



Office of the City Clerk

# The City of Morgantown

Linda L. Tucker, CMC  
389 Spruce Street, Room 10  
Morgantown, West Virginia 26505  
(304) 284-7439 Fax: (304) 284-7525  
ltucker@morgantownwv.gov

**AGENDA**  
**MORGANTOWN CITY COUNCIL**  
**REGULAR MEETING**  
**December 15, 2015**  
**7:00 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES:** December 1st, 2015 Regular Meeting Minutes
5. **CORRESPONDENCE:**
6. **PUBLIC HEARINGS:**
  - A. **AN AMENDED ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2015-2016.**
  - B. **AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.**
7. **UNFINISHED BUSINESS:**
  - A. Consideration of **APPROVAL** of **(SECOND READING)** and **(ADOPTION)** of **AN AMENDED ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2015-2016. (First Reading December 1, 2015)**
  - B. Consideration of **APPROVAL** of **(SECOND READING)** and **(ADOPTION)** of **AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET**

**ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND. (First Reading December 1, 2015)**

**C. 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:**

**A. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AUTHORIZING THE SALE OF REAL ESTATE AT STAR CITY TAX MAP 1, PARCEL 12.1.**

**B. Consideration of APPROVAL of A RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST VIRGINIA UNIVERSITY PROVIDING EDUCATIONAL ROTATION EXPERIENCES FOR SCHOOL OF PUBLIC HEALTH STUDENTS.**

**C. Consideration of APPROVAL of A RESOLUTION AUTHORIZING THE FOLLOWING AGENTS, JEFF MIKORSKI CITY MANAGER, JAMES GOFF FINANCE DIRECTOR, LORI LIVENGOOD BUDGET AND ACCOUNTING MANAGER, AND KAREN EVERLY TREASURY MANAGER, OF THE CITY OF MORGANTOWN FOR THE TRANSACTING OF FUNDS.**

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

**INFORMATION:**

- 1. Art Installation on the Riverfront through Morgantown River Town**
- 2. Sabraton Decorations**

**NEW BUSINESS:**

- 1. Capital Escrow Fund Modifications**
- 2. 2016 Health Plan Renewal Rates**

12. **REPORT FROM CITY CLERK:**
13. **REPORT FROM CITY ATTORNEY:**
14. **REPORT FROM COUNCIL MEMBERS:**
15. **ADJOURNMENT:**

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



## Office of the City Manager

# The City of Morgantown

City Manager  
Jeff Mikorski, ICMA-CM  
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 Meeting on December 15, 2015

### Information:

#### 1. **Art installation on the riverfront through Morgantown River Towns**

Morgantown River Towns Art Committee has received grant funds to promote art along the riverfront. The Art Committee invited artists to submit art work that would be on display at four locations. On December 2, 2015 they presented the proposed locations to the Urban Landscapes Commission. The Urban Landscape Commission approved the proposed the general locations for the art to be placed, as seen in the attached map. River Towns is requesting the City help with placing two cement slabs for the installation of the art work, additional grants may allow for reimbursement of the slab installation. The artwork will be installed by the artists.

#### 2. **Sabraton Decorations**

I have been working with Sarah Robinson and a group of interested businesses and property owners to establish a plan for decorations to be placed along Route 7 through the Sabraton Business Corridor starting in 2016. The committee proposed three banner designs and a holiday light design for the area. The committee has requested the City present the three designs in a survey for interested residents, business owners, and property owners to vote for their favorite. The survey should be online after December 16, 2015. With funds already budgeted in the 2015-2016 approved budget, the City can match funds that are raised for the project. This will be a great way to promote and support the Sabraton Business Corridor.

### New Business

#### 1. **Capital Escrow Fund modifications**

The introduction of the Safe Streets and Safe Community Service Fee, will provide funds collected for the resurfacing and improvements of City streets to be transferred from the General Fund to the Capital Escrow Fund (FY 2016 General Fund Amendment #2). I recommend the \$514,800 allocated to the Capital Escrow Fund to be budgeted for Street Improvements.

I also would like to reallocate funds within the approved Capital Escrow Fund to reflect funds leftover from projects for completing other projects or adding new projects as listed:

	Approved	Remaining		Revised
	Budget	Funds	Modification	Budget
		as of	12/15/2015	
PROJECT	FY	12/1/2015		FY
	2015/2016			2015/2016
<b>CITY CAPITAL PROJECTS</b>				
Fire Equip	66,381	53,890.14	150,000.00	203,890.14
Police Equip. (Personnel protection)	25,000	14,995.00	-14,995.00	0.00
Public Works Vehicles	146,187	24,827.74	-24,827.74	0.00
Fire Department Vehicles	650,000	465,000.00	79,428.02	544,428.02
Salt Building	85,370	84,971.00	-84,971.00	0.00
Police Cruisers	208,133	42,049.00	-42,049.00	0.00
Public Works Capital Outlay	210,000	184.06	-184.06.00	0.00
Public Works Cleanup	22,396	22,396.00	2,159.00	24,555.00
Fire Station Repairs	109,348	64,026.00		64,026.00
Administrative Vehicle	19,000	1,171.50	-1,171.50	0.00
Public Safety Building Plaza	49,803	10,027.22		10,027.22
Paving 2014	72,530	65,881.00	-65,881.00	0.00
Paving 2015	625,000	97,507.72	-97,507.72	0.00
Paving 2016	400,000	400,000.00	-400,000.00	0.00
Airport Access Road	0	0	500,000.00	500,000.00
MSF – Street Improvements			514,800.00	514,800.00

A total of \$731,587.02 will be reallocated to Fire Department projects, and complete the costs of the Airport Access Road. Police vehicles /equipment and Public Works vehicles /equipment will be purchased from the capital outlay line of the general fund with revenue from the Safe Streets and Safe Community Fee.

## 2. 2016 Health Plan Renewal Rates

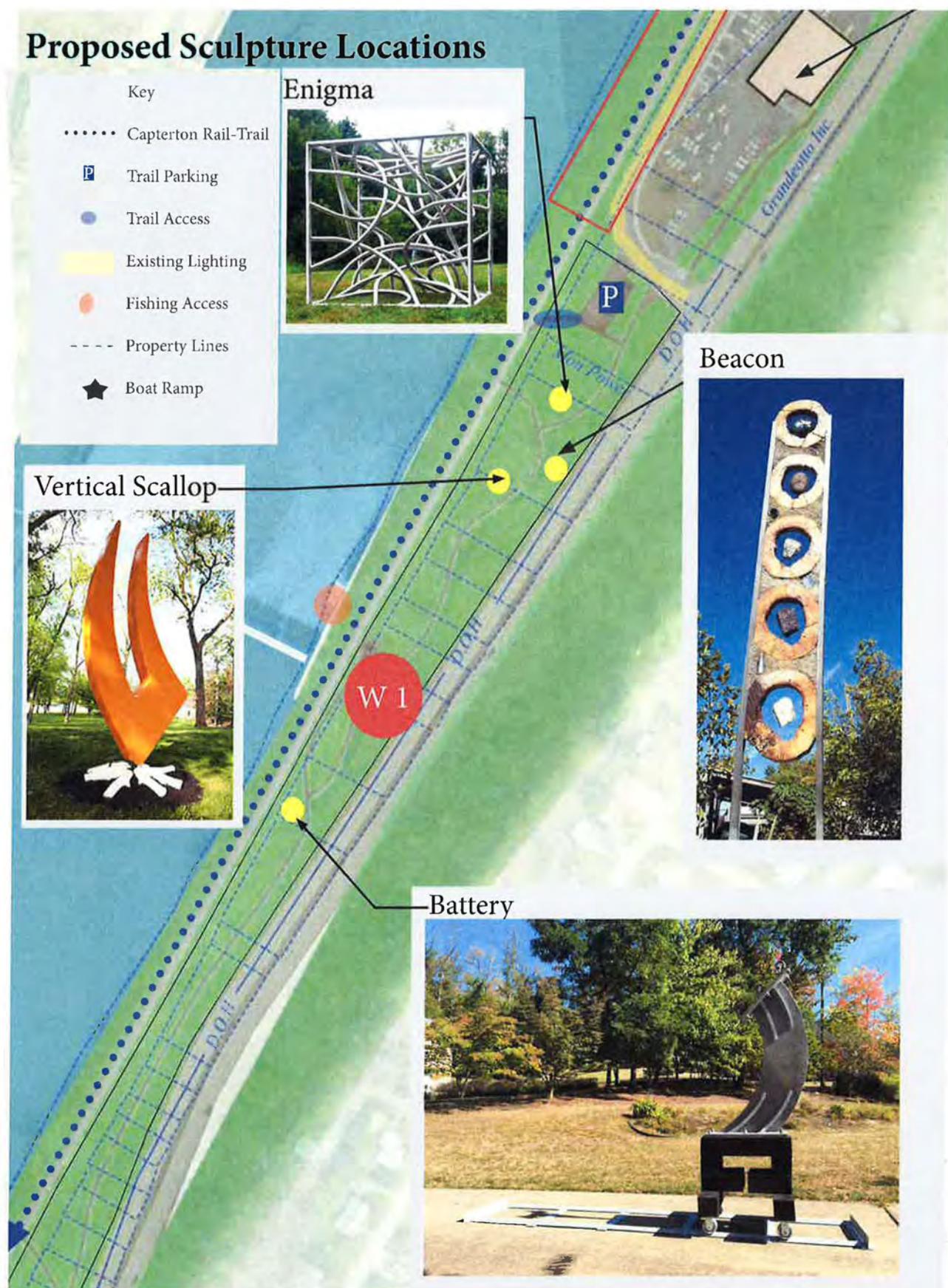
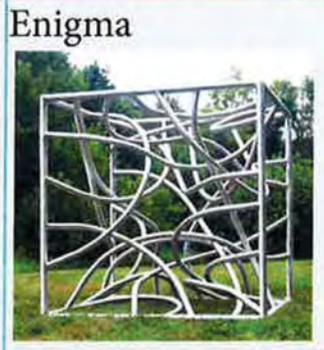
This is the time of year that we renew the City's Health Plan rates. I am happy to report that there is no increase in premium rates for employees for the coming year. As seen in the attached summary of rates, our employee health plan is a great benefit with rates from \$7.22 to \$32.79 per pay period, depending on the coverage and family status. I recommend City Council approve the 2016 City Health Plan rates for employees and retirees.



Jeff Mikorski ICMA-CM,  
Morgantown City Manager

# Proposed Sculpture Locations

- Key
- ..... Capterton Rail-Trail
  - P** Trail Parking
  - Trail Access
  - Existing Lighting
  - Fishing Access
  - - - Property Lines
  - ★ Boat Ramp



# City of Morgantown

## Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone (304) 284-7407/Fax 7418

# MEMO

**DATE:** December 9, 2015

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

**FROM:** James Goff, CPA  
Finance Director

**RE:** Health Plan Renewal Rates - Effective 1/1/2016

The following summarizes the proposed rate changes in the City of Morgantown's Group Health Plan effective January 1, 2016:

	<u>2015</u>	<u>2016</u>	<u>% Change</u>
<u>Fixed Costs:</u>			
Reinsurance Premiums	\$ 592,357	\$ 621,997	5.0%
Administrative Fees	<u>166,045</u>	<u>166,045</u>	0.0%
	\$ 758,402	\$ 788,042	3.9%
<u>Projected Claims (107%)</u>			
Medical Claims	\$3,088,274	\$3,073,751	-0.5%
Prescription Claims	753,289	753,289	0.0%
Dental	133,803	126,072	-5.8%
Vision	<u>32,693</u>	<u>27,498</u>	-15.9%
Projected Claims	\$4,008,059	\$3,980,610	-0.7%
Total Costs to be Funded	\$4,766,461	\$4,768,652	0.0%

The City budgeted for rates to increase 6% in health plan contributions as of January 1, 2016. With no increase projected in the renewal rate, we project budgetary savings to the General Fund of approximately \$90,000 before the effects of open enrollment and staffing changes.

In accordance with the policy adopted by Council on June 1, 2010, it is proposed that employee and retiree contribution rates remain unchanged for the plan year beginning January 1, 2016.

**City of Morgantown  
Group Health Plan  
Employee Contribution Rates (Per Pay Period)  
Effective January 1, 2016**

Group I - Employees with annual regular earnings up to \$39,519

Group II - Employees with annual regular earnings over \$39,519

	Medical Only	Dental Only	Vision Only	Medical & Dental	Medical & Vision	Dental & Vision	Medical, Dental & Vision
<u>Group I</u>							
Single	\$ 7.22	\$ 3.04	\$ 1.92	\$ 8.01	\$ 9.14	\$ 4.96	\$ 9.93
Family	\$ 24.09	\$ 4.50	\$ 3.84	\$ 26.34	\$ 27.93	\$ 8.34	\$ 30.18
<u>Group II</u>							
Single	\$ 8.02	\$ 3.10	\$ 1.92	\$ 8.87	\$ 9.94	\$ 5.02	\$ 10.79
Family	\$ 26.49	\$ 4.71	\$ 3.84	\$ 28.95	\$ 30.33	\$ 8.55	\$ 32.79

Spousal Surcharge\*\*      \$ 339.05

*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.*

*Annual regular earnings includes an employee's base rate, longevity, hazard duty, and all certification and education increases based on 2080 hours in a year.*

**City of Morgantown  
Group Health Plan  
Retiree Monthly Contribution Rates  
Effective January 1, 2016**

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

	Pre 1/1/11 Hires	Post 1/1/11 Hires
Single	\$ 125.69	\$ 729.09
Family	\$ 254.57	\$ 1,735.41
Spousal Surcharge**	\$ 734.60	

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

	Medicare Advantage Plan Pre 1/1/11 Hire	Medicare Advantage Plan Post 1/1/11 Hire
Single	\$ 76.00	\$ 95.00
Spouse	\$ 152.00	\$ 190.00

	Non-Medicare Advantage Plan
Single	\$ 729.09
Family	\$ 1,735.41

*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).*

*Members electing to utilize their local ppo as part of the City's Medicare Advantage Plan may do so at 100% of the premium for post 1/1/11 hires and 80% for pre 1/1/11 hires.*

*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 monthly for spouses remaining on the plan that do not meet certain criteria.*

**REGULAR MEETING December 1, 2015:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, December 1, 2015 at 7:03 p.m.

**PRESENT:** City Manager Jeff Mikorski, City Clerk Linda Tucker, Mayor Marti Shamberger, City Attorney Ryan Simonton, Assistant City Manager Glen Kelly and Council Members: Rone 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:** After discussion, minutes from the November 3, 2015 were approved by a 7-0 vote. November 17, 2015 were approved by acclamation.

**CORRESPONDENCE:** Mayor Shamberger presented a proclamation to Stephen Green, Eagle Scout and commended him on his accomplishments. She then presented a proclamation for the "I Father" program encouraging families and fathers to spend quality time together. Councilor Nugent read a letter from Main Street President George Papandreas about the lighting conditions in downtown. Mayor Shamberger then introduced, Steven Deveny, General Manager for Republic Service. Mr. Deveny updated Council on new changes happening at Republic with trash and the commitment their company has to the City and community. Mayor Shamberger suspended the rules for Council to ask questions to Mr. Deveny. After discussion, Council thanked Mr. Deveny for updating them this evening.

**PUBLIC HEARING:**

**AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 14.50 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-48 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 WAS FULLY SET FORTH HEREIN.**

Mayor Shamberger declared this Public Hearing open.

There being no appearances, Mayor Shamberger declared the Public Hearing closed.

**AN ORDINANCE TO PROVIDING THE ZONING CLASSIFICATION FOR 0.76 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-60 BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERTO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.**

Mayor Shamberger declared this Public Hearing open.

There being no appearances, Mayor Shamberger declared the Public Hearing closed.

**AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 4.20 ACRES, MORE OR LESS, OR ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-66 BY AMENDING ARTICLE 1131 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 WAS FULLY SET FORTH HEREIN.**

Mayor Shamberger declared this Public Hearing open.

There being no appearances, Mayor Shamberger declared the Public Hearing closed.

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION LEASING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.**

Mayor Shamberger declared this Public Hearing open.

There being no appearances, Mayor Shamberger declared the Public Hearing closed.

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

Mayor Shamberger declared this Public Hearing open.

There being no appearances, Mayor Shamberger declared the Public Hearing closed.

**AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.**

Mayor Shamberger declared this Public Hearing open.

There being no appearances, Mayor Shamberger declared the Public Hearing closed.

**UNFINISHED BUSINESS:**

**AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 14.50 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-48 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 WAS FULLY SET FORTH HEREIN:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 14.50 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-48 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 WAS FULLY SET FORTH HEREIN.

City Manager explained, motion by Nugent, second by Selin, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE TO PROVIDING THE ZONING CLASSIFICATION FOR 0.76 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-60 BY AMENDING ARTICLE 1331 OF THE**

**PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERTO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN:** The below entitled Ordinance was presented for second reading.

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City Manager explained, motion by Selin, second by Kawecki, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 4.20 ACRES, MORE OR LESS, OR ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-66 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 WAS FULLY SET FORTH HEREIN:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 4.20 ACRES, MORE OR LESS, OR ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-66 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 WAS FULLY SET FORTH HEREIN.

City Manager explained, motion by Selin, second by Ganz, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION LEASING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION LEASING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

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

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

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

Motion by Selin, second by Kawecki, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND:**

The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

City Manager explained, motion by Kaweckı, second by Ganz, to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** Council by acclamation reappointed to the BZA Leanne Cardoso and James Shaffer.

**PUBLIC PORTION:**

Mayor Shamberger declared the Public Portion open.

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

**SPECIAL COMMITTEE REPORTS:** Mayor announced there will be a press release on December 4<sup>th</sup>, 2015 at 11:00am at WVU Health Sciences Center on Naloxone.

**NEW BUSINESS:**

**AN AMENDED ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2015-2016:** The above entitled Ordinance was presented for first reading.

AN AMENDED ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2015-2016.

City Manager explained, after discussion, motion by Bane, second by Kaweckı, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AMENDING THE "CONCEPTUAL GROWTH FRAMEWORK MAP" AND THE "LAND MANAGEMENT MAP" OF THE 2013 COMPREHENSIVE PLAN UPDATE, ADOPTED JUNE 18, 2013, BY MODIFYING THE BOUNDARIES OF THE "ENCOURAGED GROWTH" GENERAL CONCEPT AREA ADJACENT TO THE MORGANTOWN MUNICIPAL AIRPORT AS SHOWN ON THE EXHIBITS HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN:** The above entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE "CONCEPTUAL GROWTH FRAMEWORK MAP" AND THE "LAND MANAGEMENT MAP" OF THE 2013 COMPREHENSIVE PLAN UPDATE, ADOPTED JUNE 18, 2013, BY MODIFYING THE BOUNDARIES OF THE "ENCOURAGED GROWTH" GENERAL CONCEPT AREA ADJACENT TO THE MORGANTOWN MUNICIPAL AIRPORT AS SHOWN ON THE EXHIBITS HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

City Manager explained, motion by Bane, second by Kawecki, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 26.65 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-67 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 WAS FULLY SET FORTH HEREIN:** The above entitled Ordinance was presented for first reading.

AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION FOR 26.65 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 15-67 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 WAS FULLY SET FORTH HEREIN.

City Manager explained, motion by Bane, second by Kawecki, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AMENDING ARTICLE 1329.02 “DEFINITIONS” OF THE PLANNING AND ZONING CODE AS IT RELATES TO SHOPPING CENTERS:** The above entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 1329.02 “DEFINITIONS” OF THE PLANNING AND ZONING CODE AS IT RELATES TO SHOPPING CENTERS.

City Manager explained, motion by Kawecki, second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND:** The above entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

City Manager explained, motion by Bane, second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST VIRGINIA UNIVERSITY FOR INTERCONNECTION OF NETWORKS:** The above-entitled Resolution was presented for first reading.

A RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST VIRGINIA UNIVERSITY FOR INTERCONNECTION OF NETWORKS.

City Manager explained, after discussion, motion by Selin, second by Kawecki, to pass the above

entitled Resolution. Motion carried 7-0.

**A RESOLUTION AUTHORIZING THE FOLLOWING AGENTS, JEFF MIKORSKI CITY MANAGER, JAMES GOFF FINANCE DIRECTOR, AND LORI LIVENGOOD BUDGET AND ACCOUNTING MANAGER, OF THE CITY OF MORGANTOWN FOR THE TRANSACTING OF FUNDS:** The above-entitled Resolution was presented for first reading.

A RESOLUTION AUTHORIZING THE FOLLOWING AGENTS, JEFF MIKORSKI CITY MANAGER, JAMES GOFF FINANCE DIRECTOR, AND LORI LIVENGOOD BUDGET AND ACCOUNTING MANAGER, OF THE CITY OF MORGANTOWN FOR THE TRANSACTING OF FUNDS.

City Manager explained, motion by Ganz, second by Kawecki, to pass the above entitled Resolution. Motion carried 7-0.

**CITY MANAGERS REPORT:**

**Information:**

**1. Fleet Complete GPS**

Working with a cellular company the City will be installing GPS units into Public Works, Engineering, and Code Enforcement vehicles and track usage through the Fleet Tracker Fleet Management System. Initially, I was interested in tracking the efficiency and effectiveness of the City’s snow plows during the winter events. Utilizing the GPS units, we would be able to review snow plow routes and track when salt is dispensed along the routes. This information will help us review routes and make sure we are utilizing our winter equipment assets most effectively. We increased the system to track a total of 26 vehicles in the three departments to continue to see how to improve effectiveness of our fleet and possibly find ways to reduce fuel costs. Using cost savings from modifications to our cellular account, we are able to pay for the system without additional budget requests.

**2. Deckers Creek Pedestrian Bridge Plan**

West Virginia Department of Highways has authorized the contract with Alpha Associates to begin the design and study work for the bridge. There was a delay for getting the project onto the State Transportation Improvement Plan until recently. We still hope that the studies and design can be completed for the project to begin in 2016.

**REPORT FROM CITY CLERK:** City Clerk, Linda Tucker announced to Council to mark their calendars for their first department briefing for the Fire Department and the WVML Conference.

**REPORT FROM CITY ATTORNEY:** No Report

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane asked the City Manager for an updated on the Service Fee. City Manager reported that information should go out to Employers by Friday and information is already on the web. Councilor Bane asked the City Manager with the new Finance Director will we see an increase in the B&O Collections? City Manager Jeff Mikorski responded in saying he will prepare a report for Council with those numbers. Councilor Bane then asked if the brine that is used on the streets is safe. City Manager noted that this process is used by the DOH and the City. Councilor Bane agrees that lighting for downtown is a project that is worth looking into.

Deputy Mayor Kawecki:

Deputy Mayor Kawecki asked the City Manager about the Historic Preservations of the Lights in Downtown? City Manager replied that the light standards have to fit with the Historic District.

Councilor Nugent:

Councilor Nugent mentioned the lighting in downtown is an important item of interest. He asked the City Manager to give an update on the tree stumps downtown. City Manager reported that the tree pits will be taken out as they die. Councilor Nugent asked the City Manager when Beverly Avenue will be re-opening. City Manager responded that turn signals are holding us up right now and it should be open next week.

Councilor Selin:

Councilor Selin noted that lighting in the downtown area is important but requested keeping the look historical and that all lights match. She requested that lighting be looked at on Patterson Drive. Councilor Selin gave ideas for trash provider services and requested updates on statue at the Public Safety Building.

Councilor Redmond:

Councilor Redmond commented that he likes Republic new found energy but hopes that they add recycling for businesses. He then talked about the student housing of 800 beds that will be

gone before the Planning Commission, December 10<sup>th</sup>, 2015 and noted “there is very little talk about this” and “the City should be cautious on moving this project forward”.

Councilor Ganz:

Councilor Ganz appreciates the comments made by the rest of her Council Members. She stated that B & O collection is stagnant and implored groups in the Community to help in collecting these monies. She thanked the City Attorney and City Manager for the work they have been doing administratively recently with Annexations; Legal issues; FOYA; Budget; and GPS. She also complimented the City Manager on the letter to the editor on the User Fee. She also appreciated Stephen Deveney and the details that he gave this evening on the trash service. She reported that Suncrest Neighborhood Association Meeting will be held on December 3<sup>rd</sup>, 2015 at Calvary Baptist Church.

Mayor Shamberger:

Mayor Shamberger announced that there will be no First Friday’s held in December and January at Woodburn. She reminded everyone of the Christmas Parade on December 4<sup>th</sup>, 2015; MAC literacy writing workshop December 2<sup>nd</sup>, 2015; Eastwood Elementary Choir December 10<sup>th</sup>, 2015 at 9:00 am.

**ADJOURNMENT:** There being no further items of business or discussion, motion by, second by to adjourn. Motion carried by unanimous consent at 9:38 pm.

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

\_\_\_\_\_  
Mayor

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

## Boards & Commissions Available Positions

<b>Board/Commission</b>	<b>Vacancy(s)</b>	<b>Name of Applicants</b>	<b>Res./Non Res.</b>	<b>Ward</b>	<b>Code Sec.</b>	<b>Other</b>
Morgantown Housing	1		Res/Real Estate		160.03	Advertise
Sister Cities	1		Resident		172.02	Advertise
<b>Code Sec. Attached</b>						
Transit Board City Appt Expires 12/31/15. Advertising for Candidates. See attached e-mail as backup.						
Urban Landscape will be updated 1st of the year, per Marchetta Maupin. (Code Sec.163)						

***\*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.***

**12/7/2015**

## Linda Tucker

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**From:** Linda Tucker  
**Sent:** Thursday, December 03, 2015 1:56 PM  
**To:** City Council.GOV  
**Cc:** Moncom@aol.com; bruffy@busride.org; Chelsi Baker  
**Subject:** RE: (no subject)

Mayor and Council, when reviewing the Transit Board Members I found that Jenny Dinsmore (City Appt), Jim Manilla (County Appt) and Clement Solomon(Joint Appt) expires on December 31, 2015. Dave Bruffy is asking if member wish to continue to serve and Diane will do the same. I will also advertise for candidates and if we get any candidates Council will interview at a Special Meeting. If there are No candidates and those serving wish to continue Council will re-appoint.

Thank you,

City Clerk☺

## Linda Tucker

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**From:** Moncom@aol.com  
**Sent:** Thursday, December 03, 2015 12:09 PM  
**To:** bruffy@busride.org; Linda Tucker  
**Subject:** (no subject)

Dave and Linda,

I've checked my roster. The term of Jim Manilla, as the Commission's representative does expire December 31. The joint appointment of Clement Solomon also expires on that date.

The Commission will need a letter from each of them that they desire to continue. We also post openings on our web site giving others the opportunity to apply if they choose.

Thanks.

Diane

## Linda Tucker

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**From:** Maria Smith <MariaSmith@busride.org>  
**Sent:** Wednesday, December 02, 2015 2:57 PM  
**To:** Linda Tucker  
**Subject:** RE: Mountain Line Recognizes Outstanding Employees in October

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Linda,

Below is the current status of all of our board members:

Appointed by	Current Term	Officers	
County	2010-2012	2013-2015	Jim Manilla ✓
County	2011-2013	2014-2016	Terri Cutright
County	2012-2014	2015-2017	V.P. David Flynn
City	2010-2012	2013-2015	President Jenny Dinsmore ✓
City	2011-2013	2014-2016	Treasurer Ron Bane
City	2012-2014	2015-2017	Secretary Denny Poluga
Joint	2010-2012	2013-2015	Clement Solomon ✓

Please let me know if you need any additional information.

Thanks,  
Maria

maria smith  
marketing officer

mountain line transit  
420 dupont road  
morgantown, wv 26501

**e:** [mariasmith@busride.org](mailto:mariasmith@busride.org)  
**w:** [busride.org](http://busride.org)  
**fb:** [mountainline](https://www.facebook.com/mountainline)  
**t:** [mountainline](https://www.instagram.com/mountainline)  
**g:** google trip planner <http://google/maps/Qu88h>

**p:** 304.296.3680  
**f:** 304.291.7429

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**From:** Linda Tucker [<mailto:ltucker@morgantownwv.gov>]  
**Sent:** Wednesday, December 02, 2015 11:01 AM  
**To:** Maria Smith  
**Subject:** RE: Mountain Line Recognizes Outstanding Employees in October

Maria, could you check on a Board Member for me and their expiration date? I have 2014 on my list for David Flynn. Thank you☺

## Linda Tucker

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**From:** David Bruffy <Bruffy@busride.org>  
**Sent:** Thursday, December 03, 2015 9:49 AM  
**To:** Linda Tucker  
**Cc:** Moncom@aol.com  
**Subject:** RE: Board Appointees

The original terms are staggered and in three year terms. If there was an appointment made in an off year, it wouldn't be for three years, it would only be for the balance of time remaining in a particular term. In this manner, the Authority will never have more than two, new Board Members in one year, excepting when the Joint Appointment expires. In that year, there could be three new members. The Terms were set by the Intergovernmental Agreements the City and County approved when they created the Authority in 1996. Hope that helps.

David Bruffy, CCTM  
General Manager  
Mountain Line Transit Authority  
420 DuPont Road  
Morgantown, WV 26501  
Bruffy@busride.org  
WWW.BUSRIDE.ORG  
[www.Twitter.com/MountainLine](http://www.Twitter.com/MountainLine)  
[www.Facebook.com/MountainLine](http://www.Facebook.com/MountainLine)  
<http://www.linkedin.com/pub/dave-bruffy/10/137/488>  
(304) 296-3680 Office  
(304) 291-7433 Route Information  
(304) 291-7429 FAX

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**From:** Linda Tucker [mailto:ltucker@morgantownwv.gov]  
**Sent:** Thursday, December 03, 2015 9:27 AM  
**To:** David Bruffy  
**Cc:** Moncom@aol.com  
**Subject:** RE: Board Appointees

David, I think the County Commission already approved that last year? I have 2017 on my list? Diane can you check your records also☺

**From:** David Bruffy [mailto:Bruffy@busride.org]  
**Sent:** Thursday, December 03, 2015 9:19 AM  
**To:** [CityClerk@morgantown.com](mailto:CityClerk@morgantown.com)  
**Subject:** Board Appointees

Linda,

I am writing to request reappointment of Board Member Jenny Dinsmore, whose three year term expires in December. Jenny has been an active member of the Board with regular attendance and she currently serves as the

Authority Board President. I would also request reappointment of Clement Solomon. He is finishing the unexpired term of Hugh Kierig and that term ends at the end of this month as well.

Thank you for your assistance and if you have any questions, please let me know.

Sincerely,

David Bruffy, CCTM

General Manager

Mountain Line Transit Authority

420 DuPont Road

Morgantown, WV 26501

[Bruffy@busride.org](mailto:Bruffy@busride.org)

[WWW.BUSRIDE.ORG](http://WWW.BUSRIDE.ORG)

[www.Twitter.com/MountainLine](http://www.Twitter.com/MountainLine)

[www.Facebook.com/MountainLine](http://www.Facebook.com/MountainLine)

<http://www.linkedin.com/pub/dave-bruffy/10/137/488>

(304) 296-3680 Office

(304) 291-7433 Route Information

(304) 291-7429 FAX

ARTICLE 1389  
Board of Zoning Appeals

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

CROSS REFERENCES

Charter provisions - see CHTR. 6.01  
Statutory provisions - see W. Va. Code Art. 8A-8

1389.01 ESTABLISHMENT.

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

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

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

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

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

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

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

#### 1389.02 POWERS AND DUTIES.

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

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

#### 1389.03 VARIANCES.

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

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

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

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

#### 1389.04 CONDITIONAL USES.

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

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

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

#### 1389.05 JUDICIAL REVIEW.

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

## CHAPTER SEVEN - Boards and Commissions

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

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ARTICLE 145  
Planning Commission

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

## CROSS REFERENCES

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

**145.01 ESTABLISHED.**

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

**145.02 COMPOSITION AND MEMBERSHIP; VACANCIES.**

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

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

**145.03 ORIGINAL APPOINTMENTS.**

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

**145.04 OFFICERS.**

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

**145.05 OFFICES, FACILITIES AND EXPENSES.**

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

**145.06 MEETINGS; QUORUM.**

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

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

ARTICLE 147  
Water Commission

EDITOR'S NOTE: Former Article 147 was repealed August 16, 1988. The management and control of the Municipal waterworks system has been transferred to the Utility Board established under Article 169.

ARTICLE 149  
Board of Park and Recreation Commissioners

149.01	Established.	149.07	Powers.
149.02	Membership; term.	149.08	Use of properties.
149.03	Vacancy.	149.09	Facilities to be maintained.
149.04	Oath; president; vice president; secretary.	149.10	Rules and regulations; legal counsel.
149.05	Compensation.	149.11	Fees.
149.06	Office; employees.	149.12	Appropriation of moneys.

CROSS REFERENCES

Authority to establish - see CHTR. Sec. 4.02  
Board of Park and Recreation Commissioners - see W. Va. Code  
Art. 8-21

149.01 ESTABLISHED.

A Board of Park and Recreation Commissioners is hereby established. The Board shall be a public corporate body with perpetual existence and a common seal. It shall be known as the Board of Park and Recreation Commissioners of Morgantown, West Virginia. It shall have the power to receive any gift, grant, donation, bequest or devise in its own name or in the name of the City; sue and be sued; contract and be contracted with; and do any and all things and acts which may be necessary, appropriate, convenient or incidental to carry out and effectuate the purposes and provisions of this article.  
(Ord. 5-19-81.)

149.02 MEMBERSHIP; TERM.

The Board of Park and Recreation Commissioners shall consist of seven members, a majority of whom shall constitute a quorum for the transaction of business. Each member of the Board must be a resident of the City. The appointment of the members thereof shall be by Council. Membership on Council shall not disqualify any member from being appointed to the Board. Two members of Council, if otherwise qualified, may be appointed to the Board. The term of the Board membership of any such member of Council so appointed shall continue during his term as a member of Council and until his successor is appointed or elected and qualified. The terms of other appointed members shall be for six years, except for the initial appointment as hereinafter stated, and until their successors have been duly appointed and qualified. Council shall appoint the members of the Board, such first appointees to serve, one for a term of six years, two for a term of four years, and two for a term of two years. The date upon which the terms of such Board members shall end shall be the 30th day of June. When any member of the Board, during his term of office, shall cease to be a resident of the City, he shall thereby be disqualified as a member of the Board and his office shall thereupon become vacant. (Ord. 05-20. Passed 6-21-05.)

(NOTE: The next printed page is page 59.)

#### 149.03 VACANCY.

When a vacancy occurs on the Board of Park and Recreation Commissioners by reason of death, resignation, change of residence from the City, expiration of the term or due to any other cause, Council shall appoint a successor or successors, or if there should be no members left on the Board, Council shall appoint successors, and in either event, the appointments shall be for the unexpired term or terms. (Ord. 5-19-81.)

#### 149.04 OATH; PRESIDENT; VICE PRESIDENT; SECRETARY.

(a) After appointment, the members of the Board of Park and Recreation Commissioners shall qualify by taking and filing with the Clerk of the City the oath prescribed by law for public officials, and they shall not be permitted to serve upon the Board until they have so qualified. If any member of the Board shall fail to so qualify on or before the date upon which he should assume the duties of his office, a vacancy shall exist which shall be filled as provided in Section 149.03.

(b) At the first meeting held after the first Board has been appointed, as hereinbefore provided, and thereafter at the first meeting in July of each year, the members of the Board shall organize by electing one of their number president, and another vice president and by electing a secretary who need not be a member of the Board. The secretary shall keep an accurate record of all the fiscal affairs of the Board, and shall keep a minute book in which he shall record the proceedings and transactions of each meeting of the Board. The secretary shall be paid such compensation for his services as the Board shall fix from year to year. The City Finance Director shall be ex-officio treasurer of the Board, and he shall take the oath prescribed by law and shall furnish such bond as may be required by the Board.  
(Ord. 5-19-81.)

#### 149.05 COMPENSATION.

The members of the Board of Park and Recreation Commissioners shall receive no compensation for their services but they shall be entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties as members of the Board. They shall not be personally interested, directly or indirectly, in any contract entered into by the Board, or hold any remunerative position in connection with the establishment, construction, improvement, extension, development, maintenance or operation of any of the property under their control as members of the Board.  
(Ord. 5-19-81.)

#### 149.06 OFFICE; EMPLOYEES.

Council shall furnish the Board of Park and Recreation Commissioners an office in a City building where it may hold its meetings and keep its records. The Board shall have complete and exclusive control and management of all of the properties which shall be operated in connection with the public park and recreation system for the City, and shall have power to employ such persons as, in its opinion, may be necessary for the establishment, construction, improvement, extension, development, maintenance or operation of the property under its control, at such wages or salaries as it shall deem proper, and shall have full control of all employees.  
(Ord. 5-19-81.)

**149.07 POWERS.**

The Board of Park and Recreation Commissioners is hereby granted the power and authority to acquire in its name upon approval of Council or in the name of the City by purchase, lease or by exercise of the power of eminent domain, or otherwise, such land or lands as it shall determine to be necessary, appropriate, convenient or incidental to the establishment, construction, improvement, extension, development, maintenance or operation of a system of public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational facilities for the City, whether of a like or different nature. (Ord. 5-19-81.)

**149.08 USE OF PROPERTIES.**

The Board of Park and Recreation Commissioners is hereby empowered and authorized to take title in the name of the City, or in its own name, to all real and personal property acquired by it for the use of the public or useful to the public in the establishment, construction, improvement, extension, development, maintenance or operation of all public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and all other public park and recreational facilities for the City, whether of a like or different nature, and shall manage and dispose of the same as, in its opinion, will best serve the interests of the public in carrying out the purposes of this article, provided, however, that the Board shall not acquire title or dispose of land in its own name without approval of Council. The City and all other public bodies owning real property intended to be used for public parks and recreation are hereby authorized to let same for use of the Board, upon approval by Council, to be held by it for such purposes, and the Board is hereby authorized to receive the same. Nothing contained in this article shall be construed as limiting the Board from going beyond the corporate limits of the City, anywhere within the State, to lease, purchase or otherwise acquire, in the name of the City, or its name, upon approval of Council, any real property for the purposes herein set forth. The Board shall have the right to recommend the sale, upon approval by Council, such part of the real property that it may acquire by gift, devise, purchase or otherwise in its own name or the name of the City, as it may determine to be of no advantage in the establishment, construction, improvement, extension, development, maintenance or operation of the public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational facilities, whether of a like or different nature; except that the Board shall have the power and authority to recommend such sales and conveyances of real property with approval of Council, as may be necessary, appropriate or convenient to enable the City to obtain the benefits of West Virginia Code Article 8-16 or any other similar act or legislative authorization. Under no circumstances shall any of such real property be sold or conveyed except by unanimous vote of all of the members of the Board and with approval of Council. All deeds conveying the real property of the Board shall be executed by the City, or, if in the name of the Board by its president or vice president, and shall have its seal affixed and shall be duly attested by its secretary. (Ord. 5-19-81.)

**149.09 FACILITIES TO BE MAINTAINED.**

The Board of Park and Recreation Commissioners shall have the necessary, appropriate, convenient and incidental powers and authority to manage and control all public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational

facilities of all kinds used as a part of the public park and recreation system or as a means of maintaining places of beauty, education and promoting the health, property, lives, decency, morality and good order of the general public, and particularly of the inhabitants of the City and vicinity; to abate or cause to be abated all nuisances affecting same; to regulate or prohibit the selling of any article, goods, wares or merchandise within the park and recreation system so designated; to regulate or prohibit the placing of signs, billboards, posters and advertisements within the park and recreation system as so designated, or the grounds immediately adjacent thereto; to have the same kept in good order and free from obstruction for the use and benefit of the public; to restrict and prohibit vagrants, mendicants, beggars, tramps, prostitutes or disorderly individuals therefrom; to establish, construct, improve, extend, develop, maintain and operate such parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational facilities, whether of a like or different nature, on any grounds controlled by the Board; to acquire for public use by lease or otherwise lands either within or without the corporate limits of the City; to cause any public street, avenue, road, alley, way, bridle path or walkway, which is a part of the public park and recreation system, to be graded, drained and surfaced; to construct, maintain and operate all necessary sewers and water lines in connection with the public park and recreation system; and to do any and all other things or acts which may in any way be necessary, appropriate, convenient or incidental to the use and enjoyment of the public park and recreational system by the general public as a place or places of beauty, education, entertainment and recreation.

(Ord. 5-19-81.)

#### 149.10 RULES AND REGULATIONS; LEGAL COUNSEL.

In order to accomplish the foregoing purposes, the Board of Park and Recreation Commissioners is hereby empowered and authorized to promulgate, and amend from time to time, such rules and regulations as may be necessary, appropriate, convenient or incidental thereto. After codification of such rules and regulations, or any amendments thereto, by ordinance of Council which may provide penalties for a violation thereof, which codification is hereby authorized, the Board shall enforce the same by appropriate proceedings in any proper tribunal of this State, or any county, district or municipality thereof; and shall employ such police officers as it shall deem proper and necessary. The City Attorney shall be the official counsel for the Board and shall advise it on all legal matters, but the Board may, in its own discretion, employ other or additional counsel. (Ord. 5-19-81.)

#### 149.11 FEES.

The Board of Park and Recreation Commissioners may make reasonable charges to the public for the privilege of using any of the recreational facilities provided in the park and recreation system and may use the funds so received for the purpose of establishing, constructing, improving, extending, developing, maintaining or operating the park and recreation system.

(Ord. 5-19-81.)

**149.12 APPROPRIATION OF MONEYS.**

In carrying out the purposes of this article, the Board of Park and Recreation Commissioners is hereby empowered and authorized to receive and disburse for such purposes, any moneys appropriated to it by Council, together with any other funds which may come into its hands by gift, grant, donation, bequest, devise or from its own operation or otherwise.

(Ord. 5-19-81.)

ARTICLE 151  
Traffic Commission

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

CROSS REFERENCES

Authority to establish - see CHTR. Sec. 4.02

**151.01 ESTABLISHED.**

There is hereby established and created a Traffic Commission for the City, the official name of which shall be "The Morgantown Traffic Commission".  
(Ord. 15-09. Passed 2-17-15.)

**151.02 COMPOSITION AND MEMBERSHIP.**

(a) The Traffic Commission shall be composed of: a member of Council; one resident from each of the City wards; one resident at-large to represent bicycling; one resident at-large to represent walking; and one Planning Commission member. All ward, at-large and Planning Commission members shall be appointed by Council. Ex-officio Commission members of the Traffic Commission shall include the Police Chief, or his/her designee; the City Engineer, or his/her designee; the WVU Parking Director/Planner or his/her designee; the Director of the Morgantown Board of Park and Recreation Commissioners (BOPARC) or his/her designee; the Director of the Mountain Line Transit Authority or his/her designee; and the Director of the Morgantown Monongalia Metropolitan Planning Organization (MMMPO) or his/her designee.

(b) The ex-officio members shall serve without any specific term and shall serve by virtue of their office, enjoying all rights of membership except a vote. Each Council and Planning Commission members shall serve until his or her current respective term on Council or Planning Commission expires.

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

**151.03 OFFICERS AND RULES OF PROCEDURE.**

(a) The City Engineer shall call the first meeting of the Traffic Commission. The Commission shall meet at least once a month, and shall select from its own membership a chairperson.

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

**151.04 DUTIES.**

The duties of the Traffic Commission shall be to receive citizen input pertaining to traffic issues and to act as an advisory to City Council on matters relating to:

- (a) The movement and regulation of motor vehicles, bicycles and pedestrians within the City.
- (b) The coordination of traffic activities.
- (c) Educational activities in traffic matters.
- (d) The ways, means and methods of improving traffic conditions within the City; and
- (e) The administration and enforcement of traffic regulation. The Commission shall receive such reports and information as deemed necessary by City Administration. The Commission may request the assistance and advice of any other department or official of the City. The City Engineer shall provide primary services for agendas, minutes, studies and implementation of tasks resulting from Commission actions.  
(Ord. 15-09. Passed 2-17-15.)

ARTICLE 153  
Human Rights

153.01	Declaration of policy.	153.06	Meetings, bylaws and rules.
153.02	Definitions.	153.07	Commission status and objectives.
153.03	City Human Rights Commission established.	153.08	Powers; functions; services.
153.04	Composition and membership.	153.09	Complaints; procedures.
153.05	Officers.		

CROSS REFERENCES

- Authority to prohibit housing discrimination - see  
W.Va. Code 8-12-9  
State Human Rights Commission - see W.Va. Code Art. 5-11  
Local human relation commission - see W.Va. Code 5-11-1

153.01 DECLARATION OF POLICY.

In order to build an inclusive community, the City will dedicate deliberate and continuous attention to the human relations and human rights of its residents and visitors.

It is the public policy of the City to provide all of its residents equal opportunity for participation in local governance, employment, equal access to places of public accommodations and equal opportunity in the sale, purchase, lease, rental and financing of housing accommodations or real property. Equal opportunity in the areas of employment, public accommodations, housing accommodations or real property is hereby declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, age, blindness or handicap.

The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness, handicap or familial status is contrary to the principles of freedom and quality of opportunity and is destructive to a free and democratic society.

This City policy is based on the recognition and vision that the diversity found in our city brings forth richness in our community, a greater understanding of our world, a multitude of talent to benefit collective needs, and an opportunity for enhanced living and learning for all. Inherent in this policy is a commitment to encourage and endeavor to bring about equal opportunity, mutual understanding and respect for persons of all ages, abilities, ancestry, blindness, color, disability or handicap, ethnicities, familial status, national origins, sex, sexual orientations, races, religion and other backgrounds or orientations.

(Ord. 12-34. Passed 7-17-12.)

## 153.02 DEFINITIONS.

When used in this article:

- (a) "Person" means one or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons.
- (b) "Commission" means the Human Rights Commission of the City.
- (c) "Inclusive City" and "Inclusive Community" as used in this article, shall mean the same thing, e.g., a city that helps people thrive by: supporting hospitality; welcoming diversity; promoting civility; promoting safe, affordable dwellings; enabling participation in community, services, and local government; supporting fairness in access to opportunities and services; reducing violence; supporting social justice; encouraging awareness and understanding of opportunities/limitations; making residents aware of the West Virginia Human Rights Commission; and working for a more sustainable community for present and future citizens.
- (d) "Discriminate" or "discrimination" means to exclude from, or fail or refuse to extend to, a person equal opportunities in employment, public accommodations, housing, or other real property transactions because of race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation or familial status. Discriminate includes to separate or segregate based on any of these characteristics.
- (e) "Race, religion, color, national origin, ancestry, sex, age, blindness, handicap or disability, and familial status" are defined herein to be equivalent to the definitions in the West Virginia Human Rights Act, Code 5-11-3.
- (f) "Sexual orientation" means having a preference for heterosexuality, homosexuality, being transgendered, or bisexuality, having a history of such preference or being identified with such preference.
- (g) "National League of Cities" means the National League of Cities and its various institutes and programs which relate to diversity in municipal populations throughout the United States and to efforts to support development of more equitable and sustainable communities.
- (h) "Neighborhood Coordinating Council" means the inter-neighborhood entity established by the City in 2005 to facilitate information exchange between the City administration and neighborhoods and among neighborhood organizations within the City.
- (i) "Sister City Program" means a national intercultural exchange program established in 1956 to promote global cooperation and intercultural understanding at the municipal level; stimulate connections, competitiveness and collaboration as well as development in a global market; and support citizen diplomacy on the part of individuals of all ages. The City of Morgantown has established a Sister Cities Commission to support its Sister City relationships established since 1978.
- (j) "Martin Luther King Day" celebrations means special observances related to the national holiday to celebrate respect for individuals of all backgrounds and origin.
- (k) "Teen Court" program means the Teen Court Program established by resolution August 2007.
- (l) "Youth Commission" means the Youth Commission of the City established by ordinance. (Ord. 12-34. Passed 7-17-12.)

### 153.03 CITY HUMAN RIGHTS COMMISSION ESTABLISHED.

There is hereby established in the City a Human Rights Commission.  
(Ord. 12-34. Passed 7-17-12.)

### 153.04 COMPOSITION AND MEMBERSHIP.

The Human Rights Commission shall consist of seven members to be appointed by City Council. The members shall be residents of and in the City. The Commission may appoint, with the approval of City Council, ex-officio members who shall have the privilege of participation without the right to vote.

Commissioners shall serve for two-year terms beginning with the first meeting after the beginning of the municipal fiscal year. Four of the first seven members shall be appointed to serve terms of two years, while three shall be appointed to serve terms of one year.

Thereafter, terms of office for all commissioners will be staggered with two-year terms. Members may be reappointed to subsequent two-year terms.  
(Ord. 12-34. Passed 7-17-12.)

### 153.05 OFFICERS.

(a) Officers: The officers of the Human Rights Commission shall be a Chairperson, Vice Chairperson, and Secretary. The Chairperson shall serve as the liaison to the City administration.

(b) Appropriation of Funds: City Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Human Rights Commission. The Commission, with the approval of Council, may apply for State and Federal financial aid in grants or other forms of financial assistance through the City Administration to assist in carrying out any approved plans or projects.

(c) Fiscal Responsibilities: The Human Rights Commission shall not have the authority to maintain any independent banking or other financial account. Any such account, if requested, shall be maintained by the City Manager.  
(Ord. 12-34. Passed 7-17-12.)

### 153.06 MEETINGS, BYLAWS AND RULES.

The Human Rights Commission shall meet as often as is deemed necessary by its members, upon call of the chairman. The Commission shall adopt its own bylaws and rules, subject only to the action of Council.  
(Ord. 12-34. Passed 7-17-12.)

### 153.07 COMMISSION STATUS AND OBJECTIVES.

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

In addition, the purpose of the Commission shall be to:

- (a) Work to make Morgantown an inclusive city.
- (b) Collaborate with the National League of Cities, West Virginia University, Monongalia County Commission and other partners as appropriate to encourage leadership in helping attain inclusivity in the City and its larger community.
- (c) Assess needs and identify barriers towards becoming a more inclusive community. Establish goals and objectives for sustaining welcoming environments, enhancing global awareness, and promoting optimum opportunities for supporting safe housing and thriving people.
- (d) Support as well as plan, publicize, implement, and evaluate programs, services and activities which promote appreciation for all peoples and the personal worth of every individual.
- (e) Enlist the cooperation of civic, community, corporate, educational, ethnic, health care, labor, racial, religious, social justice or other identifiable groups of the City in programs and services devoted to the advancement of tolerance, communication and understanding, and equal protection of the laws of all groups and people.  
(Ord. 12-34. Passed 7-17-12.)

#### 153.08 POWERS; FUNCTIONS; SERVICES.

The Commission has the right and duty to communicate with City Council and to present to Council any issues that it has investigated pursuant to this article.

The Commission is hereby authorized and empowered:

- (a) To cooperate and work with federal, state and local government officers, units, activities and agencies in the promotion and attainment of more harmonious understanding and greater equality of rights between and among all racial religious and ethnic groups in this City.
- (b) To enlist the cooperation of racial, religious and ethnic units, community and civic organizations, industrial and labor organizations and other identifiable groups of the City in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws of all groups and people.
- (c) To hold and conduct public hearings or meetings relating to any and all types of discrimination. These hearings shall be of a non-adjudicatory nature and shall not constitute investigations or adjudication of individual complaints regarding unlawful discrimination under the West Virginia Human Rights Act 5-11-1 et. seq.
- (d) To refer any individual or group complaint regarding alleged acts of unlawful discrimination to the West Virginia Human Rights Commission for investigation and adjudication.
- (e) To recommend to Council policies, procedures, practices and legislation in matters and questions affecting human rights. Study problems and needs related to inclusivity in the City and make specific recommendations to the City Manager and to the City Council and other partners as pertinent.
- (f) To prepare a written report on its work, functions and services for each year ending on June 30 and to deliver copies thereof to Council on or before December 1 next thereafter.
- (g) To do all other acts and deeds necessary and proper to carry out and accomplish effectively the objectives, functions and services contemplated by the provisions of this article, including the promulgation of rules and regulations implementing the powers and authority hereby vested in the Commission.

- (h) To create such advisory agencies within the City as in its judgment will aid in effectuating the purpose of this article; to study the problem of discrimination in all or specific fields or instances of discrimination because of race, religion, color, national origin, ancestry, sex, age, blindness or handicap; to foster, through community effort or otherwise, goodwill, cooperation and conciliation among the groups and elements of the population of the City and to make the recommendations to the Commission for the development of policies and procedures, and for programs of formal and informal education, which the Commission may recommend to the appropriate City agency. Such advisory agencies shall be composed of representative residents serving without pay. The Commission may itself make the studies and perform the acts authorized by this subsection. It may, by voluntary conferences with parties in interest, endeavor to eliminate discrimination in all stated fields and to foster goodwill and cooperation among all elements of the population of the City.
- (i) To accept contributions from any person to assist in the effectuation of the purposes of this section and to see and enlist the cooperation of private, charitable, religious, labor and civic and benevolent organizations for the purposes of this section.
- (j) To issue such publications and such results of investigation and research as in its judgement will tend to promote goodwill and minimize or eliminate discrimination; however, the identity of the parties involved shall not be disclosed.
- (k) To advise, consult with, and inform the City Manager on any matter pertaining to inclusivity in the City.
- (l) To support and develop program initiatives to promote residents' awareness and knowledge of both opportunities to increase inclusivity and current barriers which limit community inclusiveness and long-term sustainability.
- (m) To learn about best practices for addressing issues.
- (n) To create and implement an inclusive community plan for the City which increases public awareness of issues; promotes education and understanding, provides, enables, or enhances services; articulates planned collaboration; and promotes public participation.
- (o) To review City plans and policies which contain matters relating to inclusivity.
- (p) To use media and the Internet to frame and convey information about issues, public programs, and service opportunities.  
(Ord. 12-34. Passed 7-17-12.)

#### 153.09 COMPLAINTS; PROCEDURES.

The Commission shall inform any individual claiming to be aggrieved by an alleged unlawful discriminatory practice under West Virginia Human Rights Act 5-11-9 that the Commission does not have the power to accept formal complaints of illegal practices. Any individual claiming to be so aggrieved shall be referred to the West Virginia Human Rights Commission for investigation and adjudication of the complaint.  
(Ord. 12-34. Passed 7-17-12.)

ARTICLE 155  
Parking Authority

- |  |  |
|--|--|
| <p>155.01 Created.</p> <p>155.02 Jurisdiction.</p> <p>155.03 Composition and membership;<br/>vacancies.</p> <p>155.04 Oath of office.</p> <p>155.05 Members' bonds. (Repealed)</p> <p>155.06 Organization and officers.</p> <p>155.07 Powers and duties.</p> <p>155.08 Appointment of special<br/>police officers.</p> | <p>155.085 Parking enforcement officers.</p> <p>155.09 Powers relative to parking<br/>facilities.</p> <p>155.10 Members not to be interested<br/>in contracts.</p> <p>155.11 Certain State law adopted.</p> <p>155.12 Construction of article.</p> |
|--|--|

CROSS REFERENCES

- Municipal public works; bonds - see W. Va. Code Art. 8-16  
 Authority to lease off-street parking facilities - see  
     W. Va. Code 8-12-12  
 Off-street parking - see TRAF. Art. 365

**155.01 CREATED.**

There is hereby established the Morgantown Parking Authority.  
 (1967 Code Sec. 2-108.)

**155.02 JURISDICTION.**

The construction, acquisition, improvement, extension, equipment, custody, operation and maintenance of all automobile parking facilities, except as otherwise provided by this article, including parking lots, parking buildings, ramps, curb line parking and other parking facilities deemed necessary or incidental to the regulation and control and parking of automobiles is hereby vested in the City Parking Authority, hereinafter referred to in this article as the "Parking Authority".  
 (1967 Code Sec. 2-109.)

**155.03 COMPOSITION AND MEMBERSHIP; VACANCIES.**

The Parking Authority shall consist of five persons, each of whom shall be a resident of the City. Two members of such authority shall also be members of the governing body of the City, one of which is to be appointed by the Mayor, and one of which is to be elected by Council. The term of these two members shall be coextensive with the term of office to which he has been elected or appointed. The remaining members of the Commission shall be appointed by Council for a term of three years, such terms to begin on the first day of July of any year; provided, however, that the three members of the Parking Authority heretofore appointed and in office when this article becomes effective shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified. In the event of a vacancy in the membership of the Parking Authority a successor shall be appointed by Council for the unexpired term only. Members other than those appointed from the governing body shall serve until their successors have been appointed and qualified.

Any member of the Parking Authority not also a member of the governing body of the City shall be eligible for reappointment upon expiration of his term, and any member who is also a member of the governing body shall be eligible for reappointment; provided, that he is continuing as a member of the governing body. Members of the Parking Authority shall receive no compensation or salary for their services but shall be reimbursed out of the funds of such Authority for any expenses incurred in their duties as such. Any member of the Parking Authority shall be removed for just cause by Council upon written charges and by the vote of a majority thereof after a public hearing thereon.  
(1967 Code Sec. 2-110.)

**155.04 OATH OF OFFICE.**

Each member of the Parking Authority before entering upon the duties of his office shall make before someone authorized by law to administer oaths, and file with the City Clerk, an oath or affirmation to support the Constitution of the United States and of the State, and to perform faithfully, honestly and impartially the duties of his authority to the best of his skill and judgment.  
(1967 Code Sec. 2-111.)

**155.05 MEMBERS' BONDS. (REPEALED)**

EDITOR'S NOTE: Former Section 155.05 was repealed by Ordinance 14-17.

#### 155.06 ORGANIZATION AND OFFICERS.

As soon after the first day of July of each year as possible the Parking Authority shall hold an annual meeting at which time a chairman and a secretary shall be elected from the membership of such Authority. The chairman shall preside at all meetings of the Parking Authority, shall have the power to call a meeting of such Authority at any time and shall perform such other functions as may be provided for in the rules and regulations and by-laws of the Parking Authority. The secretary shall keep a record of the proceedings of the Parking Authority which shall be considered a public municipal record and shall be available for inspection of any person at all reasonable times. The Finance Director shall be treasurer of the Parking Authority. The treasurer shall be the custodian of the funds of the Parking Authority and shall receive and disburse the same as directed by such Authority. (1967 Code Sec. 2-113.)

#### 155.07 POWERS AND DUTIES.

The Parking Authority shall have the power and authority within the City to construct, acquire, improve, extend, equip, operate and maintain automobile parking facilities, including parking lots, parking buildings and parking ramps deemed necessary or incidental to provide off-street parking facilities for vehicles within the City, and all such works shall be under the custody, control and supervision of such authority.

Such authority shall have the power to collect revenues therefrom for the services rendered thereby, which revenues shall be delivered to the Finance Director and maintained by him in a separate fund designated as the "Parking Facilities Revenue Fund". The revenues from the operation of off-street parking facilities, after allowance for the cost of maintenance and operation, shall be available for the payment of the interest on and principal of the bonds proposed to be issued, which payments shall be made by the Finance Director, with the approval of Council, and no other expenditures from such Fund shall be made without the approval of Council; except, that the Finance Director may honor requisitions from the Parking Authority for reasonable and necessary expenditures not to exceed the sum of five hundred dollars (\$500.00) in any fiscal year.

The Parking Authority shall have power to take all steps and proceedings, and to make and enter into all contracts or agreements necessary or incidental to the performance of its duties; provided, that any contract involving the expenditure of a sum in excess of five hundred dollars (\$500.00) in any fiscal year, and any contract relating to the financing or the acquisition, construction, extension or equipment of any such works, or the issuance of any bonds, or any trust indenture shall be first approved by Council. Rates or charges for the use of, and for the services rendered by the municipal public automobile parking facilities shall be established by Council.

The Parking Authority shall have the power to employ engineers, architects, inspectors, superintendents, managers, collectors, attorneys and such other employees as in its judgment may be necessary in the execution of its powers and duties, and may fix their compensation, and all such employees shall perform such work and labor as the Parking Authority may direct. All such compensation and expenses incurred in carrying out the provisions of this article shall be paid out of the funds provided under this article and under the provisions of West Virginia Code Article 8-16, and such Authority shall not exercise or carry out any authority or power herein given it so as to bind such Authority or the City beyond the extent to which moneys shall have been, or may be provided for its use by Council, or moneys provided under the authority of West Virginia Code Article 8-16.

No contract or agreement exceeding the sum of one thousand dollars (\$1,000) shall be made without advertising for bids, which bids shall be publicly opened and award made to the lowest responsible bidder, with power in the Parking Authority to reject any and all bids. After the construction, installation, completion or the acquisition of any such public works, the Parking Authority shall operate, manage and control the same, and may order and complete any extensions, betterments and improvements of and to the works that such Authority may deem expedient, if funds therefor are available, or made available as provided in such sections of the Code of West Virginia, and such Authority shall have the right to establish rules and regulations for the use and operation of such works and to do all things necessary or expedient for the successful operation thereof.

The Parking Authority shall also have the power to adopt rules, regulations and by-laws for the conduct of its business and affairs.

The Parking Authority shall make monthly reports to Council. Such reports shall show the financial condition of the various facilities operated by the Parking Authority including receipts and expenditures. The Parking Authority shall provide such other reports and information as Council may from time to time require or request. Any such reports may also in the discretion of the Parking Authority or at the request of Council include such recommendations concerning the activities of the Parking Authority as may be determined proper. (1967 Code Sec. 2-114.)

#### 155.08 APPOINTMENT OF SPECIAL POLICE OFFICERS.

The Parking Authority shall have authority to appoint special police officers, whose sole duties shall be to patrol, and to enforce Municipal ordinances upon or within, designated parking lots and parking buildings under the control of and operated by the Parking Authority. In the performance of such duties, such special police officers shall be vested with power to make arrests, issue summons, sign complaints and request the issuance of capiases. Such special police officers shall be in uniform, shall display a badge or other sign of authority and shall serve at the will and pleasure of the appointing authority. The cost of providing such special parking lot or parking building police officers shall be paid from revenues derived from off-street parking lots or parking buildings. (1967 Code Sec. 2-114.1.)

#### 155.085 PARKING ENFORCEMENT OFFICERS.

The Parking Authority shall have authority to enforce municipal parking ordinances within the City.

The Parking Authority shall appoint parking enforcement officers who will patrol and enforce Municipal parking ordinances upon the streets of the City of Morgantown and, in the performance of such duties shall be vested with power to issue summons and citations and sign complaints.

Parking enforcement officers shall be in uniform and display a badge or other sign of authority.

The salaries of such parking enforcement officers shall be paid by the Parking Authority and the Parking Authority shall retain all income derived from the curblin parking meters.

Parking enforcement officers shall acquire no civil service rights under the civil service rules of the State, shall acquire no rights under the policemen's pension and relief fund provisions of the West Virginia Code, nor shall the limited power delegated to them herein be construed as power or authority of a peace officer.

(Ord. 10-18. Passed 5-18-10.)

#### 155.09 POWERS RELATIVE TO PARKING FACILITIES.

The Parking Authority with reference to automobile parking facilities within the City shall have all of the powers and authorities provided for in West Virginia Code Article 8-16. (Ord. 10-7-86.)

#### 155.10 MEMBERS NOT TO BE INTERESTED IN CONTRACTS.

No member of the Parking Authority shall become or be directly or indirectly interested in any contract or in the profits to be derived therefrom with the Parking Authority. (1967 Code Sec. 2-116.)

#### 155.11 CERTAIN STATE LAW ADOPTED.

In the establishing of the Parking Authority, Council does hereby expressly adopt the provisions of West Virginia Code Article 8-16 as provided under the provisions and in accordance with the requirements of West Virginia Code 8-1-6. (1967 Code Sec. 2-117.)

#### 155.12 CONSTRUCTION OF ARTICLE.

Inasmuch as this article is necessary for the public health, safety and welfare of the residents of the City, it shall be liberally construed to effectuate the purposes thereof. (1967 Code Sec. 2-118.)

ARTICLE 156  
Metropolitan Theatre Commission

- |        |              |        |                                     |
|--------|--------------|--------|-------------------------------------|
| 156.01 | Established. | 156.06 | Meetings.                           |
| 156.02 | Purpose.     | 156.07 | Written reports.                    |
| 156.03 | Membership.  | 156.08 | Freedom of Information Act applies. |
| 156.04 | Vacancies.   |        |                                     |
| 156.05 | Officers.    |        |                                     |

CROSS REFERENCES  
Authority to establish - see CHTR. 4.02

156.01 ESTABLISHED.

There is hereby established a Metropolitan Theatre Commission for the City.  
(Ord. 03-13. Passed 3-18-03.)

156.02 PURPOSE.

The function of the Metropolitan Theatre Commission is to over watch and advise the City Manager and City Council regarding present and future development of the theater, programming, financing of theater projects, and operations of the theater as a whole.  
(Ord. 03-13. Passed 3-18-03.)

156.03 MEMBERSHIP.

The Metropolitan Theatre Commission shall consist of nine members. Seven of the members shall be residents of the City who shall be appointed by City Council from those members comprising the Commission of the Metropolitan Theatre Preservation Foundation at the date of adoption of this article. Each of the seven members shall serve a term of four years. Upon the conclusion of that four-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.

City Council shall determine at the conclusion of the initial four-year term which members of the Commission shall be assigned to the terms indicated above.

Upon the expiration of the terms specified above, all subsequent appointments shall be for a term of three years each.

An eighth 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 office to which he or she has been elected or appointed.

A ninth member of the Commission shall be a member of the Monongalia County Commission, and shall be appointed thereto by the County Commission. The term of the County Commission member shall be at the will and pleasure of the Monongalia County Commission.

All members shall serve without compensation.

(Ord. 03-13. Passed 3-18-03.)

#### 156.04 VACANCIES.

Vacancies shall be filled in the same manner as for appointments to the Commission, but for the unexpired term only. The office of a member of the Metropolitan Theatre 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. 03-13. Passed 3-18-03.)

#### 156.05 OFFICERS.

The Metropolitan Theatre Commission shall select from its own membership a chairperson, vice-chairperson and secretary.

(Ord. 03-13. Passed 3-18-03.)

#### 156.06 MEETINGS.

The Metropolitan Theatre 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 Governmental Proceedings Act.

(Ord. 03-13. Passed 3-18-03.)

#### 156.07 WRITTEN REPORTS.

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

(Ord. 03-13. Passed 3-18-03.)

#### 156.08 FREEDOM OF INFORMATION ACT APPLIES.

As a board of the City, the Metropolitan Theatre Commission shall be subject to the West Virginia Freedom of Information Act.

(Ord. 03-13. Passed 3-18-03.)

ARTICLE 157  
Sanitary Board

EDITOR'S NOTE: Former Article 157 was repealed August 16, 1988. The management and control of the Municipal sewerage system has been transferred to the Utility Board established under Article 169.

ARTICLE 159  
Library Board

<p>159.01 Established; appointment and term of members; vacancies.</p> <p>159.02 Compensation.</p> <p>159.03 Duties.</p> <p>159.04 Annual report to be made.</p>	<p>159.05 Donations of cash, property or real estate.</p> <p>159.06 Library to be free service.</p> <p>159.07 Withdrawal of State or federal funds.</p>
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CROSS REFERENCES

State law provisions - see W. Va. Code Art. 10-1

159.01 ESTABLISHED; APPOINTMENT AND TERM OF MEMBERS; VACANCIES.

There is hereby established a Board of five directors who shall be chosen from the residents of the City, with reference to their fitness for such office, and who shall be appointed by the Mayor with approval of Council. The directors shall hold office for five years from the 1st day of July following their appointment, and until their successors are appointed and qualified; provided, that upon their first appointment under this article, a proportionate number shall be appointed for one year, for two years, for three years, for four years and for five years. Vacancies in the Board shall be immediately reported to the Board of the governing authority and filled by appointment in like manner, and, if an unexpired term for the remainder of the term only. A director may be removed by just cause in the manner provided by the by-laws of the Library Board. Council may remove any director for just cause. (1967 Code Sec. 2-129.)

159.02 COMPENSATION.

No compensation shall be paid or allowed any director.  
(1967 Code Sec. 2-130.)

159.03 DUTIES.

The Board of Directors of the library shall:

- (a) Immediately after their appointment, meet and organize by electing one member as president, one member as treasurer and one member as secretary and such other officers as may be necessary. All officers shall hold office for one year and shall be eligible for re-election. The treasurer before entering upon his duties shall give bond to the governing authority in an amount fixed by Council and shall, if requested, give bond to the Library Board in an amount fixed by such Board, which bonds shall be conditioned for the faithful discharge of his official fiscal duties. The cost of such bonds shall be paid from the Library Fund.
- (b) Adopt such by-laws, rules and regulations as are necessary for its guidance and for the administration, supervision and protection of the library and all property belonging thereto as may not be inconsistent with the provisions of the laws of the State.

- (c) Supervise the expenditures of all money credited to the Library Fund. All money appropriated or collected for public library purposes shall be deposited in the treasury of the library directors fund as the library's Board of Directors shall direct, and shall be paid out on the certified requisition of the Library Board, in the manner provided for in the by-laws of the Board.
- (d) Employ a head librarian, and upon his or her recommendation employ such other assistants as may be necessary for the efficient operation of the library. (1967 Code Sec. 2-131.)

#### 159.04 ANNUAL REPORT TO BE MADE.

The Board of Directors shall make an annual report at the end of each fiscal year to the City Manager stating the condition of the library property, the various sums of money received from the Library Fund and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added during the year, the number withdrawn from circulation, the number of books lent, the number of registered users of such library, with such other statistics, information and suggestions as may be deemed of general interest. A copy of this report shall be sent to the State Library Commission. (1967 Code Sec. 2-132.)

#### 159.05 DONATIONS OF CASH, PROPERTY OR REAL ESTATE.

The Board of Library Directors shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded and shall have and use a common seal.

The title in the future to all bequests or donations of cash or other personal property or real estate for the benefit of such library shall be vested in the Board of Library Directors to be held in trust and controlled by such Board according to the terms and for the purposes set forth in the deed, gift, devise or bequest; provided, however, that the person making the bequest or donation of cash or of her personal property or real estate for the benefit of such library shall have the right and privilege to vest the title thereto in a trustee, or trustees, of his own selection, and to provide for the selection of successor trustees and to designate the manner in which such fund or property shall be invested and used.

Should the Library Board be dissolved, all assets of such Board shall revert to and become the property of the City. (1967 Code Sec. 2-133.)

#### 159.06 LIBRARY TO BE FREE SERVICE.

The library shall be free for the use of all persons living within the City, subject to reasonable rules and regulations adopted by the Library Board. The Board may extend the privilege and use of the library to nonresidents upon such terms and conditions as it may prescribe. The Board may exclude from the use of the library under its charge any person who willfully or persistently violates any rule or regulations prescribed for the use of the library or its facilities. (1967 Code Sec. 2-134.)

#### 159.07 WITHDRAWAL OF STATE OR FEDERAL FUNDS.

In the event State or federal funds are withdrawn from the Municipal Library, such Library will revert to the method of operation prior to adoption of this article. (1967 Code Sec. 2-135.)

ARTICLE 160  
Housing Advisory Commission

160.01	Established.	160.06	Meetings.
160.02	Purpose and duties.	160.07	Written reports.
160.03	Membership.	160.08	Freedom of information act applies.
160.04	Terms of office.		
160.05	Officers.		

CROSS REFERENCES  
Housing Code - see BLDG. AND HOUS. Art. 1751

**160.01 ESTABLISHED.**

There is hereby established a Housing Advisory Commission for the City.  
(Ord. 14-44. Passed 10-21-14.)

**160.02 PURPOSE AND DUTIES.**

The function of the Housing Advisory Commission is to:

- (a) Serve as the medium for citizen advice and comment on housing issues.
  - (b) Provide advocacy for establishing and maintaining diversity in housing types and opportunities.
  - (c) Encourage and strengthen collaborative planning and communications between public and private sectors.
  - (d) Review, consider, and make recommendations to the City Manager and City Council on all aspects that affect public and private housing.
  - (e) Research and discuss housing trends and ideas and make recommendations to the City Manager and City Council regarding housing policy and ordinances.
  - (f) Sponsor educational programs on owner and non-owner occupied housing.
- (Ord. 14-44. Passed 10-21-14.)

**160.03 MEMBERSHIP.**

- (a) The Housing Advisory Commission shall consist of thirteen members who shall be appointed by Morgantown City Council as follows:
- (1) One member of Morgantown City Council;
  - (2) One member from West Virginia University's Off-Campus Housing office;
  - (3) One member from West Virginia University's Office of Student Legal Services;
  - (4) One member from West Virginia University's Student Government;

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<br>applies. |
| 162.04 | Vacancies.   |        |  |
| 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.)

ARTICLE 163  
Urban Landscape Commission

163.01	Established.	163.06	Officers.
163.02	Purpose.	163.07	Meetings.
163.03	Membership.	163.08	Appropriation of funds.
163.04	Term.	163.09	Annual report.
163.05	Vacancies.		

CROSS REFERENCES  
Authority to establish - see CHTR. Sec. 4.02

163.01 ESTABLISHED.

There is hereby established an Urban Landscape Commission for the City, the official name of which shall be the "Morgantown Urban Landscape Commission".  
(Ord. 09-38. Passed 8-18-09.)

163.02 PURPOSE.

The purpose of the Urban Landscape Commission shall be to advise and recommend to the City Manager and/or City Council such plans, programs and projects which in the opinion of the Commission would improve the natural, aesthetic, and environmental quality of life within the City. The Commission shall review and make timely recommendations on all landscape plans accompanying new or reconstructed City buildings, parks, parking lots, trails and other City-owned realty. The Commission shall also appoint a Tree Board, which shall serve in an advisory capacity to the City Manager, when called upon by him/her, in administering the City's Tree and Shrub Ordinance (Article 917). The Commission shall also serve as a resource for the review of private sector projects as requested by the City Manager and/or the Planning Commission.  
(Ord. 09-38. Passed 8-18-09.)

**163.03 MEMBERSHIP.**

The Urban Landscape Commission shall consist of twelve members, consisting of the following: one from each ward of the City, one having expertise in Landscape Architecture, one having expertise as an Urban Forester, one having expertise as a Botanist or equivalent expertise, one being a member of the Board of Parks and Recreation Commission, and one being a member of City Council. All persons shall be residents of the City. The City Manager shall appoint a member of the City Administration to serve as an ex-officio member of the Commission. The seven Commission members, who represent wards, shall be nominated by the City Manager, upon the recommendation of their ward Councilperson and confirmed by City Council. The remaining members shall be nominated by individual Councilpersons and confirmed by City Council.  
(Ord. 13-04. Passed 2-19-13.)

**163.04 TERM.**

All non-ward members of the Urban Landscape Commission shall serve three-year terms as previously established by City Council. Whereas, it is the intent of City Council to stagger the terms of ward Urban Landscape Commission members so that no more than three of the seven ward terms shall expire in the same year. The terms of current ward members shall be as follows:

1 <sup>st</sup> Ward	7-01-09 to 7-01-12
2 <sup>nd</sup> Ward	7-01-10 to 7-01-12
3 <sup>rd</sup> Ward	7-01-09 to 7-01-12
4 <sup>th</sup> Ward	7-01-10 to 7-01-13
5 <sup>th</sup> Ward	7-01-10 to 7-01-13
6 <sup>th</sup> Ward	7-01-10 to 7-01-13
7 <sup>th</sup> Ward	7-01-10 to 7-01-11

All subsequent appointments of ward members shall be for a term of three years each.  
(Ord. 09-38. Passed 8-18-09.)

**163.05 VACANCIES.**

Vacancies shall be filled subject to the conditions set forth in Section 163.03 and for the unexpired term only. The office of a member of the Urban Landscape Commission shall become vacant upon the member's death, resignation, or removal from office. Should a member fail to attend more than one-half of the meetings of the Commission in a consecutive twelve-month period, the Chairperson shall confer with the member so as to assess the ability of the member to continue serving as a member of the Commission. All members shall serve without compensation. (Ord. 09-38. Passed 8-18-09.)

**163.06 OFFICERS.**

At the first Commission meeting of July in each year, the Urban Landscape Commission shall select from its own membership a chairperson, vice-chairperson, and secretary. (Ord. 09-38. Passed 8-18-09.)

**163.07 MEETINGS.**

The Urban Landscape Commission shall meet as often as it may deem necessary by its members, upon call of the chairperson. The Commission shall adopt its own by-laws or rules subject only to the action of Council.  
(Ord. 09-38. Passed 8-18-09.)

#### 163.08 APPROPRIATION OF FUNDS.

Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Urban Landscape Commission. The Commission, with the approval of City Council, may apply for federal and state financial aid in grants or other forms of financial assistance through the City Administration to assist in carrying out any of such proposals or projects. The Commission may also seek financial assistance from organizations or individuals for such purposes in consultation with the City Administration. All Commission funding shall be received and managed by the office of the City Manager.  
(Ord. 09-38. Passed 8-18-09.)

#### 163.09 ANNUAL REPORT.

Council may request a yearly report from the Urban Landscape Commission regarding its services provided throughout the previous year. This report may include information, statistics and recommendations which may be deemed of general interest.  
(Ord. 09-38. Passed 8-18-09.)

ARTICLE 165  
Citizens Advisory Committee

EDITOR'S NOTE: Former Article 165 was repealed by Ordinance 04-32, passed September 22, 2004.

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; term; compensation.	167.11	Restriction on use of property designated as historic landmark.
167.04	Officers; meetings; quorum; rules.	167.12	Notice to County Assessor of designation of historic district.
167.05	Employees.	167.13	Assistance of State agencies; coordination.
167.06	Offices and expenses; other appropriations.	167.14	Notice and public hearing.
167.07	Meeting minutes.		
167.08	Annual report; reports to the Department of Culture and 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 168  
Museum Commission

168.01	Established.	168.07	Appropriation of funds.
168.02	Members.	168.08	Powers and duties.
168.03	Officers.	168.09	Cooperation with State agencies.
168.04	Meetings.	168.10	Annual report.
168.05	Voting.		
168.06	Compensation and reimbursement for expenses.		

CROSS REFERENCES

Authority to establish - see W. Va. Code 8-12-5(38)

Museum commissions - see W. Va. Code 7-11A-1 et seq.

168.01 ESTABLISHED.

There is hereby formed, created and established a municipal museum commission known as the Morgantown Museum Commission (the "Commission"). The Commission is established pursuant to authority granted to the Municipality by Sections 7-11A-1 et seq. of the West Virginia Code. (Ord. 05-06. Passed 3-15-05.)

168.02 MEMBERS.

The Commission shall consist of ten members who shall be appointed by City Council. The terms of the individual Commission members first appointed shall be as follows:

Two members - 5 years

Two members - 4 years

Two members - 3 years

Two members - 2 years

Two members - 1 year.

All vacancies shall be filled for the unexpired term only and all other appointments shall be for a term of five years, to commence on the date following the scheduled expiration date of the previous term. At all times one of the ten members of the Commission shall be a member of City Council. All members of the Commission shall be residents of the City. (Ord. 05-06. Passed 3-15-05.)

168.03 OFFICERS.

The Commission shall select from its own membership a chairperson, vice-chairperson and secretary. (Ord. 05-06. Passed 3-15-05.)

#### 168.04 MEETINGS.

The Commission shall meet on a monthly basis. Special meetings may be held as deemed necessary by the Chairperson. Such meetings shall be subject to the requirements of the West Virginia Open Governmental Proceedings Act. A quorum of members must be present before a meeting of the Commission can be held at which any official action of the Commission is to take place.

(Ord. 05-06. Passed 3-15-05.)

#### 168.05 VOTING.

Every member of the Commission present, when a question is put, shall vote unless he/she is interested therein other than as a resident of the City. To be successful, an issue shall require six affirmative votes.

(Ord. 05-06. Passed 3-15-05.)

#### 168.06 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.

The members of the Commission shall receive no compensation for their services, but shall be entitled to reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties as a Commission member, if said Commission member has received approval from the City's Finance Director to make such expenditure prior to incurring said expense.

(Ord. 05-06. Passed 3-15-05.)

#### 168.07 APPROPRIATION OF FUNDS.

City Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Commission, so long as said proposal complies with the authority granted to the Commission by this article. The Commission, on behalf of the City, may receive gifts, grants, donations, bequests or devises from sources other than public funds.

(Ord. 05-06. Passed 3-15-05.)

#### 168.08 POWERS AND DUTIES.

It shall be the duty of the Commission to advise and recommend to the City Manager and/or City Council museum programs or projects within the City's corporate limits.

The Commission shall not have the authority to contractually bind the City on any matter.

Should the Commission so desire, it has the authority to recommend to City Council that a specific admission fee be approved by Council for entrance into a designated museum of the City. (Ord. 05-06. Passed 3-15-05.)

#### 168.09 COOPERATION WITH STATE AGENCIES.

The Commission shall cooperate and coordinate its activities with the West Virginia Department of Archives and History, the West Virginia Historical Society and the West Virginia Antiquities Commission. (Ord. 05-06. Passed 3-15-05.)

#### 168.10 ANNUAL REPORT.

On December 1st of each calendar year, the Commission shall file an annual report with the City Manager describing its activities for the previous twelve months. The City Manager shall present the Commission's report to City Council.

(Ord. 05-06. Passed 3-15-05.)

ARTICLE 169  
Utility Board

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

CROSS REFERENCES

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

169.01 CREATION; MEMBERS; COMPENSATION.

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

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

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

adopt rules of procedure for the time and place of its meetings and the conduct thereof. Any Boardmember shall be eligible for reappointment upon the expiration of his term. The Boardmembers shall each receive compensation for their services at the rate established by ordinance of Council and in addition, shall be reimbursed for any and all expenses incurred in the performance of their duties under order of the Board. Each Boardmember shall be subject to removal for just cause by Council by the recorded vote of a majority of Council after a public hearing thereon. The decision of Council as to such removal shall be final and not subject to review by any court, arbitrator or other body, and each Boardmember accepting such appointment shall acknowledge the finality of such decision. (Ord. 11-50. Passed 12-20-11.)

#### 169.02 ORGANIZATION.

At the first meeting of the Board and annually thereafter, it shall organize by designating one of the Boardmembers to act as chairman and another or others to act as secretary and/or treasurer thereof. The chairman shall preside at all meetings when present and shall call special meetings on his own motion, or when requested to do so by any two Boardmembers. The secretary shall keep a record of the proceedings which shall be available for inspection as other Municipal records. The treasurer shall disburse the funds of the Board as directed by it. In the event that any Boardmember shall be unable to fulfill the duties of his office for a period of six months, a majority of the remainder of the Boardmembers may declare the office of such Boardmember vacant and Council shall thereupon fill such vacancy as otherwise provided for herein. (Ord. 9-1-87.)

#### 169.03 POWERS AND DUTIES.

The Board shall have full and complete supervision, management and control of the waterworks system, the sewerage system and the stormwater system, including the maintenance, operations, improvements and extension thereof, all of which shall be combined as a single system under Chapter 8, Article 20 of the West Virginia Code of 1931, as amended (the "system"). All bills for water, sewer and stormwater service shall be collected and accounted for by the Board in the manner and form required by law, the Public Service-Commission and/or the ordinances of the City, and all disbursements and accounts of the system shall be ordered paid out only upon approval of such Board; provided however, that all such supervision, management and control of the systems and the collection and accounting for bills for water, sewer and stormwater service shall be consistent and in accordance with any ordinance pursuant to which the City may have authorized and issued any bonds from time to time outstanding, which by their terms are payable from and secured by the revenues of the system. The Board shall have the power and authority to make all contracts, agreements and other matters necessary or proper for the full complete supervision, management and control of the system. (Ord. 07-15. Passed 5-1-07.)

#### 169.04 GENERAL MANAGER CREATED; OTHER EMPLOYEES.

The Board shall have power to employ, affix the compensation of and discharge a General Manager of the system and shall direct, employ and fix the compensation of and discharge all other employees of the system. The General Manager of the system, upon his appointment and taking office, shall furnish and file with the City Clerk, a bond in the sum and penalty of fifty thousand dollars (\$50,000), the cost of such bond to be payable from revenues of the system and such bond shall be payable to the City and conditioned as to the faithful performance of the General Manager's duties as are fixed by the Board. (Ord. 02-13. Passed 5-21-02.)

**169.05 FINANCIAL REPORTS; MINUTES; BUDGET.**

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

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

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

**169.07 PENSION PLAN.**

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

ARTICLE 170  
Greater Morgantown Metropolitan  
Area Youth Commission (Repealed)

EDITOR'S NOTE: Former Article 170 was repealed by Ordinance 14-21.

ARTICLE 171  
Building Commission

171.01 Established; members.

CROSS REFERENCES  
Municipal building commission - see W. Va. Code Art. 8-33

**171.01 ESTABLISHED; MEMBERS.**

There is hereby formed, created and established a municipal building commission to be known as the Morgantown Building Commission (the "Commission"). In accordance with West Virginia Code Article 8-33, the Commission shall be a public corporation and have perpetual existence.

The Commission shall have all powers granted by West Virginia Code Article 8-33 and any other powers granted to it by applicable law.

The Board of the Commission shall consist of three members.

At the conclusion of the term of the appointment of each original member of the Commission, Council shall appoint a successor for a term of five years. Not more than two of the three members of the Board named above shall be from the same political party and no member shall hold any office (other than the office of notary public) or employment under the United States of America, the State of West Virginia, any county or political subdivision thereof, or any political party. All members shall be residents of the City.

The Commission shall not incur any indebtedness or acquire any property, real or personal, without the prior written consent of Council.

No indebtedness of any nature of the Commission shall constitute an indebtedness of the City of Morgantown, the County of Monongalia, or any agency thereof, except the Commission. No indebtedness or obligations incurred by the Commission shall give any right against any member of Council or any member of the Commission.

(Ord. 8-2-88.)

ARTICLE 172  
Morgantown Sister Cities Commission

172.01	Established.	172.06	Compensation and reimbursement for expenses.
172.02	Members.	172.07	Appropriation of funds.
172.03	Officers.	172.08	Purpose, powers, and duties.
172.04	Meetings.		
172.05	Voting.		

172.01 ESTABLISHED.

There is hereby formed, created and established a municipal Sister Cities Commission, known as the Morgantown Sister Cities Commission (the "Commission").  
(Ord. 10-10. Passed 3-2-10.)

172.02 MEMBERS.

The Commission shall consist of nine members who shall be appointed by City Council. The terms of the individual Commission members first appointed shall be as follows:

- Three members - 3 years
- Three members - 2 years
- Three members - 1 year

All vacancies shall be filled for the unexpired term only. All other appointments shall be for a term consistent with that set for the member position in question, to commence on the date following the scheduled expiration date of the previous term. At all times one of the nine members of the Commission shall be a member of City Council. Two of the members may be ex-officio, non-voting members selected from the Greater Morgantown Area as defined by the jurisdictional boundaries of the Morgantown, Monongalia Metropolitan Planning Organization. At all times, seven members of the Commission shall be residents of the City.  
(Ord. 13-03. Passed 2-19-13.)

172.03 OFFICERS.

The Commission shall select from its own membership a chairperson, vice-chairperson, and secretary. (Ord. 10-10. Passed 3-2-10.)

**172.04 MEETINGS.**

The Commission shall meet on a monthly basis. Special meetings may be held as deemed necessary by the Chairperson. Such meetings shall be subject to the requirements of the West Virginia Open Governmental Proceedings Act. A quorum of members must be present before a meeting of the Commission can be held at which any official action of the Commission is to take place.

(Ord. 10-10. Passed 3-2-10.)

**172.05 VOTING.**

Every member of the Commission present, when a question is put, shall vote unless he/she is interested therein other than as a resident of the City. To be successful, an issue shall require five affirmative votes.

(Ord. 10-10. Passed 3-2-10.)

**172.06 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.**

The members of the Commission shall receive no compensation for their services, but shall be entitled to reimbursement for reasonable and necessary expenses actually incurred in the performance of their duties as a Commission member, if said Commission member has received approval from the City's Finance Director to make such expenditure prior to incurring said expense.

(Ord. 10-10. Passed 3-2-10.)

**172.07 APPROPRIATION OF FUNDS.**

City Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Commission, so long as said proposal meets the purpose and intent of this article. (Ord. 10-10. Passed 3-2-10.)

**172.08 PURPOSE, POWERS, AND DUTIES.**

It shall be the duty of the Commission to advise and recommend to the City Manager and/or City Council means of creating or advancing inter-cultural, educational, social and economic exchanges between the City and the State of West Virginia with other cities with which the City of Morgantown has established not only sister cities formal relationships guided by the organization known as Sister Cities International, but also, informal friendship cities relationships formed under the guidance of the Commission.

(Ord. 11-18. Passed 5-17-11.)

**AN AMENDED ORDINANCE ESTABLISHING THE RATES OF COMPENSATION  
FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2015-  
2016**

WHEREAS, the City of Morgantown is of the opinion it should adjust the rates of compensation for City of Morgantown employees for the fiscal year 2015-2016, as reflected on the attached exhibit:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MORGANTOWN THAT:**

1. Employees of the City of Morgantown designated by title or position shall receive the base salary or compensation for fiscal year 2015-2016, as set forth in the attached exhibit.
2. That the attached exhibit shall be considered as the Pay Plan for the City of Morgantown and shall replace Appendix A of the City's Personnel Rules in its entirety.
3. That where there may be errors, omissions, or other irregularities of pay for a given position, the City Manager shall be authorized and directed to correct such errors.

This ordinance for said wages and salaries shall be for fiscal year 2015-2016 and thereafter until amended or repealed and its effective date of operation shall be on and after January 1, 2016.

Any ordinance or the provisions of any ordinance heretofore passed by the City of Morgantown and now in effect which is in conflict with the provisions of this ordinance is hereby repealed insofar as it conflicts with the provisions hereof.

This Ordinance shall be effective January 1, 2016.

FIRST READING:

ADOPTED:

FILED:

RECORDED:

\_\_\_\_\_  
MAYOR

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

**APPENDIX A  
CITY PAY PLAN**

<b>TITLE</b>	<b>Base Annual Salary</b>	<b>Base Hourly Rate</b>
<b>FLSA Exempt Employees:</b>		
City Manager		61.00
Assistant City Manager of Operations		46.36
Police Chief		43.24
Finance Director		42.31
City Attorney		41.19
Airport Director		39.40
Fire Chief		39.40
Public Works Director		39.40
Director of Development Services		39.40
Chief Code Enforcement Officer		39.40
Assistant City Attorney		33.05
City Clerk		29.87
Community Development Administrator		28.48
Assistant Public Works Director		28.06
Treasury Manager - Full Time		26.92
Budget & Accounting Manager		26.92
Principal Planner		26.84
Assistant City Engineer		26.81
Staff Engineer		24.15
Municipal Court Clerk		19.43
Communications Manager		18.64
Municipal Court Judge - Part Time	22,305.56	
<b>FLSA NonExempt Employees:</b>		
Treasury Manager - Part Time		26.92
Superintendent II		21.53
Information Technology Specialist II		20.27
Commercial Building Inspector I		19.70
Commercial Building Inspector II		19.70
Commercial Building Inspector III		19.70
Electrical Inspector I		19.70
Electrical Inspector II		19.70
Technician III		19.70
Equipment Operator		18.92
Superintendent I		18.92
Urban Landscape Superintendent		18.92
Master Mechanic		17.89

Executive Assistant for City Manager	17.19
Accounting Clerk IV	16.94
Truck Driver	16.94
Technician II/Maintenance	16.94
Executive Secretary	16.94
Personnel Specialist	16.94
Information Technology Specialist I	16.61
Residential Building Inspector I	16.11
Residential Building Inspector II	16.11
Residential Building Inspector III	16.11
Housing Inspector	16.11
Property Maintenance Inspector	16.11
Mechanic	16.11
Secretary III	15.39
Building Permit Technician	15.39
Rental Housing Technician	15.39
Accounting Clerk III	15.39
Technician II	15.39
Records Supervisor	15.39
Deputy Clerk	15.39
Accounting Clerk II	14.65
Secretary II	14.65
Skilled Laborer	14.65
Accounting Clerk I	13.98
Secretary I	13.98
Laborer	13.98
Clerk	10.96

Fire Department (based on 2912 Hours/Year)

Captain	<del>14.96</del> <u>15.90</u>
Lieutenant	<del>13.85</del> <u>14.79</u>
FFFC	<del>12.20</del> <u>13.14</u>
FF	<del>11.49</del> <u>12.43</u>
Apprentice FFII	<del>11.18</del> <u>12.11</u>
Apprentice FFI	<del>10.99</del> <u>11.93</u>
Recruit	<del>10.75</del> <u>11.69</u>
Probationary FF	<del>10.62</del> <u>11.56</u>

Fire Department (based on 2080 Hours/Year)

Captain	<del>23.97</del> <u>25.47</u>
Lieutenant	<del>22.16</del> <u>23.66</u>
FFFC	<del>19.53</del> <u>21.03</u>

Police Department

Captain	<del>27.60</del>	<u>30.41</u>
Lieutenant	<del>23.95</del>	<u>26.48</u>
First Sergeant	<del>22.18</del>	<u>24.56</u>
Sergeant	<del>21.15</del>	<u>22.90</u>
Police Officer First Class	<del>19.49</del>	<u>20.99</u>
Police Officer	<del>18.44</del>	<u>19.94</u>
Probationary Police Officer	<del>16.60</del>	<u>18.10</u>

In addition to the above rates, all employees as of December 1<sup>st</sup>, whether active or on leave, will receive a \$60.00 gross enhancement paycheck (approximately \$50.00 after required deductions).

**AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET OF  
THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET  
ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE  
SAME APPLIES TO THE GENERAL FUND.**

The City of Morgantown hereby ordains:

That the FY 2015-2016 Annual Budget of the General Fund of the City  
of Morgantown is amended as shown in the revised budget (Revision 03)  
attached hereto and made a part of this ordinance.

First Reading:

Adopted:

\_\_\_\_\_  
Mayor

Filed:

Recorded:

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

Ora Ash, Deputy State Auditor  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26301  
 Phone: 627-2415 ext. 5114  
 Fax: 627-2417

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER  
 FY: **2015-2016**  
 Fund: **General**  
 Rev. No. **3**  
 Pg. of No. **1 of 1**

City of Morgantown  
 GOVERNMENT ENTITY

389 Spruce Street  
 STREET OR PO BOX

Municipality  
 Government Type

Person To Contact Regarding Request:

Name: **Jeff Mikorski**

Phone: **304-284-7405**

Fax: **304-284-7418**

Morgantown  
 CITY

26505  
 ZIP CODE

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)**

**Explanation for Account # 378, Municipal Specific:**

**Explanation for Account # 369, Contributions from Other Funds:**

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
699	Contingencies*	835,858		83,628	752,230
706	Fire Department	4,682,715	83,628		4,766,343
	#N/A				

**NET INCREASE/(DECREASE) Expenditures**

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division Date

*Jeff Mikorski*  
 AUTHORIZED SIGNATURE OF ENTITY

11/25/15  
 APPROVAL DATE

**AN ORDINANCE AUTHORIZING THE SALE OF REAL ESTATE AT STAR CITY  
TAX MAP 1, PARCEL 12.1**

The City of Morgantown hereby ordains:

That the City Manager is hereby authorized to execute, on behalf of the City of Morgantown, the Quitclaim Deed attached to, and made a part of, this ordinance, together with any other documents necessary to accomplish the transfer of the property as provided in the Quitclaim Deed.

This Ordinance shall be effective from the date of its adoption.

First Reading:

Adopted:

\_\_\_\_\_

Mayor

Filed:

Recorded:

\_\_\_\_\_

City Clerk

QUITCLAIM DEED

This DEED is made this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the CITY OF MORGANTOWN, a municipal corporation and political subdivision of the State of West Virginia, as Grantor, and the RIFFLE CONTRACTING, LLC, a West Virginia limited liability company, Grantee.

WITNESSETH: That for and in consideration of the sum of ten dollars (\$10.00), cash in hand paid, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said Grantor, CITY OF MORGANTOWN, does hereby grant, convey, release, remise, and forever quitclaim unto the said Grantee, RIFFLE CONTRACTING, LLC, all of its right, title, and interest in and to the following tract or parcel of real estate, situate in the Town of Star City, Monongalia County, West Virginia, and more particularly described as follows:

Lots 9 and 10 of Block 16 as laid down and designated on the plat of Randall (now Star City) recorded in the Office of the Clerk of the County Court (now Commission) of Monongalia County, West Virginia in Deed Book number 80 at page 1.

And being a portion of the Fourth Parcel conveyed to the City of Morgantown by Seneca Glass Company in a Deed dated April 7, 1965 and recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia in Deed Book number 633 at page 509.

This conveyance is made subject to all exceptions, reservations, easements, restrictions, rights-of-way, covenants, and conditions as contained in prior instruments of record.

The above-described real estate is entered upon the Land Books of Monongalia County for the year 2014 in Star City Corporation as follows:

City of Morgantown  
Map 1, Parcel 12.1

DECLARATION OF CONSIDERATION OR VALUE:

In accordance with the provisions of Article 22 of Chapter 11 of the West Virginia Code, GRANTOR declares that the transfer made and effected by this DEED is exempt from the applicable excise taxes on the basis that the City is a political subdivision of the State of West Virginia.

WITNESS the following signature and seal:

THE CITY OF MORGANTOWN  
a municipal corporation and political  
subdivision of the State of West Virginia

By: \_\_\_\_\_  
Jeff Mikorski

Its: City Manager

STATE OF WEST VIRGINIA  
COUNTY OF MONONGALIA, to wit:

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid do certify that \_\_\_\_\_, who signed the foregoing writing bearing date the \_\_\_\_ day of \_\_\_\_\_ 2016, for THE CITY OF MORGANTOWN, a municipal corporation and political subdivision of the State of West Virginia, has this day in my said County before me acknowledged the said writing to be the act and deed of said corporation.

Given under my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_ 2016.

{seal}

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Prepared by: Ryan P. Simonton (WVSB #11152), City of Morgantown, 389 Spruce Street, Morgantown, WV 26505.

DRAFT

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST VIRGINIA  
UNIVERSITY PROVIDING EDUCATIONAL ROTATION EXPERIENCES FOR  
SCHOOL OF PUBLIC HEALTH STUDENTS**

WHEREAS, West Virginia University conducts an educational program in public health through its School of Public Health (hereafter referred to as “WVUSPH”) and desires to obtain education for students enrolled in the program; and

WHEREAS, the City’s facilities offer WVUSPH students an environment to obtain valuable learning experiences; and

WHEREAS, the parties share the mutual goal of optimum population health and graduate education; and

WHEREAS, this agreement will allow the City and WVUSPH to partner to promote population health and education;

NOW, THEREFORE, BE IT RESOLVED by the City of Morgantown that the City Manager is authorized to execute the attached agreement, together with any additional agreements referenced therein, which is incorporated in this Resolution by reference, to provide for educational rotation experiences for WVUSPH students.

Adopted this \_\_\_ day of December, 2015.

\_\_\_\_\_  
Marti Shamberger, Mayor  
City of Morgantown

**AFFILIATION AGREEMENT  
BETWEEN  
WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS  
ON BEHALF OF  
WEST VIRGINIA UNIVERSITY AND ITS SCHOOL OF PUBLIC HEALTH  
AND  
CITY OF MORGANTOWN**

This Agreement by and between the West Virginia University Board of Governors on behalf of West Virginia University School of Public Health (hereinafter referred to as "WVUSPH") and City of Morgantown (hereinafter referred to as "Affiliate").

**WHEREAS**, the West Virginia University Board of Governors governs West Virginia University and its School of Public Health; and

**WHEREAS**, the West Virginia University Board of Governors employs qualified public health practitioners as members of the faculty of WVUSPH; and

**WHEREAS**, the City of Morgantown is a municipal corporation located in Monongalia County and is qualified to provide educational rotation experiences for WVUSPH students in the Master of Public Health ("MPH") program; and

**WHEREAS**, the West Virginia University Board of Governors currently conducts an educational program in public health and desires to obtain education for students enrolled in the MPH program at WVUSPH; and

**WHEREAS**, the object and purposes of this Agreement are in furtherance of WVUSPH's mission; and

**WHEREAS**, WVUSPH desires access to Affiliate's facilities wherein its students can obtain learning experiences; and

**WHEREAS**, the parties share the mutual goal of optimum population health and graduate education; and

**NOW, THEREFORE**, in consideration of the premises and the covenants and conditions herein contained, WVUSPH and City of Morgantown do hereby agree as follows:

**1. RESPONSIBILITIES OF WVUSPH**

1.1 WVUSPH shall be responsible for the planning and implementation of the education programs for its students at Affiliate and for determining adequate preparation in theoretical knowledge, basic skills, professional ethics, attitude, and behavior.

1.2 WVUSPH shall assume responsibility for assuring continuing compliance with the educational standards established by professional associations, and governmental and state agencies, as applicable.

1.3 WVUSPH shall notify, at a time mutually agreed upon, the designated program supervisor of Affiliate of its planned schedule of student assignments, including the name of the student, respective level of academic preparation, and the length and dates of the student's participation in the rotation at Affiliate.

1.4 WVUSPH shall refer to Affiliate only those students who have satisfactorily completed the prerequisite didactic portion of the curriculum.

1.5 WVUSPH will appoint an individual of appropriate rank, with appropriate experience and credentials, as the Program Director who will have liaison responsibility for each program covered by this Agreement.

1.6 WVUSPH shall advise the student(s) participating in the educational rotations at Affiliate of their responsibility for complying with the applicable rules and regulations of Affiliate, and shall provide to each student health, safety, and other policy information which Affiliate shall make available to WVUSPH from time to time.

1.7 WVUSPH shall establish and maintain ongoing communications with the program supervisor of Affiliate and other designated Affiliate personnel on items pertinent to the educational experience. Such communication may include, but not be limited to, a description of the curriculum, policies, faculty, and major changes in this information. On-site visits may be arranged when feasible.

1.8 WVUSPH shall immediately remove student from participation in this Affiliation if WVUSPH becomes aware of any physical, mental, or emotional problem, including chemical dependency, which would impair a student's performance and/or represent a threat to the health and safety of patients or other Affiliate employees or physicians. Also, WVUSPH shall immediately remove student from participation in this Affiliation in the instance of substandard academic or clinical performance of any student when that substandard performance could have an adverse impact on patient care at Affiliate.

## **2. RESPONSIBILITIES OF AFFILIATE**

2.1 Affiliate agrees that an Affiliate staff member will be responsible for the supervision, planning, and implementation of the clinical educational experience at the site.

2.2 Affiliate agrees to serve as a cooperating entity with WVUSPH in the development and implementation of the educational experience for its students and shall provide educational and/or observational opportunities as well as access to appropriate resources for the conduct of such experiences.

2.3 Affiliate shall provide the student(s) and faculty participating in the educational rotations, whenever possible, access to the library and cafeteria facilities of Affiliate when appropriate.

2.4 Affiliate agrees to provide orientation for WVUSPH's students and faculty of the type and scope provided to its new employees.

2.5 Affiliate will provide WVUSPH with a list of the immunizations and laboratory tests students are required to have, and WVUSPH will verify that the required immunization and laboratory tests are complete prior to the student beginning the educational experience.

2.6 Affiliate reserves the right to require the immediate withdrawal from Affiliate's rotation any student whose health or performance or conduct is deemed detrimental to patient well-being or to the achievement of the stated objectives of the experiences.

2.7 Affiliate shall advise WVUSPH of any changes in its personnel, operation, or policies which may affect the educational experiences.

2.8 Affiliate agrees to provide educational experience which meets the standards of the Program, recognized professional associations, and governmental or state agencies, if applicable.

2.9 The supervisory designee of Affiliate shall provide a written formal evaluation of each student under the training jurisdiction of Affiliate in the format provided for evaluation by WVUSPH. Student shall likewise be provided the opportunity to evaluate their training.

### **3. MUTUAL RESPONSIBILITIES**

3.1 The Parties shall establish the educational objectives for the educational experience, devise methods for their implementation, and continually evaluate to determine the effectiveness of the educational experience in providing an appropriate learning environment.

3.2 The Parties shall determine and mutually agree, in advance, the specific educational and clinical experiences which Affiliate can accommodate.

3.3 The Parties understand and agree that the specific goals and objectives of the rotations are determined by WVUSPH and that WVUSPH will maintain control of the following: appointment and assignment of appropriate teaching faculty, supervision of experiences, evaluation of the curriculum, assessment of the students, educational content, length of assignment, and policy and procedures required for the education program.

3.4 The Parties hereby warrant that each party is, and shall continue to be, in compliance with the Civil Rights Act of 1964, The Rehabilitation Act of 1973, and the American with Disabilities Act of 1990 as well as the applicable Federal, State, and local statues, rules and regulations. The parties shall not discriminate on the basis of race, color, religion, national origin, ancestry, sex, age, gender identity/expression, disability, veteran status, sexual orientation, or in any of the services provided hereunder.

3.5 The Parties shall have the exclusive control of policies, management, assets, and affairs of their respective facilities. Neither party by virtue of this Agreement assumes any liability for any debts or obligation of a financial, legal, or moral nature incurred by the other party to this Agreement.

3.6 Nothing in this Agreement shall be construed as limiting the right of either party to affiliate or to contract with other hospitals or medical education sites or educational institutions on either a limited or general basis while this Agreement is in effect.

3.7 This Agreement is not a third-party beneficiary contract, and confers no rights upon any students or employees of the parties. In particular, the students assigned to Affiliate shall not be considered employees of Affiliate and shall not be covered, by virtue of this Agreement, by any of the employee benefit programs of Affiliate, including but not limited to Social Security, health insurance, unemployment compensation, sickness and accident disability insurance, or worker's compensation.

### **4. TERM**

Unless terminated sooner as hereinafter provided, this Agreement shall be effective December 1, 2015, through September 30, 2020 and may be renewed for a succeeding five (5) year term by an exchange of the fully executed Renewal ("Exhibit A") attached hereto and incorporated herein by reference thirty (30) days prior to the commencement of the succeeding term.

**5. TERMINATION FOR CAUSE**

Any party may terminate this Agreement for just cause. For purposes of this Agreement, just cause shall mean the failure of any party to comply with the material terms of this Agreement after notice by certified mail, return receipt requested, and a reasonable opportunity of not less than (60) sixty days to cure such breach. Either party may terminate this Agreement for any reason upon ninety (90) days prior written notice. Any student already at Affiliate at the time of the termination of this Affiliation Agreement will be allowed to complete the rotation at Affiliate in accordance with the terms of this Affiliation Agreement unless removed pursuant to Section 2.7 of this Affiliation Agreement.

**6. NOTICES**

Any written notice required by this Agreement shall be sent by certified mail, return receipt requested, to the address given below or to such later address as may be specified in writing. Any prior written notice periods required by this Agreement shall be deemed to be effective upon receipt if sent in accordance with this notice provision.

If to WVUSPH: Vice President and Executive Dean of Health Sciences  
West Virginia University  
Robert C. Byrd Health Sciences Center  
P.O. Box 9000  
Morgantown, WV 26506-9000

With copy to:

Office of Legal Affairs  
West Virginia University  
Robert C. Byrd Health Sciences Center  
P.O. Box 9030  
Morgantown, WV 26506-9030

If to City of Morgantown: City of Morgantown  
Attn: City Manager  
389 Spruce Street  
Morgantown, WV 26505

**7. LIABILITY**

Professional liability coverage provided by the State of West Virginia will apply to students assigned under this Agreement while they are acting within the scope of their approved assignment. The amount of coverage is \$1,000,000 per occurrence with no aggregate limit. WVUSPH shall provide Affiliate with a copy of the

Certificate of Insurance at the time of the execution of this Affiliate Agreement. At the time of contract renewals Affiliate may request a copy of the Certificate of Insurance.

**8. HIPAA**

WVUSPH states that it has trained or caused to be trained all individuals provided pursuant to the terms of this Agreement in the regulations pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), as amended by the Health Information Technology for Economic and Clinical Health Act (“HITECH”) and its implementing regulations. WVUSPH and the Affiliate further state that they will implement administrative, physical and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of electronic protected health information which is created, received, maintained, or transmitted on behalf of the Affiliate. Specifically, WVUSPH and the Affiliate agree that they will meet the applicable organizational requirements of 45 CFR §164.314, and will comply with the HIPAA privacy and security regulations, as amended by the Health Information Technology for Economic and Clinical Health Act (“HITECH”) and its implementing regulations. In the event that Affiliate becomes aware of any breach of privacy by any student assigned to the Affiliate, Affiliate will immediately notify WVUSPH of such breach.

**9. SEVERABILITY**

If any portion of this Agreement shall for any reason be invalid, illegal, unenforceable, or otherwise inoperative, the valid and enforceable provisions will continue to be given effect and to bind the parties.

**10. APPLICABLE LAW**

This Agreement shall be governed by and construed in accordance with the laws of the State of West Virginia.

**11. USE OF NAME**

Neither party shall use the name or logo of the other party or their trade, assumed, or true names in any advertising, promotional, or other materials without the prior written consent of that party.

**12. ENTIRE AGREEMENT**

This Agreement contains the entire agreement of the parties as to this subject matter and supersedes any previous oral or written negotiations and/or agreement.

**13. ASSIGNMENT**

This Agreement may not be assigned by either party without prior written agreement of the other parties hereto.

**14. MODIFICATIONS**

This Agreement may be modified at any time upon mutual consent in writing of the parties signed by all the parties hereto. Any proposed change must be made in writing, delivered in person or by registered mail to the other party.

**15. COUNTERPARTS**

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but which together shall constitute one and the same instrument. Facsimile or scanned images of signatures upon this agreement shall be binding on the party so signing as if an original signature and shall have the full force and effect thereof.

**16. FERPA**

Affiliate acknowledges that many student records are protected by the Family Educational Rights and Privacy Act (“FERPA” 34 CFR § 99.33(a) (2)) and that student permission must be obtained before releasing specific student data to anyone other than WVUSPH. To the extent that Affiliate receives from WVUSPH personally identifiable information from educational records as defined in FERPA, Affiliate agrees to abide by the limitation on re-disclosure set forth in FERPA, which states that the officers, employees, and agents of a party that receives education record information from WVUSPH may use the information, but only for the purposes for which the disclosure was made. WVUSPH agrees to provide guidance to Affiliate with respect to complying with FERPA. This provision shall not inhibit or preclude Affiliate’s obligation to disclose public records pursuant to the West Virginia Freedom of Information Act.

[The remainder of this page is intentionally left blank; signatures follow on next page.]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the date first written above.

**WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS**  
on behalf of **WEST VIRGINIA UNIVERSITY**,  
E. Gordon Gee, J.D., Ed.D, President, by

\_\_\_\_\_  
Clay B. Marsh, M.D.  
Vice President and Executive Dean of Health Sciences

\_\_\_\_\_  
Date

**CITY OF MORGANTOWN**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

# **EXHIBIT A**

**RENEWAL OF  
AFFILIATION AGREEMENT  
BETWEEN  
WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS  
ON BEHALF OF  
WEST VIRGINIA UNIVERSITY and its SCHOOL OF PUBLIC HEALTH  
AND  
CITY OF MORGANTOWN**

The undersigned do hereby express their desire to keep in effect for five (5) additional year(s), October 1, 2020, through September 30, 2025, an Agreement negotiated between them for the purposes of continuing a rotation site for rotating students in the MPH Program of the West Virginia University School of Public Health.

**WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS**  
on behalf of **WEST VIRGINIA UNIVERSITY**,  
E. Gordon Gee, J.D., Ed.D., President, by

\_\_\_\_\_  
Clay B. Marsh, M.D.  
Vice President and Executive Dean of Health Sciences

\_\_\_\_\_  
Date

**CITY OF MORGANTOWN**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

**RESOLUTION**

**WHEREAS,** *the City of Morgantown utilizes various banking facilities as depositories for City funds;*

**WHEREAS,** *City Council is of the opinion that a record should be made of the specific individuals authorized as agents of this City.*

**BE IT HEREBY RESOLVED** *that the following are authorized agents of the City of Morgantown for the transacting of funds in the designated banking and financial institutions:*

- 1. Jeff Mikorski, City Manager*
- 2. James Goff, Finance Director*
- 3. Lori Livengood, Budget & Accounting Manager*
- 4. Karen Everly, Treasury Manager*

*This Resolution shall be effective from this \_\_\_\_\_ day of \_\_\_\_\_, 2015.*

\_\_\_\_\_  
*Mayor*

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