanne Grimm              | Resident             |             | 167              | exp.11/15    |
| Woodburn Commission                                                                   | Re-Appt            | Kerry Lilly               | Resident             |             | 162              | exp. 12/31   |
|                                                                                       | Re-Appt            | Nikki Hoffman             | Resident             |             | 162              | exp. 12/31   |
|                                                                                       | Re-Appt            | Mary Jane Blount          | Resident             |             | 162              | exp.12/31    |
|                                                                                       | Re-Appt            | Chris Haddox              | Resident             |             | 162              | exp.12/31    |
|                                                                                       | Re-Appt            | Timothy Mashburn          | Resident             |             | 162              | exp.12/31    |
|                                                                                       | Re-Appt            | Bonnie Witmyer            | Resident             |             | 162              | exp.12/31    |
|                                                                                       | Re-Appt            | Mark Furfari              | Resident             |             | 162              | exp.12/31    |
| <b>Urban Landscape is re-vamping board rules, Marchetta Maupin will notify Clerk.</b> |                    |                           |                      |             |                  |              |

Shannon Tinnell & Jeanne Grimm will continue to serve Special Meeting to interview 11/29.

Nikki Hoffman is sending e-mail out to Commission to see who want to continue to serve.

*\*Once confirmed interview will be scheduled.*

*\*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.*

**Updated 11/7/16**

**Council to interview all**

## Linda Tucker

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**From:** Shannon Tinnell <shannontinnell@earthlink.net>  
**Sent:** Monday, November 07, 2016 2:45 PM  
**To:** Linda Tucker  
**Subject:** Re: Members Expiring on Historic Lanmarks

Linda,

Yes, I will serve another term. I will send you the agenda and minutes. They will come in under my gmail account.

-----Original Message-----

**From:** Linda Tucker  
**Sent:** Nov 7, 2016 2:13 PM  
**To:** Shannon Tinnell  
**Cc:** "William Kawecki (C.C. Ward 2)"  
**Subject:** Members Expiring on Historic Lanmarks

Shannon, please let me know if you and Jeanne Grimm wish to continue to serve your terms expire on 11-15-16.:)

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

## Linda Tucker

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**From:** Jeanne Grimm <jgrimm@granjean.com>  
**Sent:** Monday, November 07, 2016 3:36 PM  
**To:** Linda Tucker  
**Subject:** Morgantown Historic Landmark Commission

Hello Linda,

Shannon Tinnell e-mailed me that I needed to let you know that I would like to serve another term on the MHLC. Please let me know if you need anything else from me.

Thanks, Jeanne

## **Morgantown**

**Request ID: 28406**

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

**Received:** Thursday, October 17, 2013

**Status:** Completed

**Priority:** Normal

**Assigned To:**

### **Contact Details**

**From:** KERRY LILLY

**Email:** KLILCOALMINER@HOTMAIL.COM

**Telephone:** 304-216-0326

**Address1:** 701 UNION AVE

**Address2:**

**City:** MORGANTOWN

**State:** WV

**Zip Code:** 26505

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

### **Questions and Answers**

**Are you a Morgantown resident?:**

Yes

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

Not Sure

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

RED BONE MINING

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

11 YEARS

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

COAL MINING

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

I HAVE A BA FROM WVU, A M DIV FROM ASBURY THEOLOGICAL SEMINARY, NUMEROUS MINING CREDENTIALS, I WORKED AS A COMMUNITY DEVELOPMENT VOLUNTEER IN LINCOLN COUNTY, WV, AND ATTENDED MANY WORKSHOPS BY A VARIETY OF COMMUNITY DEVELOPMENT GROUPS

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

I AM VERY INTERESTED IN THE REDEVELOPMENT OF THE WOODBURN SCHOOL PROPERTY FOR OUR COMMUNITY. I LIVE CLOSE TO IT AS DOES MY SON AND HIS FAMILY. I LOVE THE OUTDOORS, LIVE MUSIC, AND GETTING TOGETHER WITH FRIENDS, FAMILY, AND NEIGHBORS!

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

Woodburn School Commission

### **Staff Activities**

The status of the request was changed from Active to Completed. on 10/21/2013 at 1:12 PM

### **Public Activities**

Request was successfully submitted. by EXEC EXEC on 10/17/2013 at 12:50 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 10/21/2013 at 1:11 PM

## **Morgantown**

**Request ID:** 28412

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

**Received:** Friday, October 18, 2013

**Status:** Completed

**Priority:** Normal

**Assigned To:**

### **Contact Details**

**From:** Christina Byrne-Hoffman

**Email:** cbyrne1@hsc.wvu.edu

**Telephone:** 3042762663

**Address1:** 1289 Carlisle Avenue

**Address2:**

**City:** Morgantown

**State:** WV

**Zip Code:** 26505

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

### **Questions and Answers**

**Are you a Morgantown resident?:**

Yes

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

Sixth

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

West Virginia University

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

Since 2005, various locations in and around Morgantown. Eight months at the Carlisle address.

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

Research (Graduate Research Assistant)

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

Bachelor of Arts degree in Biochemistry-Molecular Biology from WVU. Research-related certifications, such as radiation safety training, ethical conduct of research from WVU Health Sciences Center. Science and Technology Entrepreneurship Training through WVU College of Business and Economics.

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

I am also interested in serving on the Woodburn School Redevelopment Commission (not listed). I have a great interest in government administration and am looking for ways to serve the City of Morgantown. I was employed with the non-profit arts & crafts cooperative Poplar Forest while in high school and have a deep appreciation for West Virginian arts, crafts, and culture. I am extremely interested in programs that serve veterans, or other military members, and my husband is a Army 1st Cavalry veteran who has recently applied for employment with the City as a police officer. I am a member of the American Legion Auxillary, although I have not been able to participate fully in my registered chapter since permanently moving to Morgantown. I am also in the process of petitioning for membership in the Morgantown chapter of the Order of the Eastern Star. Professionally, I am a medical researcher, investigating public health issues, such as drug abuse and cancer. In that realm, I am also concerned with the ethical conduct of research, scientific education and outreach, and grant administration. I have some experience with grant writing and submission to governmental agencies, and limited budgeting experience. I was awarded with a wonderful opportunity as a summer graduate student intern at the West Virginia Higher Education Policy Commission, where I assisted the Division of Science and Research in their various programs. I serve as the secretary of the WVU Chapter of American Association of Pharmaceutical Scientists, and I am involved in many other professional organizations, as well. Within these organizations, I have helped coordinate and have participated in team-building and volunteer activities, such as preparing and serving dinner at the Ronald McDonald House and community service and outreach at the Children's Discovery Museum of WV. If you would like more information on my qualifications or activities, please don't hesitate to contact me.

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

**Planning Commission**

**Traffic Commission**

**Woodburn School Commission**

**Staff Activities**

The status of the request was changed from Active to Completed. on 10/21/2013 at 1:30 PM

**Public Activities**

Request was successfully submitted. by EXEC EXEC on 10/18/2013 at 12:52 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 10/21/2013 at 1:26 PM

An email was sent to cbyrne1@hsc.wvu.edu.

## Morgantown

Request ID: 28378

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

**Received:** Thursday, October 10, 2013

**Status:** Completed

**Priority:** Normal

**Assigned To:**

### Contact Details

**From:** Mary Angel Blount

**Email:** maryangelblount@gmail.com

**Telephone:** 3042912608

**Address1:** 71 Wilson Avenue

**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?:**

First

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

WVU English Dept.

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

6

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

English professor

**What is your job description?:**

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

no

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

no

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

Historic Landmarks Commission + *PLANNING - Woodbury Commission 10/17*

### Staff Activities

The status of the request was changed from Active to Completed. on 10/11/2013 at 11:19 A

### Public Activities

Request was successfully submitted. by EXEC EXEC on 10/10/2013 at 4:58 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 10/11/2013 at 11:19 AM

An email was sent to maryangelblount@gmail.com.

## Application to Serve on City Boards and Commissions

THE CITY OF MORGANTOWN HAS NUMEROUS COMMITTEES, BOARDS, AND COMMISSIONS COMPRISED OF CITIZENS WHO GIVE OF THEIR TIME IN VERY IMPORTANT CAPACITIES. STATE LAWS PRESCRIBE THAT SOME OF THOSE BODIES RETAIN MEMBERS WHO HAVE CERTAIN EXPERIENCE, EDUCATION OR PROFESSIONAL CERTIFICATIONS. WE ASK THAT YOU PROVIDE THE FOLLOWING BASIC INFORMATION SO WE MAY EVALUATE PROSPECTIVE APPOINTEES' QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MS: Chris Haddox WORK/CELL PHONE: 304-293-3657

ADDRESS: 739 Monongalia Ave HOME PHONE: 304-296-2415

ZIP: \_\_\_\_\_

EMAIL ADDRESS: chrishaddox@frontier.com chris.haddox@mail.wvu.edu

CITY RESIDENT? YES  NO \_\_\_\_\_ YEARS OF CITY RESIDENCY 25 WARD 5th

WHO IS YOUR EMPLOYER?(If Retired, Answer "Retired"): WVU

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? Educator

JOB TITLE or JOB DESCRIPTION: Visiting Asst. Professor, WVU

PROFESSIONAL CERTIFICATIONS/LICENSES: LEED AP, GA/C-R; HERSRater

SPECIAL INTERESTS: community development, green building, music,

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

- |                                                                |                                                     |
|----------------------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> BOCA BOARD OF APPEALS                 | <input type="checkbox"/> MUSEUM COMMISSION          |
| <input type="checkbox"/> BOARD OF PARKS AND RECREATION         | <input type="checkbox"/> PARKING AUTHORITY          |
| <input type="checkbox"/> BOARD OF ZONING APPEALS               | <input type="checkbox"/> PERSONNEL BOARD            |
| <input type="checkbox"/> BUILDING COMMISSION                   | <input type="checkbox"/> PLANNING COMMISSION        |
| <input type="checkbox"/> FIRE CIVIL SERVICE                    | <input type="checkbox"/> POLICE CIVIL SERVICE       |
| <input type="checkbox"/> HISTORIC LANDMARKS                    | <input type="checkbox"/> SISTER CITIES COMMISSION   |
| <input type="checkbox"/> HUMAN RIGHTS                          | <input type="checkbox"/> TRAFFIC COMMISSION         |
| <input type="checkbox"/> LIBRARY BOARD                         | <input type="checkbox"/> TRANSIT AUTHORITY          |
| <input type="checkbox"/> MET BOARD                             | <input type="checkbox"/> URBAN LANDSCAPE COMMISSION |
| <input type="checkbox"/> MORGANTOWN UTILITY BOARD              | <input type="checkbox"/> WARD & BOUNDARY            |
| <input checked="" type="checkbox"/> WOODBURN SCHOOL COMMISSION | <input type="checkbox"/> YOUTH COMMISSION           |

SUBMIT TO: CITY CLERK, 389 SPRUCE STREET, RM.10, MORGANTOWN, WV, 26505.

## Application to Serve on City Boards and Commissions

THE CITY OF MORGANTOWN HAS NUMEROUS COMMITTEES, BOARDS, AND COMMISSIONS COMPRISED OF CITIZENS WHO GIVE OF THEIR TIME IN VERY IMPORTANT CAPACITIES. STATE LAWS PRESCRIBE THAT SOME OF THOSE BODIES RETAIN MEMBERS WHO HAVE CERTAIN EXPERIENCE, EDUCATION OR PROFESSIONAL CERTIFICATIONS. WE ASK THAT YOU PROVIDE THE FOLLOWING BASIC INFORMATION SO WE MAY EVALUATE PROSPECTIVE APPOINTEES' QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MS: \_\_\_\_\_ Timothy Mashburn \_\_\_\_\_ WORK/CELL PHONE: \_\_772-713-0826\_\_

ADDRESS: \_\_\_\_\_ 843 Ridgeway Ave \_\_\_\_\_ HOME PHONE: \_\_772-713-0826\_\_

\_\_\_\_\_ Morgantown \_\_\_\_\_ ZIP: \_\_\_\_\_ 26505 \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_ tamashburn@gmail.com \_\_\_\_\_

CITY RESIDENT? YES  NO \_\_\_\_\_ YEARS OF CITY RESIDENCY \_\_2\_\_ WARD \_\_5\_\_

WHO IS YOUR EMPLOYER?(If Retired, Answer "Retired"): \_\_\_\_\_ Zwcad Software \_\_\_\_\_

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? \_\_\_\_\_ CAD Software \_\_\_\_\_

JOB TITLE or JOB DESCRIPTION: \_\_\_\_\_ Lead Software Engineer \_\_\_\_\_

PROFESSIONAL CERTIFICATIONS/LICENSES: \_\_\_\_\_

SPECIAL INTERESTS: \_\_\_\_\_ Playing music, DIY, Outdoor recreation, Teaching \_\_\_\_\_

\_\_\_\_\_ Home recording, Linux \_\_\_\_\_

*PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:*

BOCA BOARD OF APPEALS

BOARD OF PARKS AND RECREATION

BOARD OF ZONING APPEALS

BUILDING COMMISSION

FIRE CIVIL SERVICE

HISTORIC LANDMARKS

HUMAN RIGHTS

LIBRARY BOARD

MET BOARD

MORGANTOWN UTILITY BOARD

WOODBURN SCHOOL COMMISSION

MUSEUM COMMISSION

PARKING AUTHORITY

PERSONNEL BOARD

PLANNING COMMISSION

POLICE CIVIL SERVICE

SISTER CITIES COMMISSION

TRAFFIC COMMISSION

TRANSIT AUTHORITY

URBAN LANDSCAPE COMMISSION

WARD & BOUNDARY

YOUTH COMMISSION

## Morgantown

Request ID: 28411

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

**Received:** Friday, October 18, 2013

**Status:** Completed

**Priority:** Normal

**Assigned To:**

### Contact Details

**From:** Bonnie Witmyer

**Email:** blwitmyer@aol.com

**Telephone:** 304-626-1087

**Address1:** 324 Leonard Street

**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?:**

First

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

Harrison County Day Report Center

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

Morgantown is my hometown. I returned about 7 years ago.

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

Community Corrections

**What is your job description?:**

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

I have a Master's of Social Work.

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

I lived in two apartments in Woodburn for many years as a child and have fond memories of attending this school from Grade 1-4. I would love to see this building be available for a variety of activities in the community.

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

~~Historical Landmarks~~ Commission

Woodburn

### Staff Activities

The status of the request was changed from Active to Completed. on 10/21/2013 at 1:23 PM

### Public Activities

Request was successfully submitted. by EXEC EXEC on 10/18/2013 at 9:34 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. by Bethany Sypolt on 10/21/2013 at 1:22 PM

An email was sent to blwitmyer@aol.com.

## **Morgantown**

**Request ID:** 28540

**Request Form:** Volunteer for City Boards and Commissions  
**Received:** Sunday, November 10, 2013  
**Status:** Completed  
**Priority:** Normal  
**Assigned To:**

### **Contact Details**

**From:** Mark Furfari  
**Email:** Fishbowl@mountain.net  
**Telephone:** 304-292-2511  
**Address1:** 1435 Roosevelt St  
**Address2:**  
**City:** Morgantown **State:** WV **Zip Code:** 26505  
**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?:**  
17

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

**Who is your employer? (If retired, answer "retired"):**  
Mario's Fishbowl

**What type of business are, or were, you employed in?:**  
Food & Beverage, catering, Foodservice

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

**Do you have any pertinent special interests?:**  
Live and work in Woodburn, Want only the very best for my neighborhood.

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

### **Staff Activities**

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. on 11/12/2013 at 10:16 AM

The status of the request was changed from Active to Completed. on 11/12/2013 at 10:16 AM

### **Public Activities**

Request was successfully submitted. by EXEC EXEC on 11/10/2013 at 9:00 PM

An email was sent to Fishbowl@mountain.net.

ARTICLE 167  
Historic Landmarks Commission

|        |                                                                        |        |                                                                      |
|--------|------------------------------------------------------------------------|--------|----------------------------------------------------------------------|
| 167.01 | Establishment.                                                         | 167.09 | Priorities.                                                          |
| 167.02 | Legislative purpose.                                                   | 167.10 | Commission powers and duties.                                        |
| 167.03 | Members; qualifications;<br>term; compensation.                        | 167.11 | Restriction on use of property<br>designated as historic landmark.   |
| 167.04 | Officers; meetings; quorum; rules.                                     | 167.12 | Notice to County Assessor<br>of designation of historic<br>district. |
| 167.05 | Employees.                                                             | 167.13 | Assistance of State agencies;<br>coordination.                       |
| 167.06 | Offices and expenses; other<br>appropriations.                         | 167.14 | Notice and public hearing.                                           |
| 167.07 | Meeting minutes.                                                       |        |                                                                      |
| 167.08 | Annual report; reports to the<br>Department of Culture and<br>History. |        |                                                                      |

CROSS REFERENCES

Historic Landmarks Commission - see W. Va. Code Art. 8-26A

167.01 ESTABLISHMENT.

There is hereby established, in the City, the Morgantown Historic Landmarks Commission, hereinafter referred to as the "Commission".  
(Ord. 10-7-86.)

167.02 LEGISLATIVE PURPOSE.

Council establishes the Commission in order to promote economic revitalization and improve property values, to enhance the educational, cultural, historical and aesthetic quality of the City and to accomplish the objectives set forth in West Virginia Code Article 8-26A, as amended.  
(Ord. 10-7-86.)

167.03 MEMBERS; QUALIFICATIONS; TERM; COMPENSATION.

The Commission shall consist of five members appointed by Council.

- (a) Qualifications. All members shall be residents of the City. One member shall be a member of Council. To the extent such persons are available in the City at the time of appointment, at least two members shall have a demonstrated special interest, experience or education in historic preservation or in professions related to historic preservation, such as history, public history, architecture, architectural history, planning, real estate, American studies, geography, landscape architecture or law.

- (b) Term. The member of Council appointed by Council to serve on the Commission shall serve a term commensurate with his Council term. Of the remaining original members, one shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, members shall be appointed to a term of four years.  
A member may be appointed for a second consecutive term, but after two consecutive full terms, a member shall be ineligible for reappointment until a calendar year has elapsed since the date of his or her second term.
- (c) Method of Filling Vacancies. Appointments to fill a vacancy in membership shall be made by the established procedure for regular appointments and for the balance of the unexpired term.
- (d) Compensation; Reimbursement for Expenses. Commission members shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of duties.  
(Ord.10-7-86.)

#### 167.04 OFFICERS; MEETINGS; QUORUM; RULES.

(a) Officers. At its first regular meeting in each calendar year, the Commission shall elect from its members a president, a vice president and a secretary-treasurer. The vice president shall have the power and authority to act as president during the absence or disability of the president.

(b) Meetings. The Commission shall fix the time for holding regular meetings but shall meet at least once in the months of January, April, July and October. The Commission may meet more often as it shall determine or require. Reasonable notice of the time and place of meetings shall be given to the public. All meetings shall conform to the West Virginia Open Governmental Proceedings Act, West Virginia Code Article 6-9A, as amended.

(c) Quorum. A majority of the members of the Commission shall constitute a quorum. No action of the Commission shall be official, unless authorized by a majority of all members of the Commission at a properly constituted regular or special meeting.

(d) Votes. The vote of each Commission member shall have equal weight.

(e) Rules. The Commission shall adopt and publish rules of procedure upon approval of Council. (Ord. 10-7-86.)

#### 167.05 EMPLOYEES.

The Commission is authorized and empowered to employ within the limits of funds available therefor, such employees, assistants, technical personnel and consultants as are necessary to discharge the duties and responsibilities of the Commission.  
(Ord. 10-7-86.)

#### 167.06 OFFICES AND EXPENSES; OTHER APPROPRIATIONS.

Council shall provide the Commission with suitable offices for holding of meetings and the preservation of plans, maps, documents and accounts, and shall provide for the operating expenses of the Commission by appropriating a sum sufficient to defray such expenses. Council shall have plenary power and authority to appropriate funds for expenditure by the Commission to accomplish the purposes of this article. (Ord. 10-7-86.)

#### 167.07 MEETING MINUTES.

The Commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and actions. The Commission minutes shall be forwarded to Council within two weeks. The Commission minutes shall be a public record. (Ord. 10-7-86.)

#### 167.08 ANNUAL REPORT; REPORTS TO THE DEPARTMENT OF CULTURE AND HISTORY.

(a) Annual reports shall be prepared and submitted to Council and to the State Historic Preservation Office of the Department of Culture and History within sixty days after the end of the fiscal year or the portion of the fiscal year in the first year of establishment of the Commission. The annual report to Council shall contain the above information as well as budget requests and recommendations.

(b) The Commission shall prepare and submit reports of Commission activities to the Historic Preservation Officer in the Department of Culture and History as required by administrative regulations promulgated by that agency. (Ord. 10-7-86.)

#### 167.09 PRIORITIES.

In addition to such other matters as may be from time to time hereafter specifically requested by Council, the Commission shall make and recommend to Council a detailed plan to protect and foster the preservation of historical landmarks commensurate with growth in the City. (Ord. 10-7-86.)

#### 167.10 COMMISSION POWERS AND DUTIES.

(a) General Powers. To the extent authorized by West Virginia Code Article 8-26A, as amended, the Commission shall act as a regulatory agency with respect to the construction, renovation, alteration or restoration of structures designated as historical landmarks, by the Federal, State or local government. Rules and regulations, including action under subsection (b)(5) and (6) hereof shall have the same effect as ordinances passed by Council until altered, repealed, revoked or amended by Council.

The Commission shall be independent of the City Planning Commission: provided that no rule or regulation of the Commission shall conflict with any plan of such Planning Commission. Prior to any favorable recommendation to Council by the Planning Commission with respect to construction, renovation, alteration or restoration of structures designated by proper authorities as historical buildings, such Planning Commission shall obtain from the Historic Landmarks Commission its certificate of approval with respect to the proposed project.

(b) Special Powers.

The Commission shall have plenary power and authority to:

- (1) Make survey of, and designate as historic landmarks, buildings, structures and sites which constitute the principal historical and architectural sites which are of local, regional, Statewide or national significance. No building, structure or site shall be deemed to be an historic one unless it has been prominently identified with, or best represents, some major aspect of the cultural, political, economic, military or social history of the locality, region, State or nation, or has had a major relationship with the life of an historic personage or event representing some major aspect of, or ideals related to the history of the locality, region, State or nation. Buildings or structures which are to be so designated shall embody the principal or unique features of an architectural type or demonstrate the style of a period of our history or method of construction, or serve as an illustration of the work of a master builder, designer or architect whose genius influenced the period in which he worked or has significance in current time;
  - (2) Prepare a register of buildings, structures and sites which meet the requirements of subsection (b)(1) hereof, publish lists of such properties and with the consent of the property owners, inspect such properties from time to time and publish a register thereof from time to time setting forth appropriate information concerning the registered buildings, structures and sites;
  - (3) With the consent of the property owners, certify and mark with appropriately designed markers, buildings, structures and sites which it has registered;
  - (4) Establish standards for the care and management of certified landmarks and withdraw such certification for failure to maintain the standards so prescribed;
  - (5) Acquire by purchase, gift or lease and administer registered landmarks and easements and interests therein, both real and personal;
  - (6) Lease or sell property so acquired under terms and conditions designed to insure the proper preservation of the landmark in question;
  - (7) Establish historic districts for registered landmarks, utilizing the same guidelines set forth in subsection (b)(1) hereof and designate the area thereof by appropriate markers;
  - (8) Identify historical districts for registered landmarks and aid and encourage the municipality or county in which the district or landmark is located to adopt rules and regulations for the preservation of historical or architectural values;
  - (9) Prepare and place historical markers on or along the highway or street closest to the location which is intended to be identified by such a marker;
  - (10) Seek the advise and assistance of individuals, groups and departments and agencies of government who or which are conducting historical preservation programs and coordinate the same insofar as possible;
  - (11) Seek and accept gifts, bequests, endowments and funds from any and all sources for the accomplishment of the functions of the Commission;
  - (12) Adopt rules and regulations concerning the operation of the Commission, the functions and responsibilities of its officers, employees, assistants and other personnel and such other matters as may be necessary to carry out the purposes of this article; and
  - (13) Adopt such other rules and regulations as may be deemed necessary to effectuate the purposes of this article, but no such rules and regulations shall be inconsistent with the provisions of this article or with any plan of the planning commission of such municipality or county.
- (Ord. 10-7-86.)

167.11 RESTRICTION ON USE OF PROPERTY DESIGNATED AS HISTORIC LANDMARK.

Whenever any such commission, with the consent of the property owner, certifies property as being a registered landmark, it may seek and obtain from such property owner an agreement as to such restrictions upon the use of the property as the commission finds are reasonable and are calculated to perpetuate and preserve the features which led it to designate such property as an historic landmark. All such agreements between such commission and the property owner shall be in writing and when duly signed and acknowledged, shall be recorded in the office of the clerk of the county court of the county wherein such landmark is located and when so recorded shall be notification to the assessor of such county of the restrictions therein set forth.

(Ord. 10-7-86.)

167.12 NOTICE TO COUNTY ASSESSOR OF DESIGNATION OF HISTORIC DISTRICT.

When any such commission establishes an historic district, it shall notify the county assessor of the county in which such district or any part thereof is located of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to the properties located in such district which have been mutually agreed upon such commission and the owners of the property within such district. The agreement shall be recorded in the same manner as the recordation of agreements between the commission and owners of designated landmarks entered into pursuant to the provisions of Section 167.11 hereof. The county assessor shall take such factors into consideration in assessing the properties therein.

(Ord. 10-7-86.)

167.13 ASSISTANCE OF STATE AGENCIES; COORDINATION.

Upon the request of any such commission, all agencies of the State shall assist such commission in the discharge of its duties and functions.

The Commission shall cooperate and coordinate its activities with the State Historical Society and the State Department of Culture and History, with the view of developing a unified program for the identification, study, preservation and protection of all historic buildings, structures and sites in this State.

(Ord. 10-7-86.)

167.14 NOTICE AND PUBLIC HEARING.

Prior to the designation of an historic district, the Commission shall give reasonable notice and hold a public hearing on the matter.

(Ord. 10-7-86.)

ARTICLE 162  
Woodburn School Redevelopment Commission

- |        |              |        |                            |
|--------|--------------|--------|----------------------------|
| 162.01 | Established. | 162.06 | Meetings.                  |
| 162.02 | Purpose.     | 162.07 | Written reports.           |
| 162.03 | Membership.  | 162.08 | Freedom of Information Act |
| 162.04 | Vacancies.   |        | applies.                   |
| 162.05 | Officers.    |        |                            |

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162.01 ESTABLISHED.

There is hereby established a Woodburn School Redevelopment Commission.  
(Ord. 13-49. Passed 9-3-13.)

162.02 PURPOSE.

The function of the Woodburn School Redevelopment Commission is to watch over and advise the City Manager and City Council regarding present and future development of the former Woodburn School property, programming, financing of projects, and operations of the property as a whole.  
(Ord. 13-49. Passed 9-3-13.)

162.03 MEMBERSHIP.

(a) The Woodburn School Redevelopment Commission shall consist of seven members who shall be appointed by City Council. Each of the seven members shall serve for a three-year term. Upon the conclusion of that three-year period, subsequent reappointments or new appointments will be for terms as follows:

- Two members for a one-year term
- and
- Two members for a two-year term
- and
- Three members for a three-year term

(b) One member of the Commission shall be a member of the governing body of the City and shall be elected by City Council. The term of the City Council member shall be coextensive with the term of the office to which he or she has been elected or appointed. The Commission will be administered by the City Manager's Office. All members shall serve without compensation.

(Ord. 13-49. Passed 9-3-13.)

#### 162.04 VACANCIES.

Vacancies shall be filled in the same manner as for appointments to the Commission, but for the unexpired portion of the term only. The office of a member of the Woodburn School Redevelopment Commission shall become vacant upon his/her death, resignation, removal from office, or failure to attend three consecutive regular meetings of the Commission without being excused by the Commission either before or after such absence.

(Ord. 13-49. Passed 9-3-13.)

#### 162.05 OFFICERS.

The Woodburn School Redevelopment Commission shall select from its own membership a chairperson, vice-chairperson, and secretary.

(Ord. 13-49. Passed 9-3-13.)

#### 162.06 MEETINGS.

The Woodburn School Redevelopment Commission shall meet as often as it may deem necessary, upon call of the chairperson. All meetings will be subject to the West Virginia Open Government Proceedings Act.

(Ord. 13-49. Passed 9-3-13.)

#### 162.07 WRITTEN REPORTS.

The Commission shall submit annual reports to the City Manager and City Council summarizing its past year's activities and recommendations for the ensuing year.

(Ord. 13-49. Passed 9-3-13.)

#### 162.08 FREEDOM OF INFORMATION ACT APPLIES.

As a Commission of the City, the Woodburn School Redevelopment Commission shall be subject to the West Virginia Freedom of Information Act.

(Ord. 13-49. Passed 9-3-13.)

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 2016 Replacement Pages to the City Code are hereby approved and adopted.

Traffic Code

- 313.05 Flashing Traffic Signals. (Amended)
- 333.01 Driving Under the Influence. (Amended)
- 343.07 Stopping for School Bus. (Amended)
- 343.99 Penalty. (Amended)
- 345.11 Cowl, Fender and Back-Up Lights. (Amended)
- 355.01 Definition of All-Terrain and Utility Terrain Vehicle. (Amended)
- 355.02 Acts Prohibited by Operator. (Amended)

General Offenses Code

- 521.01 Liquor Control Definitions. (Amended)
- 521.03 Prohibited Acts Generally. (Amended)
- 521.04 Unlawful Sale or Possession by Alcoholic Liquor Licensee. (Amended)
- 521.07 Acts Prohibited by Nonintoxicating Beer License. (Amended)
- 521.09 Acts Prohibited by Private Club License. (Amended)
- 529.021 Assault and Battery on Special Providers. (Amended)
- 533.02 Trespass. (Amended)

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

FIRST READING:

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MAYOR

ADOPTED:

FILED:

\_\_\_\_\_

CITY CLERK

RECORDED: