



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  
llittle@cityofmorgantown.org

**AGENDA**  
**MORGANTOWN CITY COUNCIL**  
**REGULAR MEETING**  
**FEBRUARY 17, 2015**  
**7:00 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES:** Regular Meeting Minutes for January 20, 2015
5. **CORRESPONDENCE**
6. **PUBLIC HEARINGS:**
  - A. AN ORDINANCE VACATING, ABONDING AND ANNULING A 6.83' WIDE UNNAMED ALLEY RUNNING A DISTANCE APPROXIMATELY ONE HUNDRED FORTY-ONE FEET LOCATED BETWEEN UNIVERSITY AVENUE AND QUAY MONONGALIA COUNTY, WEST VIRGINIA, NOT USED FOR USEFUL FOR STREETS PURPOSES.
  - B. AN ORDINANCE AMENDING SECTION 337.03 OF THE CITY CODE RELATING TO DRIVING ON THE RIGHT SIDE OF THE ROAD AND PASSING.
  - C. AN ORDINANCE AMENDING ARTICLE 373 OF THE CITY CODE RELATING TO BICYCLES.
  - D. AN ORDINANCE AMENDING ARTICLE 151 OF THE ADMINISTRATIVE CODE RELATING TO COMPOSITION AND DUTIES OF THE MORGANTOWN TRAFFIC COMMISSION.

**7. UNFINISHED BUSINESS:**

- A. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE VACATING, ABONDING AND ANNULING A 6.83' WIDE UNNAMED ALLEY RUNNING A DISTANCE APPROXIMATELY ONE HUNDRED FORTY-ONE FEET LOCATED BETWEEN UNIVERSITY AVENUE AND QUAY MONONGALIA COUNTY, WEST VIRGINIA, NOT USED FOR USEFUL FOR STREETS PURPOSES. (First Reading February 3, 2015)**
- B. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING SECTION 337.03 OF THE CITY CODE RELATING TO DRIVING ON THE RIGHT SIDE OF THE ROAD AND PASSING. (First Reading February 6, 2015)**
- C. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING ARTICLE 373 OF THE CITY CODE RELATING TO BICYCLES. (First Reading February 6, 2015)**
- D. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AN ORDINANCE AMENDING ARTICLE 151 OF THE ADMINISTRATIVE CODE RELATING TO COMPOSITION AND DUTIES OF THE MORGANTOWN TRAFFIC COMMISSION. (First Reading February 6, 2015)**

**E. 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 AMENDING THE FY 2014-2015 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO ANN MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.**

**B. Consideration of APPROVAL of A RESOLUTION TO SUPPORT THE VISION OF A SHARED-USE TRAIL SYSTEM BETWEEN COMMUNITIES ALONG THE PA-WV-OH TRAIL QUARTER, CLOSING THE GAPS, AND HELPING CREATE THE LONGEST CONNECTED SYSTEM OF MULTI-USE TRAILS IN THE UNITED STATES.**

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

**NEW BUSINESS:**

- 1. Habitat for Humanity**
- 2. Capital Escrow Budget Revision #5**
- 3. 2015 Proposed Paving List**

**INFORMATION:**

- 1. Upcoming Meetings**

**12. REPORT FROM CITY CLERK:**

- 1. Liquor License Application – Ali Baba Restaurant, 82 Hartfield Road**
- 2. City election update**

**13. REPORT FROM CITY ATTORNEY**

**14. REPORT FROM COUNCIL MEMBERS**

**15. EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4(2) (9) in order to discuss real estate matters.**

**16. ADJOURNMENT**

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

**REGULAR MEETING JANUARY 20, 2015:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, January 20, 2015 at 7:00 p.m.

**PRESENT:** City Manager Jeff Mikorski, Assistant City Manager Glen Kelly, City Clerk Linda Tucker, Mayor Selin, Deputy Mayor Marti Shamberger and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Mike Fike, Nancy Ganz and City Attorney Ryan Simonton.

The Meeting was called to order by Mayor Selin.

**APPROVAL OF MINUTES:** Minutes from 12-2, 12-9 and 12-16 were approved by acclamation.

**CORRESPONDENCE:** Presenters, Doug Smith, and Greg Shellito from the Morgantown Utility Board and Evan Hanson, President of Downstream Strategies, provided a presentation on the Source Water and Protection Plan Program. Mr. Smith explained that the purpose of this program is to minimize the potential for source water contamination although, if one were to occur, what would be the course of action.

**PUBLIC HEARING-AN ORDINANCE PROVIDING FOR LEASING TO RSA FLIGHT TRAINING, LLC, LESSEE, BY THE CITY OF MORGANTOWN, LESSOR, A CERTAIN AREA AT THE MORGANTOWN MUNICIPAL AIRPORT AND DECLARING THE LEASE AND MEMORANDUM OF LEASE HERETO ATTACHED AS PART THEREOF.**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO ENTER INTO AN AGREEMENT:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE PROVIDING FOR LEASING TO RSA FLIGHT TRAINING, LLC, LESSEE, BY THE CITY OF MORGANTOWN, LESSOR, A CERTAIN AREA AT THE MORGANTOWN MUNICIPAL AIRPORT AND DECLARING THE LEASE AND MEMORANDUM OF LEASE HERETO ATTACHED AS PART THEREOF.

After City Manager explanation and Council discussion, motion by Shamberger, second by Ganz, to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** City Clerk, Linda Tucker, updated Council on vacancies of Boards and Commissions. After discussion by Council on appointments, motion by Nugent second by Bane, to appoint Kevin Clark to fill the vacant position on the Police Civil Service Commission

**PUBLIC PORTION:**

Nicole Panaccione, 876, Riverview Drive, stated that she and the Evansdale neighborhood would like improvements made to their streets. She noted there are seven streets that consist of a high volume of traffic on a daily basis that are in need of repair. She stated due to the water and gas lines being replaced under the streets that multiple repairs have been done to the streets and these repairs have deteriorated leaving potholes throughout the streets. Ms. Panaccione concluded that the Evansdale neighborhood would like to be placed on the paving list for 2015.

Bill Petro, 901 Riverview Drive, presented the council members with pictures of the deteriorating streets in the Evansdale neighborhood that were taken December 2014 and a petition consisting of 62 signatures from homeowners to have their streets put on the paving list for 2015. Mr. Petro noted that the Evansdale Neighborhood was placed on the paving list approximately 5 years ago, but was postponed due to construction and repair to the water line.

Mathew Cross, 524 Milford Street, stated pedestrian corridors are dangerous along Willey Street. He noted that the sidewalks along Willey Street are steep, narrow and winding. He stated Price Street needs repair and cleanup of the overgrowth. He stated that West Virginia University Student Administration put together a cleanup program to get involved with the neighborhoods. Mr. Cross stated he joined the students in cleaning up Price Street. He presented the council members with pictures of Price Street and the dangerous conditions. He noted the poor sidewalk conditions and the overgrowth not being trimmed by property owners.

**SPECIAL COMMITTEE REPORTS:** No Reports

**NEW BUSINESS:**

**AN ORDINANCE AMENDING SECTION 105.42:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTION 105.42 OF THE MORGANTOWN CITY CODE, AS THE SAME APPLIES TO COMPENSATION OF ELECTION OFFICIALS AND OTHER EXPENSES.

Motion by Nugent, second by Ganz, to pass the above entitled Ordinance to second reading. Question was called, motion carried 7-0.

**CITY MANAGERS REPORT:**

**Information:**

**1. 2014 Urban Archery Hunt Results**

Mr. Mikorski stated that the attached memo from Rick Bebout, Archery Hunt Coordinator, highlighted the 2014 Archery Hunt and once again, the Hunt was a great success with no injuries to hunters or residents. Mr. Mikorski reported one hundred and five deer were harvested with 853 pounds of venison provided to local food shelters. Mr. Mikorski publically acknowledged Mr. Bebout for his excellent volunteer service to the City as Hunt Coordinator. He noted that planning will begin shortly for the 2015 Urban Archery Hunt with the registration of hunters through the City's Web Page in March.

**2. Performance Measures**

Mr. Mikorski stated that during the Conference Session on January 13, 2015, City Council was provided the most recent results of the each department's performance measures. He noted that we will begin providing information on performance Measures to the public in a consistent and concise format on the City's Web Page in the coming weeks, then updated on a regular basis. Mr. Mikorski stated that also identified to City Council were the needs of each department to sustain and enhance City services to the expectations of the City Administration and Council. He noted, as requested at the meeting by Council,

City Administration will now provide an opportunity for residents to provide feedback on what services need to be enhanced in order to help prioritize available resources. Mr. Mikorski reported that the City administration is presently assembling a survey tool to receive feedback from residents through an online and paper survey and should be available in February.

**REPORT FROM CITY CLERK:** Mrs. Tucker announced that applications are available for voters in clerk's office or on the city's website.

**REPORT FROM CITY ATTORNEY:** No Report

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane thanked the City Clerk for the assistance with the issue that was directed to code enforcement. He thanked Mr. Mikorski for respectfully answering all phone calls. He stated that certain departments within the city should assist or enhance their efforts toward public services. He noted that these efforts then need to be documented to record the accomplishments within the community. Councilor Bane announced the first ward meeting on February 2, 2015 would be held to discuss concerns of crime in the area.

Councilor Kawecki:

Councilor Kawecki complimented the city administrative staff and the metrix. He noted the metrix showed how hardworking the staff is within the city. He then addressed the Fire Marshalls reports of the excessive fires within the city. He expressed that reinforcement be done to discourage this behavior and involve West Virginia University.

Councilor Nugent:

Councilor Nugent complimented on the insightful work session. He commented about the enhanced services in the public and steps to take toward funding. He then thanked the City Manager office for the presentation. He noted the potholes on Beechurst Avenue and asked it be reported to the Department of Transportation. Councilor Nugent then thanked the Chamber of Commerce and partners for Mon County Day at the legislature. He stated that he conversed with the President of the County

Commission about reducing the speed limit at the intersection of route 119 and 73. He asked if this issue could be brought up at next the Committee Of The Whole Meeting. He announced the Wiles Hill Highland Park Neighborhood Association meeting is on January 21, 2015 with social beginning at 6:30 p.m. and the start of the meeting at 7:00pm.

Councilor Shamberger

Councilor Shamberger thanked the volunteers over the past four years for the success with the Urban Hunting. She also thanked Community Coalition Social Justice for the program on voting held at the Met Theatre. She mentioned the Safe Communities are meeting Thursdays at 10:00 a.m. She thanked the West Virginia University students for the cleanup on Price Street. She addressed the safety concerns on both Willey Street and Price Street. She reported the pothole located on Willey Street around Oak Street. She then thanked the city staff for being proactive with the weather cleanup on the streets.

Councilor Fike:

Councilor Fike thanked city administrative for work done on Metrix. He noted this shows professionalism and expertise among staff within the city. He congratulated Don Spencer on his Martin Luther King Jr. Achievement Award. He announced the town hall meeting February 18, 2015 at 7:00 p.m. to discuss citizen input regarding policies and solutions to help establish priorities toward human rights in Morgantown. He thanked Matthew Cross for organizing the cleanup and making the sidewalks safer on Price Street. He then stated how he was looking forward to the upcoming West Virginia Municipal League Mid Conference and Municipal Day on January 31 to February 1.

Councilor Ganz:

Councilor Ganz thanked Morgantown Utility Board for the protection and planning of clean water. Suncrest Neighborhood Association will be

meeting on the last Thursday of the month to discuss police reports and crime in the area. She stated this meeting will also inform homeowners of the boundary changes. Councilor Ganz requested to possibly try to meet once a year with West Virginia University about the consequences toward the students participating in the fires and parties in the city. She thanked the city staff for all their hard work.

Mayor Selin:

Mayor Selin appreciated Evansdale Neighborhood Association making their needs known to the council. She stated the sidewalks are subject to being repaired by the property owners and they will look into how to enforce this responsibility. She stated the Mon County Day is working on ways to improve the road conditions

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:30 p.m.

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

\_\_\_\_\_  
Mayor

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



**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 February 17, 2015

### **New Business :**

#### **1. Habitat for Humanity**

At a recent City Council meeting, Evan Zuverink, Director of Habitat for Humanity, requested the City to waive permit fees for their projects. At that time I recommended that we do not waive the permit fees, but if Council is interested, we would budget a contribution to the agency, to reduce the cost of the affordable homes their building. Recently, an additional request has been received to waive the variance fees for five variances that the organization will need to apply in the coming months. Habitat has recently applied for two of the five variances and is requesting a waiver of the fees (totaling \$150.00). Since variance waivers have not been given in the past, it would take Council authorizing the waiver of the application fee.

#### **2. Capital Escrow Budget Revision #5**

Due to the increased construction throughout the City and some developments moving faster than originally budgeted, we have an increased contribution to Capital Escrow Fund. I would like to take this opportunity to budget for capital projects or add additional money to projects that were not funded at the beginning of the fiscal year from one-time funds. Projects, and revisions to the Capital Escrow Fund are listed on the attached Capital Escrow Revision memorandum.

#### **3. 2015 Proposed Paving List**

Attached is the 2014 paving list recommended by the City Engineer. Due to the additional revenue from Business and Occupation Taxes on construction (one-time revenues) this fiscal year, I requested the Engineering Department to expand their list of streets to expend an additional \$300,000 over the original budgeted \$325,000, consistent with the Capital Escrow amendment before Council tonight. If Council approved of the amended Capital Escrow budget, I recommend approval of the paving list, which will allow the Engineering Department to begin the bidding process to get material and a contractor hired to start paving in late April or early May.

### **Information:**

#### **1. Upcoming meetings**

There will be a public hearing for two home rule ordinances on Friday, February 27 at 6:00 pm in City Hall Council Chambers. The Ordinance to modify Intergovernmental Agreements from an ordinance to a resolution and the ordinance for establishing a lien process for nuisance situations will be heard at that time. The ordinances will then be presented at the next Home Rule Oversight Board on March 2, 2015 in the Morgantown Public Safety Building.

An upcoming meeting will take place on Thursday, February 19 at 4:00 pm to establish a Wayfinding Advisory Committee to City Manager to create and implement a wayfinder signage program throughout the City. Selected committee members will be invited to attend.

A BAD (Brownfield, Abandoned, & Depilated) Building Team meeting will take place on Wednesday, February 25 at 5:00 pm to “kick off” the Morgantown BAD Building Team. The meeting will be advertised for volunteers to be a part of the team that will help identify vacant and depilated housing, and work with the City Government to recommend strategies for reuse of identified buildings.



Jeff Mikorski ICMA-CM,  
Morgantown City Manager



City of Morgantown  
Attn: City Manager  
389 Spruce Street  
Morgantown, West Virginia 26505

RE: Habitat's Variance Request for the March 2015 BZA Meeting

To Whom It May Concern:

Mon County Habitat for Humanity will be seeking variance relief from the Board of Zoning Appeals for 2 of the 5 units we will construct this year in our Decker's Court development. Mon County Habitat for Humanity is asking that the application fees to be waived for the following reasons:

- a. These expenses were not anticipated in our cash flow projection. These expenses would put financial stress on the organization during the lean winter months
- b. City Council has already agreed to move forward with the Habitat city expenses at their October 2014 regular meeting

Your consideration on this matter would be greatly appreciated. Mon County Habitat for Humanity looks forward to continued partnership with the City of Morgantown and the construction of these homes for the families we serve. Should you have any questions of concerns, feel free to contact me.

In Partnership,

A handwritten signature in blue ink, appearing to read "Evan Zuverink".

Evan Zuverink  
Director of Operations  
Mon County Habitat for Humanity

# City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone 304-284-7407/Fax 304-284-7418

[jsabatelli@cityofmorgantown.org](mailto:jsabatelli@cityofmorgantown.org)

## MEMO

**DATE:** February 12, 2015

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

**FROM:** JR Sabatelli, CPA   
Finance Director

**RE:** Capital Escrow Budget Revision #5

Per our discussion, the following revision allocates contributions from the General Fund for additional B&O - Construction revenues received or expected to be received. The revision also accounts for insurance claims received from the Police Departments Spyder motorcycle and related equipment purchased.

Budget Line	Current Unencumbered Balance	Current Budget	Proposed Revised Budget	Net Change
Revenues:				
Insurance Claims		-	19,250	19,250
Met Theatre Donations		124,440	74,440	(50,000)
Contribution from General Fund		1,930,000	4,825,000	<u>2,895,000</u>
				2,864,250
Expenses:				
Demolition Program	45,271	51,263	101,263	50,000
Sabraton Public Improvements	-	-	50,000	50,000
Woodburn School	-	-	70,000	70,000
Paving 2015	-	325,000	625,000	300,000
Public Works Vehicles	(2,965)	100,000	103,000	3,000
Police Cruisers	(17,109)	141,714	310,964	169,250
Vehicles - Administrative	10,114	35,000	24,886	(10,114)
Rainy Day/Financial Stabilation Fund	-	125,000	250,000	125,000
Public Works Cap Outlay	15,336	40,000	160,000	120,000
Fire Vehicles	100,000	100,000	250,000	150,000
GIS Consultant/Equipment	-	-	75,000	75,000
Downtown Tree & Bumpout Improv.	-	-	50,000	50,000
BAD Building Matching Funds	-	-	10,000	10,000
TV Cable Equip (Chamber Audio)	3,232	3,969	18,969	15,000
BOPARC Log Cabins	-	-	25,000	25,000
Contingencies	116,966	116,966	1,779,080	<u>1,662,114</u>
				2,864,250

# Memo

## City of Morgantown

### Public Works Department

**To:** Jeff Mikorski, City Manager

**From:** Damien Davis, Interim Public Works Director and City Engineer

**Subject:** 2015 Proposed Paving List

**Date:** February 12, 2015

Below is the proposed list for the 2015 Paving Project. The budget amount for this year's project is \$625,000

A contingency list is also below. In past years we have been able to add streets depending on the bid results.

If you have any questions regarding this matter, please contact me.

#### **STREETS ON MAIN LIST**

1. ASPEN STREET (Collins Ferry Rd. to Western Ave.)
2. CAMDEN AVENUE (Gould St. to Wabash Ave.)
3. WASHINGTON STREET (Maple Ave. to Jackson Ave.)
4. HARNER STREET (Kingwood St. to Dead End)
5. CONN STREET (Wilson Ave. to Wilson Ave.)
6. FRONT STREET (Lyndhurst St. to Lyndhurst St.)
7. JERSEY STREET (Putnam St. to Jerome St.)
8. RAYMOND STREET (Eureka Dr. to Highland Ave.) (Widening)
9. MORGAN STREET (Eureka Dr. to Highland Ave.) (Widening)
10. SMITH AVENUE (Jones Ave. to 500 ft.) (Widening)
11. CYPRESS STREET (Douglas St. to Munsey St.)
12. WOODHAVEN DRIVE (Killarney Dr. to Eastern Ave.)
13. ALLEN AVENUE (Snider St. to E. Prospect St.)
14. CASS STREET (Allen Ave. to Battelle Ave.)
15. BATTELLE AVENUE (E. Prospect St. to Snider St.)
16. WEAVER STREET (Richwood Ave. to Oak St.)
17. HARRISON STREET (Louise Ave. to Charles Ave.)
18. BOND STREET (Charles Ave. to Ridgeway Ave.)
19. WEST VIRGINIA AVENUE (Dorsey Ave. to Leonard St.)
20. DUDLEY AVENUE (Fairfax Dr. to Oakland St.)
21. HAWTHORNE (Fairfax Dr. to Oakland St.)

#### **STREETS ON CONTINGENCY LIST**

1. EASTERN AVENUE (Aspen St. to Woodland Dr.)
2. SIXTH STREET (Beverly Ave. to Beechurst Ave.)
3. CAMBRIDGE ALLEY (Rotary St. to Kenmore St.)
4. FIFE STREET (Willey St. to Price St.)
5. WAVERLY STREET (Price St. to Belmar Ave.)

6. LOGAN AVENUE (Grand St. to King St.)
7. JOHNSON AVENUE (Charles Ave. to Louise Ave.)
8. LOUISE AVENEUE (Johnson Ave. to 931 Louise Ave.)
9. VEACH STREET (Richwood Ave. to Miller St.)
10. JERSEY AVENUE (Darst St. to Alum St.)
11. ELKINS STREET (Montrose Ave. to Sabraton Ave.)
12. ELKINS STREET (Montrose Ave. to Denver Ave.)



Office of the City Clerk

# The City of Morgantown

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## MEMORANDUM

**TO:** Mayor Selin and Members of Morgantown City Council  
**FROM:** Linda L. Tucker  
City Clerk  
**DATE:** February 11, 2015  
**RE:** City Election Update

According to the City Code (105.16), City Council is charged with appointing Election Workers to conduct the Election on April 28<sup>th</sup>, 2015. A motion would be in order to approve the attached list.

Also, in compliance with Section 105.10 of the City Code Jacque Williams and Vaughn Kiger have agreed to be Ballot Commissioners, and a motion would be in order to approve the commissioners also.

llt  
cc: file  
enclosure

Memo	P#	Pty	Title	Name	Last Name	Phone #	Address	Zip
	<b>1</b>						<b>Church of God</b>	
Confirmed	1	R	H C	Jeanne	Strader	292-3979	828 Madison Avenue	26501
Confirmed	1	D	COMM	Elora (Jean)	Moore	291-6653	49 Johnson Lane	26508
Confirmed	1	R	CLERK	Marlene	Bishoff	983-2603	320 Sugar Grove Road	26501
Confirmed	1	D	CLERK	Mary	Phillips	328-5479	22 Weeping Willow Road	26541
	<b>2A</b>						<b>MHS</b>	
Confirmed	2	D	H C	Katheryn (Kay)	Beamer	296-7169	418 Madigan Avenue	26501
Confirmed	2	R	COMM	William	Boswell	296-7218	1201 Avalon Street	26501
Confirmed	2	D	CLERK	Mary Jane	Hall	292-7219	15 Elgin Street	26505
Confirmed	2	R	CLERK	Marsha	Bellotte	906-4877	1562 Chaplin Road	26501
	<b>2B</b>						<b>MHS</b>	
Confirmed	2	R	H C	Pat	Jenkins	292-0788	164 Summer Street	26505
Confirmed	2	D	COMM	Emma	Finch	685-8495	14 Carolina Avenue Apt 1-A	26501
Confirmed	2	R	CLERK	Norma	DeWitt	296-5956	451 Winsley Street	26505
Confirmed	2	D	CLERK	Deborah	Saab	906-8465	PO Box 4016	26504
	<b>10</b>						<b>BOPARC</b>	
Confirmed	10	D	H C	Dave	Gaston	292-0732	1822 Listravia Avenue	26505
Confirmed	10	R	COMM	Annabelle	Bennett	296-2221	1202 Mountainview Manor	26501
Confirmed	10	D	CLERK	Roxanne	Smith	395-2635	3102 Mountainview Manor	26501
Confirmed	10	R	CLERK	Amanda	Steele	449-1273	331 Statler Run Road	26570
	<b>16</b>						<b>BOPARC</b>	
Confirmed	16	R	H C	Charylene	St. Clair	288-0679	1664 Brookhaven Road	26508
Confirmed	16	I	COMM	Jessica	Wilfong	685-0316	1123 Vista Del Rio Drive	26501
Confirmed	16	R	CLERK	Lynn	Harper	292-2850	254 Grandview Avenue	26501
Confirmed	16	D	CLERK	Sylvia	Dial	291-5239	160 Theresa Drive	26505
	<b>26</b>						<b>CMA Church</b>	
Confirmed	26	D	HC	Toni	Jones	319-1223	147 Easthill View Drive	26508
Confirmed	26	R	COMM	Williams	Biro	276-2809	367 Spencer Avenue	26505
Confirmed	26	D	CLERK	Dorothy	Calvert	291-8929	1348 Goshen Road	26508
Confirmed	26	R	CLERK	Phyliss	Garlow	599-6848	548 Lake Street	26505



**BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES**

**FIRE CIVIL SERVICE:**

**Dan Hursh e-mailed that he must resign due to personal reasons. We are looking for a new Commissioner administratively.** This is a City Manager appointment.

**URBAN LANDSCAPE:**

**Nicole Panaccione, Fourth Ward resigned on 7/1/2014. Councilor Selin is looking for a replacement for that position on that commission. Attached is a letter from Kara Hurst resigning as Urban Forest member and Chair.** Nominated by CM, one from each WD, 13 members with staggered terms and 1 Councilor.

**TREE BOARD:**

**Kara Hurst also resigned from the Tree Board.** Residents appt. not ward specific; one member must have knowledge of tree management and care.

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

- \*Information for Boards and Commissions vacancies are placed in the Dominion Post, are advertised on the City's Government Station Channel 15, and are posted at the Library and also information is on the City's Web Page.*
- \*Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, that they will not interview; the City Clerk will check with Council before scheduling a Special Meeting.*
- \*BZA and Planning Commission term expirations are advertised in October and interviews must be completed by December per State Law.*

1/27/15

**AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 6.83' WIDE UNNAMED ALLEY RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED FORTY-ONE FEET LOCATED BETWEEN UNIVERSITY AVENUE AND QUAY AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.**

**WHEREAS,** It appears to the Common Council of the City of Morgantown, West Virginia, that a 6.83' wide unnamed alley running a distance of approximately one hundred forty-one feet located between University Avenue and Quay Avenue in the Fourth Ward of the City of Morgantown, Monongalia County, West Virginia, and as laid down, designated and dedicated to public use as a street on a map or plat, as shown on the exhibit hereto attached, is not useful for street purposes, is not needed for street purposes, nor for any other public uses and purposes, and it further appearing that it is in the interests of the City of Morgantown and of the public generally that said 6.83' unnamed alley running a distance of approximately one hundred forty-one feet located between University Avenue and Quay Avenue, be vacated, abandoned, and annulled as a public street within said City, and it further appearing that the property of no person, firm or corporation will be injured or damaged thereby, and that the owners of all property abutting on said portion of the unnamed alley have petitioned the Common Council to vacate, abandon and annul the portion of said street.

**NOW, THEREFORE,** the City of Morgantown hereby ordains as follows: :

- Section 1. That for the reasons set forth that a 6.83' wide unnamed alley running a distance of approximately one hundred forty-one feet located between University Avenue and Quay Avenue, as shown on the attached exhibit, in the City of Morgantown, West Virginia, is hereby vacated, abandoned and annulled and from and after the date of adoption of this ordinance the same shall cease to be a public way or public street within the City of Morgantown, and the easement of the City of Morgantown therein, thereon and thereover for street purposes and any and all other public uses or purposes ,is hereby vacated, abandoned and annulled, and all right, title, and interest of the City of Morgantown therein as an easement for street purposes and any and all other public uses or purposes is hereby expressly released and relinquished.
- Section 2. That as set forth in Section 1 of this Ordinance the easement and right-of-way of the City of Morgantown for street purposes and any and all other public uses or purposes in, of, on and over the 6.83' wide unnamed alley running a distance of approximately one hundred forty-one feet located between University Avenue and Quay Avenue, as shown on the attached exhibit, is hereby vacated, abandoned, and annulled.
- Section 3. That upon the adoption of this ordinance the City Clerk of the City of Morgantown shall cause a duly certified copy of the ordinance to be recorded in the appropriate

deed book in the office of the Clerk of the County Commission of Monongalia County, West Virginia, as evidence of the vacating, abandoning and annulling of said portion of unnamed alley as shown on the exhibit hereto attached, for public uses and public purposes as a public street or public way within the City of Morgantown, and said Clerk shall also file with said certified copy of said ordinance an exhibit showing the location of said street so vacated, abandoned and annulled.

Section 4. Prior to adoption of this ordinance the adjacent land owners shall pay to the City Clerk the cost of this proceeding.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

\_\_\_\_\_  
MAYOR

ADOPTED:

FILED:

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

RECORDED:

THIS AGREEMENT made this 21<sup>ST</sup> day of January, 2015, by and among: WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY, a State Institution of Higher Education, and AMERICAN CAMPUS COMMUNITIES OPERATING PARTNERSHIP LP, a Maryland limited partnership, parties of the first part, grantors, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, part of the second part, grantee.

**WITNESSETH**

THAT WHEREAS, the grantor is the owner of the following lots and parcels of land, situate in the Fourth Ward of the City of Morgantown, Monongalia County, West Virginia:

Map 20, Parcel 182; and

Map 20, Parcel 183 (currently assessed as Map 14A, Part of Parcels 3 and 4)

WHEREAS, the said grantors have petitioned the Common Council of the City of Morgantown for an annulment, have filed this agreement in duplicate and have paid the required fees, the portion of the streets to be annulled being:

1. That certain street or public way being an unnamed Alley (6.83' wide right of way) containing 0.02 acre, more or less, all as more particularly set forth on the plat of survey dated January 15, 2015, prepared by Potesta & Associates, Inc., and attached hereto and made a part hereof for all pertinent purposes.

WHEREAS, it appears that said street/alley is not used nor useful as a public way within the City of Morgantown, West Virginia, and is not necessary for public uses and purposes, and that the rights of the public will not be prejudiced by such an annulment, that the property of no person will be injured by the same, and that such annulment will promote public interest; and,

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by each of the parties hereto to the other, and other good and valuable considerations, including the annulment of said

street/alley and the release and quit claim for street purposes and utility purposes, the parties hereto mutually covenant and agree as follows:

1. A map or plat showing the public way so vacated, abandoned, and annulled is attached to this agreement as a part hereof and to be recorded herewith.

2. For the considerations aforesaid the said grantee, The City of Morgantown, West Virginia, hereby releases and quit claims, unto the said grantor, its personal representatives, successors and assigns, all of its easements and rights of way for street purposes and utility purposes in said annulled public way so that the said grantor shall have that moiety or public way so vacated, abandoned, and annulled which is adjacent to its respective property for its full use and enjoyment in fee simple.

3. The parties hereto further covenant and agree as follows: N/A

4. This Agreement and any ancillary document hereto may be executed in counterpart signature pages, and each such counterpart signature page shall constitute one and the same original signature page.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

WITNESS the following signatures and seals:

WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY,  
a State Institution of Higher Education

By: Nauf G. West

Its: VP for Administration + Finance

AMERICAN CAMPUS COMMUNITIES, OPERATING PARTNERSHIP, LP, a Maryland limited partnership

By: American Campus Communities Holdings LLC, a Maryland limited liability company

Its: General Partner

By: American Campus Communities, Inc., a \_\_\_\_\_ corporation

Its: Member

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

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

THE CITY OF MORGANTOWN, WEST VIRGINIA,  
a municipal corporation

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

Its: City Manager

ATTEST:

City Clerk

STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to wit:

Melissa A. Patterson, a Notary Public in and for the County and State aforesaid do certify that Narvel G. Weese, Jr. who signed the foregoing writing bearing date the 21<sup>st</sup> day of January 2015, for West Virginia University Board of Governors on behalf of West Virginia University, a State Institution of Higher Education, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this 21<sup>st</sup> day of January 2015.

My commission expires: March 17, 2019

{seal}



STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_, to

wit:

\_\_\_\_\_, a Notary Public in and for the County and State aforesaid do certify that \_\_\_\_\_ who signed the foregoing writing bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 2015, for American Campus Communities, Inc., a \_\_\_\_\_ corporation, the member of American Campus Communities Holdings LLC, a Maryland limited liability company, the General Partner of American Campus Communities Operating Partnership, LP, a Maryland limited partnership, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this \_\_\_ day of \_\_\_\_\_ 2015.

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

{seal}

Notary Public

WITNESS the following signatures and seals:

WEST VIRGINIA UNIVERSITY BOARD OF  
GOVERNORS ON BEHALF OF WEST  
VIRGINIA UNIVERSITY,  
a State Institution of Higher Education

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

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

AMERICAN CAMPUS COMMUNITIES,  
OPERATING PARTNERSHIP, LP, a  
Maryland limited partnership

By: American Campus Communities Holdings  
LLC, a Maryland limited liability company

Its: General Partner

By: American Campus Communities, Inc., a  
Maryland corporation

Its: Member

By: John M  
Its: Vice President

THE CITY OF MORGANTOWN, WEST  
VIRGINIA,  
a municipal corporation

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

Its: City Manager

ATTEST:

City Clerk

STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to wit:

\_\_\_\_\_, a Notary Public in and for the County and State aforesaid do certify that \_\_\_\_\_ who signed the foregoing writing bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 2015, for West Virginia University Board of Governors on behalf of West Virginia University, a State Institution of Higher Education, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this \_\_\_ day of \_\_\_\_\_ 2015.

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

{seal}

Notary Public

STATE OF Texas,

COUNTY OF Travis, to

wit:

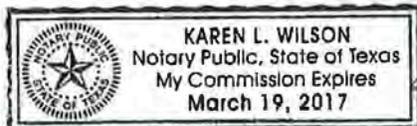
Karen L. Wilson, a Notary Public in and for the County and State aforesaid do certify that Jonathan Graf who signed the foregoing writing bearing date the 21<sup>st</sup> day of January 2015, for American Campus Communities, Inc., a Maryland corporation, the member of American Campus Communities Holdings LLC, a Maryland limited liability company, the General Partner of American Campus Communities Operating Partnership, LP, a Maryland limited partnership, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this 21<sup>st</sup> day of January 2015.

My commission expires: March 19, 2017

{seal}

Notary Public



STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to wit:

\_\_\_\_\_, a Notary Public in and for  
the County and State aforesaid do certify that \_\_\_\_\_  
who signed the foregoing writing bearing date the \_\_\_\_\_ day of \_\_\_\_\_  
2015, for The City of Morgantown, a municipal corporation, 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 \_\_\_\_\_  
2015.

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

{seal}

Notary Public

**PLAT OF SURVEY**  
 SHOWING  
**PORTION OF UNNAMED ALLEY TO BE ANNULLED**

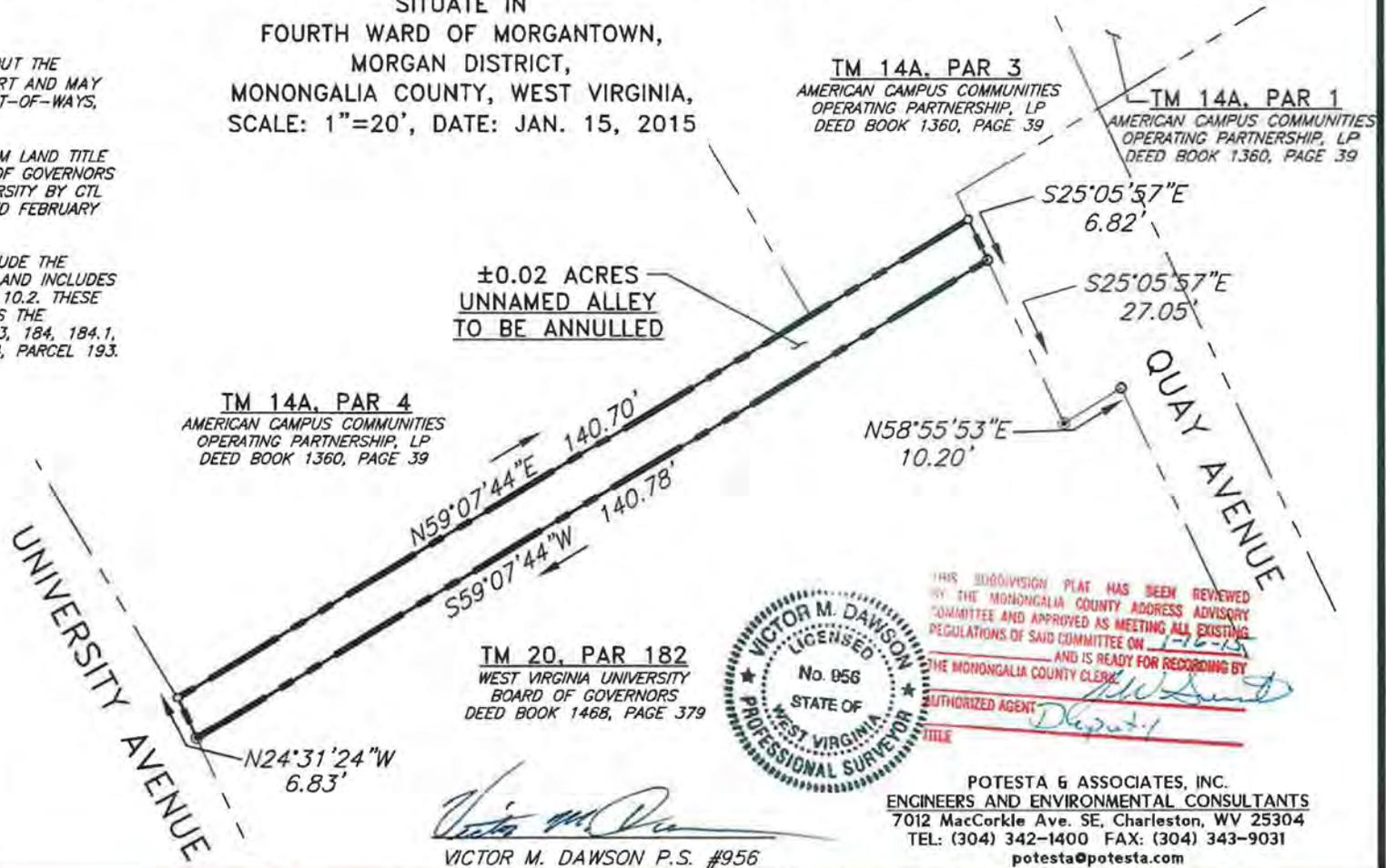
SITUATE IN  
 FOURTH WARD OF MORGANTOWN,  
 MORGAN DISTRICT,  
 MONONGALIA COUNTY, WEST VIRGINIA,  
 SCALE: 1"=20', DATE: JAN. 15, 2015

**LEGEND:**

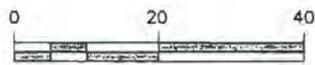
- P/K NAIL FOUND
- ⊙ 5/8" REBAR W/PLASTIC CAP FOUND (UNLESS OTHERWISE NOTED)
- CALCULATED POINT

**NOTES:**

1. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS OR RESTRICTIONS.
2. SEE PLAT OF SURVEY SEE ALTA/ACSM LAND TITLE SURVEY FOR WEST VIRGINIA BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY BY CTL ENGINEERING OF WEST VIRGINIA DATED FEBRUARY 26, 2013, UNRECORDED.
3. TAX MAP 14A WAS CREATED TO INCLUDE THE SUNNYSIDE COMMONS DEVELOPMENT AND INCLUDES PARCELS 1 THROUGH 10, 10.1 AND 10.2. THESE PARCELS ON TAX MAP 14A REPLACES THE PREVIOUS TAX MAP 20, PARCELS 183, 184, 184.1, 185, 186 AND 187 AND TAX MAP 14, PARCEL 193.



WV NORTH M.D.-83



JOB #14-0229-001 DWG: 8X14



*Victor M. Dawson*  
 VICTOR M. DAWSON P.S. #956

THIS SUBDIVISION PLAT HAS BEEN REVIEWED BY THE MONONGALIA COUNTY ADDRESS ADVISORY COMMITTEE AND APPROVED AS MEETING ALL EXISTING REGULATIONS OF SAID COMMITTEE ON 1-16-15 AND IS READY FOR RECORDING BY THE MONONGALIA COUNTY CLERK.  
 AUTHORIZED AGENT: *[Signature]*  
 TITLE: *[Signature]*

POTESTA & ASSOCIATES, INC.  
 ENGINEERS AND ENVIRONMENTAL CONSULTANTS  
 7012 MacCorkle Ave. SE, Charleston, WV 25304  
 TEL: (304) 342-1400 FAX: (304) 343-9031  
 potesta@potesta.com

**AN ORDINANCE AMENDING SECTION 337.03 OF THE CITY CODE RELATING TO DRIVING ON THE RIGHT SIDE OF THE ROAD AND PASSING**

WHEREAS, the West Virginia Legislature has enacted H.B. 4304 to amend West Virginia Code sections 17C-7-3, 17C-11-5, and 17C-11-7, all relating to use of a bicycle on a roadway; and

WHEREAS, the City of Morgantown (the "City") intends to amend its ordinances to promote the intent of the West Virginia Code relating to use of a bicycle on a roadway;

NOW THEREFORE, The City of Morgantown hereby ordains that Section 337.03 of the City Code is amended as follows:

**337.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.**

The following rules shall govern the overtaking and passing of vehicles or bicycles proceeding in the same direction, subject to these limitations, exceptions and special rules hereinafter stated.

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left ~~thereof~~ of the overtaken vehicle at a safe distance and ~~shall~~ may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) The driver of a vehicle overtaking a bicycle traveling in the same direction shall pass to the left of the bicycle at a distance of not less than three feet at a careful and reduced speed, and may not again drive to the right side of the roadway until safely clear of the overtaken bicycle.

~~(b)~~ (c) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and ~~shall~~ may not increase the speed of his vehicle until completely passed by the overtaking vehicle.

First Reading:

Adopted:

\_\_\_\_\_  
Mayor

Filed:

Recorded:

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

## **AN ORDINANCE AMENDING ARTICLE 373 OF THE CITY CODE RELATING TO BICYCLES**

WHEREAS, the West Virginia Legislature has enacted H.B. 4304 to amend West Virginia Code sections 17C-7-3, 17C-11-5, and 17C-11-7, all relating to use of a bicycle on a roadway; and

WHEREAS, the City of Morgantown (the "City") intends to amend its ordinances to promote the intent of the West Virginia Code relating to use of a bicycle on a roadway; and

WHEREAS, the City is authorized by West Virginia Code sections 8-12-5(4) and 17C-2-8(a)(8) to regulate the use of bicycles on roadways under its jurisdiction

NOW THEREFORE, The City of Morgantown hereby ordains that Article 373 of the City Code is amended as follows:

### **373.05 RIDING ON ROADWAYS AND BICYCLE PATHS.**

~~(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.~~

~~(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.~~

~~(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.~~

### **373.07 LIGHTS AND REFLECTOR ON BICYCLE; SIGNAL DEVICE; BRAKES; HELMET.**

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Department of Motor Vehicles which shall be visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

~~(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.~~

(e) (b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(d) (c) No person shall operate or be a passenger on any bicycle unless he or she is wearing securely fastened on his or her head by either neck or chin strap, a protective helmet that is designed to deflect blows, resist penetration and spread impact forces, which protective helmet shall meet or exceed the specifications of ANSI Z90.4.

First Reading:

Adopted:

\_\_\_\_\_  
Mayor

Filed:

Recorded:

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

**AN ORDINANCE AMENDING ARTICLE 151 OF THE ADMINISTRATIVE CODE RELATING TO COMPOSITION AND DUTIES OF THE MORGANTOWN TRAFFIC COMMISSION**

The City of Morgantown hereby ordains that Article 151 of the City Code is amended as follows:

**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."

**151.02 COMPOSITION AND MEMBERSHIP.**

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 resident at-large; 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 City Planning Director, 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.

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. ~~The~~ Each Council and Planning Commission members shall serve until his or her current respective term on Council or Planning Commission expires.

The members appointed by ward residency, and the at-large members shall each serve for a term of three years.

**151.03 OFFICERS AND RULES OF PROCEDURE.**

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.

The Commission shall adopt its own rules of procedure and shall keep minutes of regular and special meetings.

**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 ~~board~~ to City Council on matters relating to: (1) the movement and regulation of traffic motor vehicles, bicycles and pedestrians within the City, ~~(2) to coordinate~~ the coordination of traffic activities, ~~(3) to carry on~~ educational activities in traffic matters, ~~to receive complaints having to do with traffic problems, and to make recommendations to Council of~~ (4) the ways, means and methods of improving traffic

conditions within the City, (5) and the administration and enforcement of traffic regulations. 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.

First Reading:

Adopted:

\_\_\_\_\_  
Mayor

Filed:

Recorded:

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

**AN ORDINANCE AMENDING THE FY 2014-2015 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 2014-2015 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: **2014-2015**  
 Fund: **General**  
 Rev. No: **3**  
 Pg. of No: **1 of 2**

City of Morgantown  
 GOVERNMENT ENTITY

389 Spruce Street  
 STREET OR PO BOX

Municipality  
 Government Type:

Person To Contact Regarding Request:

Name: **J.R. Sabatelli**  
 Phone: **304-284-7407**  
 Fax: **304-284-7418**

Morgantown, WV 26505  
 CITY ZIP CODE

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
305	Business and Occupation Tax	13,405,000	2,870,000		16,275,000
301-02-05	Prior Year Taxes	184,000	16,000		200,000
303	Gas and Oil Severance Tax	27,000	26,000		53,000
304	Excise Tax on Utilities	1,005,000		15,000	990,000
306	Wine & Liquor Tax	715,000	85,000		800,000
367	Other Grants	37,000		15,100	21,900
<b>NET INCREASE/(DECREASE) Revenues (ALL PAGES)</b>			<b>3,389,825</b>		

**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*	261,162	9,862		271,024
444	Contributions / Transfers to Other Funds	1,979,806	2,895,000		4,874,806
415	City Clerk	158,070	17,945		176,015
417	City Attorney	282,689	36,586		319,275
422	Personnel Office	44,648	1,300		45,948
436	Building Inspection	958,366	11,447		969,813
700	Police Department	6,648,020	315,160		6,963,180
706	Fire Department	4,419,508	96,525		4,516,033
424	Contributions to Comms/Authorities	17,390	4,500		21,890
441	Other buildings	888,878	1,500		890,378
	#N/A				
<b>NET INCREASE/(DECREASE) Expenditures</b>			<b>3,389,825</b>		

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE



# *City of Morgantown*

## *Finance Department*

*389 Spruce Street*

*Morgantown, WV 26505*

*Phone (304) 284-7407/Fax 7418*

*jsabatelli@cityofmorgantown.org*

# MEMO

**DATE:** February 12, 2015

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

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

**RE:** General Fund Budget Revision 3

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Included herewith you will find the proposed ordinance and "Request for Revision to Approved Budget" for the FY2015 General Fund Budget. A slightly more detailed breakdown of individual lines affected is included as supplementary information. An explanation of the proposed changes follows:

The adjustment to revenue reflects an increase from the projected Business & Occupation Tax – Construction coupled with an additional conservative decrease in regular Business & Occupation Taxes based on the revenues received through the first seven months of the new fiscal year. Prior Year Carryover is adjusted based on the final actual amount carried over from FY2014, however, please note that this does not equate to cash in hand as Prior Year Carryover is the net of cash plus amounts due to the city less amount owed by the City as of June 30, 2014. The remaining revenues are adjusted based on actual results and expected future receipts through the end of the fiscal year.

The adjustments to expenditures include an increase in contributions to the Capital Escrow Fund for capital needs. Increases to the police and fire departments include amount to cover overtime, vehicle maintenance, replenishment of supplies due to the riots and other operational needs. Additionally, the Police Department was authorized by granting agencies to reallocate some of the grants received for capital equipment. Salary modifications to the City Attorney and Fire departments related to staff modifications and accrued leave buy-outs for retired employees while the City Clerk and Code Enforcement salary increases are due to temporary and permanent staffing changes. The MPO is requesting funding from all contributing agencies to create a small cash reserve to pay employees and other bills from while awaiting distributions of their allocations. The Contracted Service increase in Personnel is for the costs of a shared copier lease while the Public Safety Building Lease Payment provides for the trustee fees on the refinanced building.

City of Morgantown  
 General Fund  
 Budget Revision #3  
 Fiscal Year 2015

Wage related adjustments:

Department 415

City Clerk:	Current	New	Revision
Salaries and Wages	90,384.00	95,274.00	4,890.00
Social Security	5,666.00	5,970.00	304.00
Health & Life Ins.	9,163.00	21,065.00	11,902.00
Empl. Retirement	14,201.00	14,961.00	760.00
Medicare	1,326.00	1,397.00	71.00
Workers Comp	398.00	416.00	18.00
			<u>17,945.00</u>

Department 417

City Attorney:	Current	New	Revision
Salaries and Wages	185,977.00	211,159.00	25,182.00
Social Security	11,531.00	13,093.00	1,562.00
Health & Life Ins.	22,906.00	28,410.00	5,504.00
Empl. Retirement	28,228.00	32,142.00	3,914.00
Medicare	2,697.00	3,063.00	366.00
Workers Comp	510.00	568.00	58.00
			<u>36,586.00</u>

Department 436

Code Enforcement:	Current	New	Revision
Salaries and Wages	513,343.00	522,343.00	9,000.00
Social Security	32,262.00	32,820.00	558.00
Empl. Retirement	80,862.00	82,261.00	1,399.00
Medicare	7,545.00	7,676.00	131.00
Workers Comp	16,289.00	16,648.00	359.00
			<u>11,447.00</u>

Department 700

Police:	Current	New	Revision
Overtime	339,500.00	539,500.00	200,000.00
Medicare	57,003.00	59,903.00	2,900.00
Workers Comp	143,898.00	151,158.00	7,260.00
			<u>210,160.00</u>

Department 706

Fire:	Current	New	Revision
Salaries and Wages	2,393,940.00	2,411,190.00	17,250.00
Overtime	110,000.00	160,000.00	50,000.00
Medicare	36,308.00	37,283.00	975.00
Workers Comp	124,600.00	127,400.00	2,800.00
			<u>71,025.00</u>

Total Wage Items 347,163.00

Non-wage items requiring adjustment:

	Current	New	Revision
Dept 422 Personnel			
Contracted Services	-	1,300.00	1,300.00

Dept 700 Police			
Vehicle Maintenance	50,000.00	90,000.00	40,000.00
Firearm Supplies	17,000.00	42,000.00	25,000.00
Capital Outlay - Grants	2,500.00	42,500.00	40,000.00

Dept 706 Fire			
Utilities/Electric	14,000.00	16,000.00	2,000.00
Utilities/Water	2,000.00	3,000.00	1,000.00
Equipment Maintenance	16,000.00	19,000.00	3,000.00
Vehicle Maintenance	45,000.00	60,000.00	15,000.00
Janitorial Supplies	3,000.00	5,500.00	2,500.00
Operating Supplies	2,000.00	4,000.00	2,000.00

Dept 70 Operating Transfers			
Capital Escrow	1,930,000.00	4,825,000.00	2,895,000.00
Lease Pmnt-Public Safety Bldg	259,968.00	261,468.00	1,500.00
Contribution to MPO	17,390.00	21,890.00	4,500.00

Total nonwage 2,358,858.00 5,391,658.00 3,032,800.00

Total Increase overall 3,379,963.00

Totals by Department

Dept 415 City Clerk	17,945.00
Dept 417 City Attorney	36,586.00
Dept 422 Personnel	1,300.00
Dept 436 Code Enforcement	11,447.00
Dept 700 Police	315,160.00
Dept 706 Fire	96,525.00
Dept 70 Operating Transfers	2,901,000.00
Contingencies	<u>9,862.00</u>
	3,389,825.00

Revenue Adjustment

	Current	New	Revision
Prior Year Taxes	184,000.00	200,000.00	16,000.00
Gas & Oil Severance Tax	27,000.00	53,000.00	26,000.00
Telephone Utility Tax	212,000.00	197,000.00	(15,000.00)
Liquor Taxes	715,000.00	800,000.00	85,000.00
Grant - TSA	37,000.00	21,900.00	(15,100.00)
Sale of Fixed Assets	2,500.00	75,000.00	72,500.00
Prior Year Carryover	520,000.00	870,425.00	350,425.00
B&O Taxes - Construction	2,730,000.00	5,750,000.00	3,020,000.00
B&O Taxes	<u>10,675,000.00</u>	<u>10,525,000.00</u>	<u>(150,000.00)</u>
	15,102,500.00	18,492,325.00	3,389,825.00

**Industrial Heartland Trails  
RESOLUTION**

- WHEREAS, the Industrial Heartland Trails Coalition is working on a planned, multi-county, multi-state trail system (formerly known as P32+ Regional Trails Network). The trail network encompasses a 53-county, five-state area including MD, NY, OH, PA, WV; and*
- WHEREAS, "trails" refer to shared-use paths (also known as rail-trails, greenways, pathways), defined as non-motorized, multiple-use transportation and recreation corridors typically allowing hiking, biking, and other non-motorized uses to form active transportation networks; and*
- WHEREAS, the Network includes over 1,600 miles of mapped trails of which 53% of the system is complete including the renowned Great Allegheny Passage (GAP) Trail from Pittsburgh, PA to Cumberland, MD; and*
- WHEREAS, the emerging PA-WV-OH trail corridor is key to this regional vision; and*
- WHEREAS, many communities, agencies, and trail advocates in the region have taken a lead in planning and/or building local trails and greenways, and those efforts can be greatly enhanced by being connected to a larger regional network of shared use paths; and*
- WHEREAS, the Great Allegheny Passage trail has demonstrated that trails are significant economic generators, hosting over 800,000 riders per year and generating over \$40 million in direct annual spending by trail users; and*
- WHEREAS, property values of land parcels adjacent and near regional, shared-use paths have increased; and*
- WHEREAS, regional shared-use paths serve as critical transportation corridor for residents, commuters, and visitors; and*
- WHEREAS, regional shared-use paths contribute to active, healthy lifestyles for people of all ages and abilities; and*
- WHEREAS, shared-use paths foster the conversion of degraded, unproductive land to more productive land uses; and*
- WHEREAS, shared-use paths allow communities to celebrate and share their rich cultural heritage; and*
- WHEREAS, shared-use paths have become an important source of community and regional pride; and*

*NOW, THEREFORE BE IT RESOLVED, that the City of Morgantown, acting by its Mayor and City Council, will work collaboratively to support the vision of a shared-use trail system between communities along the PA-WV-OH trail corridor, closing the gaps, and helping create the longest connected system of multi-use trails in the United States.*

*MAYOR*

*CITY CLERK*

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