



Office of the City Clerk

The City of Morgantown

Linda L. Little, 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
March 5, 2013
7:00 p.m.**

1. CALL TO ORDER
2. ROLL CALL BY CITY CLERK
3. PLEDGE TO THE FLAG
4. APPROVAL OF MINUTES: Regular Meeting – February 19, 2013
5. CORRESPONDENCE
6. PUBLIC HEARING:
 - A. AN ORDINANCE PROVIDING FOR THE ELIMINATION OF THE “ISOD, INTERSTATE SIGN OVERLAY DISTRICT” FROM THE OFFICIAL ZONING MAP OF THE CITY OF MORGANTOWN SO THAT THE BOUNDARIES OF SAME MAY BE DEFINED AND DESIGNATED BY DESCRIPTION IN ARTICLE 1359 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.
 - B. AN ORDINANCE AMENDING ARTICLE 1329.02 “DEFINITIONS” OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO “BILLBOARD SIGN” AND “POLE SIGN”.
 - C. AN ORDINANCE AMENDING ARTICLE 1359 “ISOD, INTERSTATE SIGN OVERLAY DISTRICT” OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE.

- D. AN ORDINANCE AMENDING TABLE 1369.06.01 "PERMITTED SIGNS" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.
- E. AN ORDINANCE AMENDING TABLE 1369.09.01 "FREESTANDING SIGN HEIGHT LIMITS" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.
- F. AN ORDINANCE AMENDING ARTICLE 1369.10 "PROHIBITED SIGNS AND DEVICES" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.

7. UNFINISHED BUSINESS:

- A. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE PROVIDING FOR THE ELIMINATION OF THE "ISOD, INTERSTATE SIGN OVERLAY DISTRICT" FROM THE OFFICIAL ZONING MAP OF THE CITY OF MORGANTOWN SO THAT THE BOUNDARIES OF SAME MAY BE DEFINED AND DESIGNATED BY DESCRIPTION IN ARTICLE 1359 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. (First Reading Feb. 5, 2013)
- B. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AMENDING ARTICLE 1329.02 "DEFINITIONS" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO "BILLBOARD SIGN" AND "POLE SIGN". (First Reading Feb. 5, 2013)
- C. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AMENDING ARTICLE 1359 "ISOD, INTERSTATE SIGN OVERLAY DISTRICT" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE. (First Reading Feb. 5, 2013)
- D. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AMENDING TABLE 1369.06.01 "PERMITTED SIGNS" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS. (First Reading Feb. 5, 2013)

- E. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AMENDING TABLE 1369.09.01 "FREESTANDING SIGN HEIGHT LIMITS" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS. (First Reading Feb. 5, 2013)
 - F. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AMENDING ARTICLE 1369.10 "PROHIBITED SIGNS AND DEVICES" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS. (First Reading Feb. 5, 2013)
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 SECTIONS 523.01, 523.03 AND 523.99 OF THE CITY OF MORGANTOWN GENERAL OFFENSES CODE, LITTER ARTICLE, AS THEY PERTAIN TO DEFINITIONS, THE PLACEMENT OF RECEPTACLES, AND PENALTIES.
 - B. Consideration of APPROVAL of FIRST READING of AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 15' WIDE RIGHT-OF-WAY KNOWN AS ALLEY D, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY FOUR HUNDRED AND NINETY THREE FEET FROM HOUSTON DRIVE TO THIRD STREET, IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.
 - C. Consideration of APPROVAL of FIRST READING of AN ORDINANCE AMENDING THE FY 2012-2013 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.

D. Consideration of APPROVAL of FIRST READING of AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2013-2014.

E. Consideration of APPROVAL of a RESOLUTION AUTHORIZING CERTAIN FINANCIAL AGENTS OF THE CITY OF MORGANTOWN FOR THE TRANSACTING OF FUNDS.

11. CITY MANAGER'S REPORT:

NEW BUSINESS:

1. Fiscal Year 2012 Annual Report of Police and Fire Pension Funds
2. West Run Watershed Passive Treatment Installation for Airport Property
3. Fiscal Year 2012-2013 Capital Escrow Budget Revision

INFORMATION:

1. State Auditor's Office Purchase Card (P-Card)
2. Amusement Tax Amnesty Program

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 284-7439

REGULAR MEETING, FEBRUARY 19, 2013: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, February 19, 2013 at 7:00 P.M.

PRESENT: Interim City Manager Jeff Mikorski, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Jim Manilla and Council Members: Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger, Bill Byrne, and Linda Herbst.

APPROVAL OF MINUTES: The minutes of the Regular and Special Meetings of February 5, 2013, were approved as printed.

CORRESPONDENCE: Mayor Manilla presented a \$2,000.00 grant from the WV Redevelopment Office for the Woodburn Reuse Committee: Chris Haddix, Carrie Staton and Patrick Kirby. These monies will be used to encourage community engagement and support revitalization efforts.

Mayor Manilla then requested Council's approval to suspend the rules and move the Public Portion up on the Agenda this evening, to after Unfinished Business. Council concurred by acclamation. This change is reflected below.

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 367 “PARKING DISTRICTS” OF THE CITY OF MORGANTOWN TRAFFIC CODE AS IT PERTAINS TO THE PROMULGATION OF RULES RELATING TO THE ESTABLISHMENT OF PETITION, FEASIBILITY STUDY, AND ADMINISTRATIVE RECOMMENDATION PROCESSES; PARKING PERMIT TYPES; AND, PARKING PERMIT FEES.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 1512.05 OF ITS FIRE PREVENTION CODE, AS THE SAME APPLIES TO MALICIOUS BURNING.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 121.04 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS; MORE PARTICULARLY, THE LOCATION OF THE “PUBLIC PORTION” UPON THE CITY COUNCIL MEETING AGENDA.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 163.03 OF ITS ADMINISTRATIVE CODE AS THE SAME APPLIES TO MEMBERSHIP OF THE URBAN LANDSCAPE COMMISSION.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 172.02 OF ITS ADMINISTRATIVE CODE AS THE SAME PERTAINS TO QUALIFICATIONS FOR MEMBERSHIP ON THE MORGANTOWN SISTER CITIES COMMISSION.

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

PUBLIC HEARING – AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND BJK AVIATION, LLC. LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITES 235 AND 241, ARE BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

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

PUBLIC HEARING – AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND AC EXPRESS, INC., LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITE 229, IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A CHARTER FLIGHT CONCESSION.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING ARTICLE 367, “PARKING DISTRICTS”: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 367 “PARKING DISTRICTS” OF THE CITY OF MORGANTOWN TRAFFIC CODE AS IT PERTAINS TO THE PROMULGATION OF RULES RELATING TO THE ESTABLISHMENT OF PETITION, FEASIBILITY STUDY, AND ADMINISTRATIVE RECOMMENDATION PROCESSES; PARKING PERMIT TYPES; AND, PARKING PERMIT FEES.

Motion by Selin second by Herbst to adopt the above entitled Ordinance. After discussion and explanation from the City Attorney motion by Bane, second by Selin to make a minor amendment adding language to section 367.04 to specify that a one day visitor permit may be issued for \$5.00 per 24 hour period. The amendment carried 7-0. The main motion to adopt the above entitled Ordinance as amended carried 7-0.

AN ORDINANCE AMENDING THE FIRE PREVENTION CODE, MALICIOUS BURNING: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 1512.05 OF ITS FIRE PREVENTION CODE, AS THE SAME APPLIES TO MALICIOUS BURNING.

Motion by Byrne second by Selin to adopt the above entitled Ordinance. After explanation from the City Manager and discussion, motion carried 7-0.

AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, ORDER OF PROCEDURE FOR COUNCIL MEETINGS: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 121.04 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS; MORE PARTICULARLY, THE LOCATION OF THE “PUBLIC PORTION” UPON THE CITY COUNCIL MEETING AGENDA.

Motion by Byrne second by Selin to adopt the above entitled Ordinance. Motion carried 4-3. (Councilors Manilla, Nugent and Bane voted No).

AN ORDINANCE AMENDING THE ADMINISTRATIVE AMENDING SECTION 172.02 OF THE SISTER CITIES COMMISSION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 172.02 OF ITS ADMINISTRATIVE CODE AS THE SAME PERTAINS TO QUALIFICATIONS FOR MEMBERSHIP ON THE MORGANTOWN SISTER CITIES COMMISSION.

Motion by Byrne second by Shamberger to adopt the above entitled Ordinance. Motion by Byrne second by Nugent to amend the language from mandatory to permissive with regard to the number of commissioners which are ex-officio from the greater Morgantown area. Motion on the amendment carried 7-0. The main motion to adopt the Ordinance as amended carried 7-0.

AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, URBAN LANDSCAPE COMMISSION MEMBERSHIP: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 163.03 OF ITS ADMINISTRATIVE CODE AS THE SAME APPLIES TO MEMBERSHIP OF THE URBAN LANDSCAPE COMMISSION.

Motion by Nugent second by Byrne to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR A FLIGHT TRAINING CONCESSION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND BJK AVIATION, LLC. LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITES 235 AND 241, ARE BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

Motion by Byrne second by Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR A CHARTER FLIGHT CONCESSION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND AC EXPRESS, INC., LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITE 229, IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A CHARTER FLIGHT CONCESSION.

Motion by Byrne second by Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: By acclamation Council appointed Brandon Waters, Ishika Desal, Ashley Faulkner, Maria Solano, Daniel Pan, Emma Mathers, Kiana Hoyle, Ally Ornick, Mady Duarte, Shruthi Sreekumar and Yamini Anantula to serve one year on the Youth Commission.

PUBLIC PORTION:

Tom Shamberger 812 Ridgeway Avenue, spoke in support of the City of Morgantown acquiring the old Woodburn School property for recreational use.

Kerry Lilly, 701 Union Avenue, spoke in support of acquisition of the Woodburn School property as an important asset to the neighborhood.

Cathleen Labus 221 Grand Street, spoke in support of the acquisition of the Woodburn School property, and hoped the property could be preserved.

Chris Haddox, 739 Monongalia Avenue, spoke in support of the acquisition of the Woodburn School property and thanked everyone involved with the reuse planning group. He described an upcoming event to tour the property with stakeholders and investors. He felt it is in the best interest of the community to take control of the situation.

Bill Kawecki, 324 Cobun Avenue, President of Southpark Association of Neighbors, also spoke in support of acquisition of the Woodburn School property, and encouraged Council to commit to the project.

Nancy Ganz, 1276 Colonial Drive, President of Suncrest Neighborhood Association, Commission member of BOPARC, spoke in support of acquisition of the Woodburn School property and encouraged Council to purchase the property for community use, citing many potential uses for the school.

Mayor Manilla recognized Political Science Class 220, Boy Scout Troop 74 and WVU SGA Liaison Randy Jones in attendance.

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

SPECIAL COMMITTEE REPORTS: Councilor Byrne announced that Councilors Shamberger and Selin attended the WVU Chinese Student Association New Year Festival and gave remarks there. Councilor Shamberger reported that the evening was enjoyable and encouraged everyone to attend next year. She stated that there are over 300 students here from China and that Xuzhou is our Friendship City. Councilor Selin reported details of the event as well. Councilor Herbst was also in attendance at the event and shared the importance of learning about other cultures, encouraging others to attend these types of festivals.

NEW BUSINESS:

A RESOLUTION AUTHORIZING THE EXECUTION OF A GOVERNOR'S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE FOR THE COLONEL ZACKQUILL MORGAN STATUE PROJECT. The above entitled Resolution was presented for approval.

Motion by Bane second by Byrne to approve the above entitled Resolution. Motion carried 7-0.

A RESOLUTION AUTHORIZING THE EXECUTION OF A GOVERNOR'S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE FOR THE MORGANTOWN MARKETPLACE PROJECT. The above entitled Resolution was presented for approval.

Motion by Byrne second by Shamberger to approve the above entitled Resolution. Motion carried 7-0.

CITY MANAGERS REPORT:

NEW BUSINESS:

1. Fire Department Grant from the Port of Pittsburgh through the Port Security Program Area Maritime Security Committee.

Mr. Mikorski reported on the acquisition of equipment for the dive team and the City's match to the funds provided. Motion by Bane second by Nugent to approve the Manager's execution of the above agreement. After discussion, motion carried 7-0.

INFORMATION:

1. Presentation of Proposed FY 2013-2014 Budget

Mr. Mikorski presented Council with the Budget and explained proposed projects for the upcoming year; including the completion of streetscapes, Airport improvements, the Sunnyside Up TIF Project, equipment and infrastructure improvements, partnerships with WVU's planned expansion and Town & Gown Advisory Board, among other items. He explained detail of projected revenue and current allocations. Mr. Mikorski suggested an increase in Fire Service Fees to help mitigate the decrease in tax revenue, and asked for Council's consideration on the matter.

Council discussion was then entertained. Councilor Byrne inquired as to any projections of tax revenue for FY 14-15 and FY 15-16. Mr. Mikorski replied that timing of projects is important to accurately assess potential revenue. Further, he explained that the use of one-time monies (B&O taxes) for general operating expenditures has become a problem and must be reconciled by increased efficiency, decreased spending, and including the possibility of increasing Fire Fee monies to supplement the overages that the fire department has been suffering.

Councilor Byrne asked Mr. Mikorski how the City could grow the budget and expand business and economic development. The Manager replied that possibilities include expanding the City's boundaries, downtown development, and analysis of flourishing business districts such as Sabraton.

Councilor Nugent inquired about the development of airport realty and the possibility of increase in revenue there. Mr. Mikorski replied that the completion of the access road project is the key to the development of the airport area. Councilor Nugent then noted the trend of decreased contributions to the Capital Escrow Fund; and the Manager replied that the possibility of funding capital improvements through the projected four million dollar tax revenue can be visited in the near future.

Councilor Bane asked whether the City ever considered sharing our budget with WVU and the Town and Gown Association to ask for a more firm partnership to secure the City's future wellbeing. Councilor Shamberger thanked Mr. Mikorski for his hard work on the presented budget and concurred with Mayor Manilla's suggestion to think outside the box to find financial solutions including the potential for Home Rule. Councilor Herbst echoed thanks for Mr. Mikorski's hard work, and noted that many residents are on a fixed income and asked that it be

kept in mind with the potential for increases in fees. Mayor Manilla suggested a user fee be looked into as well.

Councilor Selin stated that models for University-City relationships are available for comparison. She inquired then, what the proposed budget's impact on paving will be. Mr. Mikorski replied that as the Fiscal year-end draws nearer, due to delays, the paving project budgeted for FY12-13 may be pushed into FY13-14. Sidewalks and traffic calming will fall under a similar situation, based on priority of needs.

Councilor Byrne commented again about the growth of Morgantown and the importance of acquiring the Woodburn School property, as well as the possibility of "pilot" payments, monies paid the city by educational institutions and non-profits in lieu of taxes from which these are exempt. He echoed the importance of expanding municipal boundaries.

Mayor Manilla discussed the function of the Town and Gown Advisory Board and their potential role in assisting the City with these budgetary and other goals. Councilor Bane added that the County Commissioners need to see the City's budget as well. Discussion continued, and Council by consensus agreed to further discuss budgetary issues at the February Committee of the Whole meeting.

2. Planning Commission Annual Report

Mr. Mikorski provided the Planning Commission's annual report in accordance with State law. He offered that Director of Development Services Chris Fletcher can answer Council's questions about the report if necessary.

REPORT FROM CITY CLERK:

Appointment of Poll Workers for Municipal Election

City Clerk, Linda Little presented to Council the list of poll workers and alternate workers for the April 30, 2013 Election. Motion by Bane, second by Byrne, to approve list of poll workers and replacements, that may be necessary up to and including the day of the Election. Motion carried 7-0.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane thanked Mr. Mikorski for his hard work on obtaining grant monies to supplement the City's budget. He pointed out that maintaining and improving the level of service provided by the City is imperative and partnering with community stakeholders can be beneficial as well.

Councilor Nugent:

Councilor Nugent made several announcements including the upcoming meeting of the Wiles Hill-Highland Park Neighborhood Association meeting; an upcoming free webinar open to the public to discuss wayfinding, planning and implementation for visitors to the community; the Small Farm Conference; the Winter Blues

Farmer's Market and related events; and a Concert at the Met Theatre.

Councilor Selin:

Councilor Selin gave appreciation for the upcoming wayfinding webinar and noted that the Urban Landscape Commission will be in attendance along with a group of students from WVU. She thanked local artists who put sweaters around tree trunks downtown. She reported that visitors to Morgantown need broader access to lists of businesses for use during their stay.

Councilor Shamberger:

Councilor Shamberger thanked the WV Redevelopment Collaborative for their contribution to the Woodburn Reuse Committee. She announced the related charrettes and tour of the Woodburn site. She invited the public to the upcoming Empty Bowls charity event.

Councilor Byrne:

Councilor Byrne also expressed thanks for the contribution made to the Woodburn Reuse Committee, and noted that a commitment is needed in order to acquire the property. He urged Council to support the purchase of the Woodburn School and offer a commitment to the Board of Education. Mr. Mikorski noted that the contribution referred to will be used for the charrettes and tours. Councilor Byrne then thanked Allied Waste for their help in assisting with recycling totes.

Councilor Herbst:

Councilor Herbst added that Tom Arnold has also been helpful in dealing with Allied Waste. She echoed the announcement of the Empty Bowls event, and then commended the group effort for planning a potential use for the Woodburn School property.

Mayor Manilla:

Mayor Manilla reported that he and other Council Members, the City Clerk, Attorney and Manager attended the Municipal League Conference in Charleston where extension of the Home Rule Pilot Program was heavily discussed with members of the Legislature. Lastly he noted that there are \$260 million dollars' worth of projects yet to come for the City.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:56 p.m.

City Clerk

Mayor

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



Office of the City Manager

The City of Morgantown

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

City Manager's Report for City Council March 5, 2013

New Business:

1. Fiscal Year 2012 Annual Report of Police and Fire Pension Funds

Attached are the annual reports presented to City Council for approval regarding the Police and Fire Pension Funds.

2. West Run Watershed Passive Treatment Installation for Airport Property

As a part of the Airport Industrial Park development, a water mitigation project is required on the property. The West Virginia Water Research Institute has offered to assist us with this project by sharing the cost and providing assistance in installing a passive mine drainage treatment system on airport property through a West Virginia Department of Environmental Protection grant. I am requesting authorization to advance the partnership with the West Virginia Water Research Institute by formally accepting the assistance of \$216,553, and committing to contribute \$176,456 (40% match) for the system. The treatment system is expected to remove 80% of contaminants from the drainage over a 20 year period.

3. Fiscal Year 2012-2013 Capital Escrow Budget Revision

Attached is a requested Capital Escrow budget revision for the current year (FY 2012-2013). These changes make adjustments to the budget in order to clarify expenses and increase lines that require additional funds, to be removed from the Capital Escrow contingency line.

Information Items:

1. State Auditor's Office Purchase Card (P-Card)

The City of Morgantown will begin utilizing the State Auditor's Office P-Card for purchasing material and paying bills in an effort to receive up to a rebate on the use of the card. As the attached rebate rate table shows, as you use the P-Card increases, the rebate also increases. Unless Council objects, we will sign up for the program.

2. Amusement Tax Amnesty Program

There has been a lot of confusion regarding the payment of the City's Amusement Tax from businesses and venues that require a cover charge for entertainment. As the City's Finance Department begins discussions with businesses that have not paid, or paid the tax incorrectly, I would like to offer a six month amnesty from all penalties related to past delinquent tax filings. During the next six months (until August 30, 2013), businesses can voluntarily or through working with the Finance Department provide the past taxes without fear of added penalties.

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone (304) 284-7407/Fax 7418

MEMO

DATE: February 27, 2013

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

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

RE: FY12 Annual Reports of Police & Fire Pension Funds

Attached are copies of the Annual Reports for the fiscal year ended June 30, 2012 for the Morgantown Police and Fire Pension Funds required by the WV Municipal Pensions Oversight Board. Please include this item on the agenda for the March 5th City Council meeting as part of your City Manager's report. Once Council approves the reports, a request for the State's insurance tax allocation will be made.

The most recent actuarial valuation is the 7/1/11 valuation. Pension fund balances have increased as follows:

	<u>FY10</u>	<u>FY11</u>	<u>FY12</u>
Policemen's Pension	\$11,646,868	\$12,867,840	\$12,779,244
Firemen's Pension	\$ 9,052,894	\$10,056,586	\$10,106,257

The funded ratio for the two plans decreased from the previous actuarial valuation as follows:

	<u>7/1/09</u>	<u>7/1/10</u>	<u>7/1/11</u>
Policemen's Pension	38.26%	29.33%	31.79%
Firemen's Pension	34.79%	29.19%	31.48%

Please let me know if you have any questions or need additional information.

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Pension Fund	Morgantown Firemen's Pension & Relief Fund
Treasurer	Joseph R. Sabatelli, Finance Director
Municipality	City of Morgantown, West Virginia
Fiscal Year (July 1 - June 30)	July 1, 2011 - June 30, 2012
Actuarial Funding Method	<input type="checkbox"/> Standard Funding Method <input type="checkbox"/> Optional Funding Method <input checked="" type="checkbox"/> Alternative Funding Method (107%) <input type="checkbox"/> % Necessary to Maintain Plan Solvency for 15 Years <input type="checkbox"/> Conservation Funding Method

PART I		Item	Amount
Beginning Fair Value of Pension Plan		July 1	\$ 10,056,585.95
I. Revenue During Fiscal Year			
1. Employee Contributions for employees hired prior to Jan. 1, 2010	Percent of Gross Salary	7.00%	
Total amounts contributed by employees or withheld from their salaries			\$ 155,365.94
2. Employee Contributions for employees hired on or after Jan. 1, 2010	Percent of Gross Salary	9.50%	
Total amounts contributed by employees or withheld from their salaries			\$ 22,958.88
3. Employee Contributions for Plans utilizing the Conservation Funding Method	Percent of Gross Salary	1.50%	
Total amounts contributed by employees or withheld from their salaries			\$ -
4. Government Contributions			
a. From Parent Local Government <small>Required employer contributions from your municipality</small>			\$ 477,648.00
b. Additional employer contributions from your municipality			\$ 25,138.00
c. From State Government <small>Municipal Pensions Oversight Board (premium surcharges on fire and casualty insurance)</small>			\$ 834,258.66
5. Earnings on Investments			
a. Net Appreciation/(Depreciation) of Fair Value of Investments			\$ (475,289.77)
b. Bond Interest			\$ 123,488.76
c. Dividends			\$ 103,327.98
d. Net Realized Gain (Loss) on Sale or Exchange of Assets			\$ 214,600.73
e. Other			\$ 318.62
f. Less Investment Expense			\$ (86,950.98)
Net Investment Income			\$ (120,504.66)
6. All Other Revenues			
<small>Please Specify</small>			
Total Revenues			\$ 1,394,864.82
<small>The sum of items i.1. through i.6.</small>			

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Item	Amount
II Expenditures During Fiscal Year Does not include Investment Expenses, see I.5.f. on first page.	
1. Benefits Paid Retirement, disability, survivor and any other benefits.	\$ 1,334,799.47
2. Withdrawals Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment	\$ 8,993.96
3. Other Payments Administrative expenses and other costs or payments non representing benefit payments or withdrawals.	
a. Administration Municipal administration fees.	\$ -
b. Other Example: Pension Secretary expenses; Rent; etc.	\$ 1,400.00
Total Expenditures The sum of items II.1. through II.3.b.	\$ 1,345,193.43
Net Income/(Loss)	\$ 49,671.39
Ending Fair Value of the Pension Plan June 30	\$ 10,106,257.34
III Asset Allocation at End of Fiscal Year	
1. Cash and Short-Term Investments	Percent of Total Assets 8.40%
Institution or Money Manager	Type of Account
a. United Bank	Checking
b.	Non-Interest Bearing
c. Morgan Stanley	Savings or Money Market Account
d.	Certificates of Deposit
e.	Re-Purchase Agreements
	Fair Value
Total Cash and Short-Term Investments The sum of items 1.a. through 1.e.	\$ 848,544.53
2. Government Securities	Percent of Total Assets 20.02%
Institution or Money Manager	Type of Account
a. Morgan Stanley	Treasury Notes and Bonds
b.	State and Municipal Bonds
c.	Mutual Funds (Government Bonds)
	Fair Value
Total Government Securities (at fair value) The sum of items 2.a. through 2.c.	\$ 2,023,300.53
3. Corporate Bonds	Percent of Total Assets 21.42%
Institution or Money Manager	Type of Account
a. Morgan Stanley	Bonds
b.	Mortgage-backed Securities
c.	Debentures
d.	Mutual Funds (Corporate Bonds)
	Fair Value
Total Corporate Bonds (at fair value) The sum of items 3.a. through 3.d.	\$ 2,164,389.70
4. Corporate Stocks	Percent of Total Assets 50.17%

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Institution or Money Manager	Type of Account	Fair Value	
a. Morgan Stanley	Individual Stocks Held	\$ 5,070,022.58	
b.	Mutual Fund Shares (Equities)	\$ -	
			Fair Value
Total Corporate Stocks (at fair value)		<small>The sum of items 4.a. through 4.b.</small>	\$ 5,070,022.58
Total Assets			\$ 10,106,257.34

PART II

Membership and Beneficiaries

* Please report the figures requested below, for the fiscal year reported on page 1. To figure the Average Monthly Number of Persons, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 100 hours in any month to be included in that month.

** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipients to the total number of active members of the fund. This requirement satisfies §8-22-23a(a) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to December 31st of each year.

Item	Avg. Monthly #
I. Members of your Pension Fund	
<small>Exclude Beneficiaries</small>	
1. Active Members	46.83
2. Inactive Members	0.00
<small>Current number of employees contributing to the pension fund</small>	
<small>Non-active vested members and employees on extended leave without pay</small>	
II. Beneficiaries Receiving Periodic Benefit Payments During Fiscal Year	
1. Retirees	37.58
2. Disability Retirees	2.00
<small>Includes the new applications approved during reporting period</small>	
a. Number of Disability Applications received during the fiscal year	0.00
b. Status of each Disability Application at end of fiscal year - please attach separate sheet with details	
(1.) Disability Applications Approved during Fiscal Year	0.00
(2.) Disability Applications Denied during Fiscal Year	0.00
3. Percentage of Disability Benefit Recipients to the Total of Active Members in the fund	4.27%
4. Survivors (of Deceased Members) Drawing Benefits	13.50

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Pension Fund	Morgantown Policemen's Pension & Relief Fund
Treasurer	Joseph R. Sabatelli, Finance Director
Municipality	City of Morgantown, West Virginia
Fiscal Year (July 1 - June 30)	July 1, 2011 - June 30, 2012
Actuarial Funding Method	<input type="checkbox"/> Standard Funding Method <input type="checkbox"/> Optional Funding Method <input checked="" type="checkbox"/> Alternative Funding Method (107%) <input type="checkbox"/> % Necessary to Maintain Plan Solvency for 15 Years <input type="checkbox"/> Conservation Funding Method

PART I		Item	Amount
Beginning Fair Value of Pension Plan		July 1	\$ 12,867,839.53
I. Revenue During Fiscal Year			
1. Employee Contributions for employees hired prior to Jan. 1, 2010	Percent of Gross Salary	7.00%	\$ 223,171.24
Total amounts contributed by employees or withheld from their salaries			
2. Employee Contributions for employees hired on or after Jan. 1, 2010	Percent of Gross Salary	9.50%	\$ 36,711.73
Total amounts contributed by employees or withheld from their salaries			
3. Employee Contributions for Plans utilizing the Conservation Funding Method	Percent of Gross Salary	1.50%	\$ -
Total amounts contributed by employees or withheld from their salaries			
4. Government Contributions			
a. From Parent Local Government			\$ 588,369.00
Required employer contributions from your municipality			
b. Additional employer contributions from your municipality			\$ -
c. From State Government			\$ 1,001,102.71
Municipal Pensions Oversight Board (premium surcharges on fire and casualty insurance)			
5. Earnings on Investments			
a. Net Appreciation/(Depreciation) of Fair Value of Investments			\$ (629,701.73)
b. Bond Interest			\$ 159,619.72
c. Dividends			\$ 131,936.63
d. Net Realized Gain (Loss) on Sale or Exchange of Assets			\$ 261,861.16
e. Other			\$ 67.94
f. Less Investment Expense			\$ (111,007.50)
Net Investment Income			\$ (187,223.78)
6. All Other Revenues			
Please Specify			
Total Revenues			\$ 1,662,130.90
The sum of Items I.1. through I.6.			

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Item	Amount	
II Expenditures During Fiscal Year Does not include Investment Expenses, see I.5.f. on first page.		
1. Benefits Paid Retirement, disability, survivor and any other benefits.	\$ 1,743,783.32	
2. Withdrawals Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment	\$ 5,351.55	
3. Other Payments Administrative expenses and other costs or payments non representing benefit payments or withdrawals.		
a. Administration Municipal administration fees.	\$ -	
b. Other Example: Pension Secretary expenses; Rent; etc.	\$ 1,591.25	
Total Expenditures The sum of items II.1. through II.3.b.	\$ 1,750,726.12	
Net Income/(Loss)	\$ (88,595.22)	
Ending Fair Value of the Pension Plan June 30	\$ 12,779,244.31	
III Asset Allocation at End of Fiscal Year		
1. Cash and Short-Term Investments	Percent of Total Assets 6.68%	
Institution or Money Manager	Type of Account	
Fair Value		
a. United Bank	Checking	\$ 261,718.28
b.	Non-Interest Bearing	\$ -
c. Morgan Stanley	Savings or Money Market Account	\$ 591,660.76
d.	Certificates of Deposit	\$ -
e.	Re-Purchase Agreements	\$ -
	Fair Value	
Total Cash and Short-Term Investments The sum of items 1.a. through 1.e.	\$ 853,379.04	
2. Government Securities	Percent of Total Assets 21.52%	
Institution or Money Manager	Type of Account	
Fair Value		
a. Morgan Stanley	Treasury Notes and Bonds	\$ 2,750,498.21
b.	State and Municipal Bonds	\$ -
c.	Mutual Funds (Government Bonds)	\$ -
	Fair Value	
Total Government Securities (at fair value) The sum of items 2.a. through 2.c.	\$ 2,750,498.21	
3. Corporate Bonds	Percent of Total Assets 21.46%	
Institution or Money Manager	Type of Account	
Fair Value		
a. Morgan Stanley	Bonds	\$ 2,742,648.10
b.	Mortgage-backed Securities	\$ -
c.	Debentures	\$ -
d.	Mutual Funds (Corporate Bonds)	\$ -
	Fair Value	
Total Corporate Bonds (at fair value) The sum of items 3.a. through 3.d.	\$ 2,742,648.10	
4. Corporate Stocks	Percent of Total Assets 50.34%	

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Institution or Money Manager	Type of Account	Fair Value
a. Morgan Stanley	Individual Stocks Held	\$ 6,432,718.96
b.	Mutual Fund Shares (Equities)	
		Fair Value
Total Corporate Stocks (at fair value)	<small>The sum of items 4.a. through 4.b.</small>	\$ 6,432,718.96
Total Assets		\$ 12,779,244.31

PART II

Membership and Beneficiaries

* Please report the figures requested below, for the fiscal year reported on page 1. To figure the Average Monthly Number of Persons, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 100 hours in any month to be included in that month.

** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipients to the total number of active members of the fund. This requirement satisfies 58-22-23a(a) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to December 31st of each year.

Item	Avg. Monthly #
I. Members of your Pension Fund	
<small>Exclude Beneficiaries</small>	
1. Active Members	61.58
2. Inactive Members	1.00
<small>Current number of employees contributing to the pension fund</small>	
<small>Non-active vested members and employees on extended leave without pay</small>	
II. Beneficiaries Receiving Periodic Benefit Payments During Fiscal Year	
1. Retirees	40.50
2. Disability Retirees	8.50
<small>Includes the new applications approved during reporting period</small>	
a. Number of Disability Applications received during the fiscal year	0.00
b. Status of each Disability Application at end of fiscal year - please attach separate sheet with details	
(1.) Disability Applications Approved during Fiscal Year	0.00
(2.) Disability Applications Denied during Fiscal Year	0.00
3. Percentage of Disability Benefit Recipients to the Total of Active Members in the fund	13.80%
4. Survivors (of Deceased Members) Drawing Benefits	8.50



OFFICE OF CITY MANAGER

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7405 TDD (304) 284-7512

TO: Brady Gutta, Project Manager
West Virginia Water Research Institute
P.O. Box 6064
150 Evansdale Drive, Suite 202
Morgantown, WV 26506-6064

FROM: Jeff Mikorski
City of Morgantown

SUBJECT: **Cost-Share RE: West Run Watershed Passive Treatment Installation -
Airport Project**

Brady,

The City of Morgantown is writing this letter to pledge our support for the implementation of the passive treatment system to be installed at the Morgantown Municipal Airport (Hart Field) in the West Run Watershed. The City of Morgantown intends to contribute \$176,456, which is 40% of the cost share required for this project. The cost share from the city will fulfill mitigative obligations required by the U.S. Army Corps of Engineers as compensatory mitigation from the development of an industrial park on city property. In addition to the cost share, we also understand we will be receiving \$216,553 through a subcontract with the West Virginia University Research Corp on behalf of the WVVRI. The \$216, 553 will cover the remaining construction costs and any administrative costs incurred as a result of managing these funds.

If you have any questions, please don't hesitate to contact me at (304) 284-7404.

Thank you.

Jeff Mikorski, ICMA-CM
Interim City Manager

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

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

jsabatelli@cityofmorgantown.org

MEMO

DATE: February 21, 2013

TO: Jeff Mikorski, ICMA-CM
City Manager

FROM: JR Sabatelli, CPA
Finance Director 

RE: Capital Escrow Budget Revision

As per our conversations, the items below are proposed budget adjustments for the Capital Escrow Fund for the fiscal year ending June 30, 2013. The Energy Conservation adjustment reflects the cost of the review of the City's energy savings as it relates to the Energy Efficiency Lease. The New City Hall decrease reflects a reallocation for the costs of the Airport Access Road and a Contribution to the Airport. It should be noted that most of these funds have already been transferred as they were initially expected to be repaid to the Capital Escrow Fund. The Traffic Calming adjustment is due to a calculation error from a previous adjustment and MLK Day is for the costs of utilizing the Met Theatre due to BOPARC. The Solid Waste (HM) adjustment is due to a timing issue where a proper payment was made at the same time the removal of the allocation was to be made per previous direction and the accompanying budget adjustment.

Budget Line	Current Budget	Proposed Revised Budget	Proposed Net Change
Revenues:			
NONE	\$ -	\$ -	\$ -
			\$ -
Expenses:			
Energy Conservation	\$ 7,642	\$ 15,415	\$ 7,773
New City Hall	\$2,800,000	\$ -	\$(2,800,000)
Solid Waste (HM)	\$ -	\$ 5,000	\$ 5,000
Traffic Calming	\$ 9,614	\$ 10,386	\$ 772
Airport Access Road	\$ -	\$2,650,000	\$ 2,650,000
Contribution to Airport	\$ -	\$ 250,000	\$ 250,000
MLK Day	\$ 500	\$ 1,250	\$ 750
Contingency	\$ 382,868	\$ 268,573	\$(114,295)
			\$ -
Net Revision			\$ -

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone (304) 284-7407/Fax 7418

jsabatelli@cityofmorgantown.org

MEMO

DATE: 2/28/2013

TO: Jeff Mikorski, ICMA-CM
Interim City Manager

FROM: Joseph R. Sabatelli, CPA
Finance Director 

RE: State P-Card Program

As per our discussions, the Finance Department has been in discussions with the State Auditor's Office regarding the Local Government Purchasing Card Program. This memo is to inform City Council that we will begin utilizing this program in the coming months and I ask that you include this memo as well as the accompanying rebate calculation sheet with you City Manager's report for March 5th as an informational item. This does not require council approval due to the bank resolution authorizing individuals to complete these transactions on behalf of the City. The City and its related agencies will be able to take advantage of not only the rebate attributable to utilizing the card, but could also save on minor check processing items such as ink, postage, processing time, and the costs of the checks themselves. A caveat to utilizing the program is all rebates are to be deposited into the General Fund for all funds falling under the direct audit purview of the City, including the Airport, BOPARC and the Parking Authority; however, rebates attributable to these related agencies/departments will be provided back to said agency. As an example, a rebate received for Parking Authority electric bills paid utilizing the P-Card is required to be deposited in the General Fund by State Code, however after receiving the rebate, the portion received on these bills for the Parking Authority will be transferred to the Authority. These transactions may require a budget adjustment in the coming year.

EFFECTIVE: OCTOBER 1, 2012

Local Government Purchasing Card Participation Agreement
Local Share Rebate Calculation

Qualifying Annual Volume (1) (2)	Rebate Percentage (3)
\$0 - \$500,000	1.10%
\$500,001 - \$3,000,000	1.15%
\$3,000,001 - \$10,000,000	1.20%
\$10,000,001 - \$20,000,000	1.25%
\$20,000,001 - \$30,000,000	1.30%
\$30,000,001 - \$40,000,000	1.35%
\$40,000,001 - \$60,000,000	1.45%
\$60,000,001 - And Above	1.50%

Rebates are based on the following terms:

- (1) The Division will pay the Entity a quarterly rebate of the aggregate net purchase volume made by the Entity during the standard payment cycle based on the above tier schedule. Quarterly rebate calculations will be based upon a June 30 fiscal year end; the aggregate net purchase volume calculation will begin on the first day of the standard payment cycle closest to June 30 and **will reset each year**. Net purchase volume is defined as purchases less returns, credits, cash advances, ATM transactions and fraud losses.
- (2) The standard payment cycle is on a monthly basis with a due date 25 days after the billing cutoff.
- (3) Qualified Large Ticket Transactions: The rebate percentage applies to all transactions except for qualified large ticket transactions. The reduced interchange, qualified large ticket transactions will earn a rebate of **UP TO 0.70%**.

AN ORDINANCE PROVIDING FOR THE ELIMINATION OF THE "ISOD, INTERSTATE SIGN OVERLAY DISTRICT" FROM THE OFFICIAL ZONING MAP OF THE CITY OF MORGANTOWN SO THAT THE BOUNDARIES OF SAME MAY BE DEFINED AND DESIGNATED BY DESCRIPTION IN ARTICLE 1359 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 CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the "ISOD, Interstate Sign Overlay District" shall be eliminated from the Official Zoning Map of the City of Morgantown in the manner described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein;
2. That the boundaries of the "ISOD, Interstate Sign Overlay District" shall be defined and designated by description in Article 1359 of the Planning and Zoning Code Zoning Code of the City of Morgantown; and,
3. That the Official Zoning Map of the City of Morgantown be accordingly changed to show said zoning map amendment.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

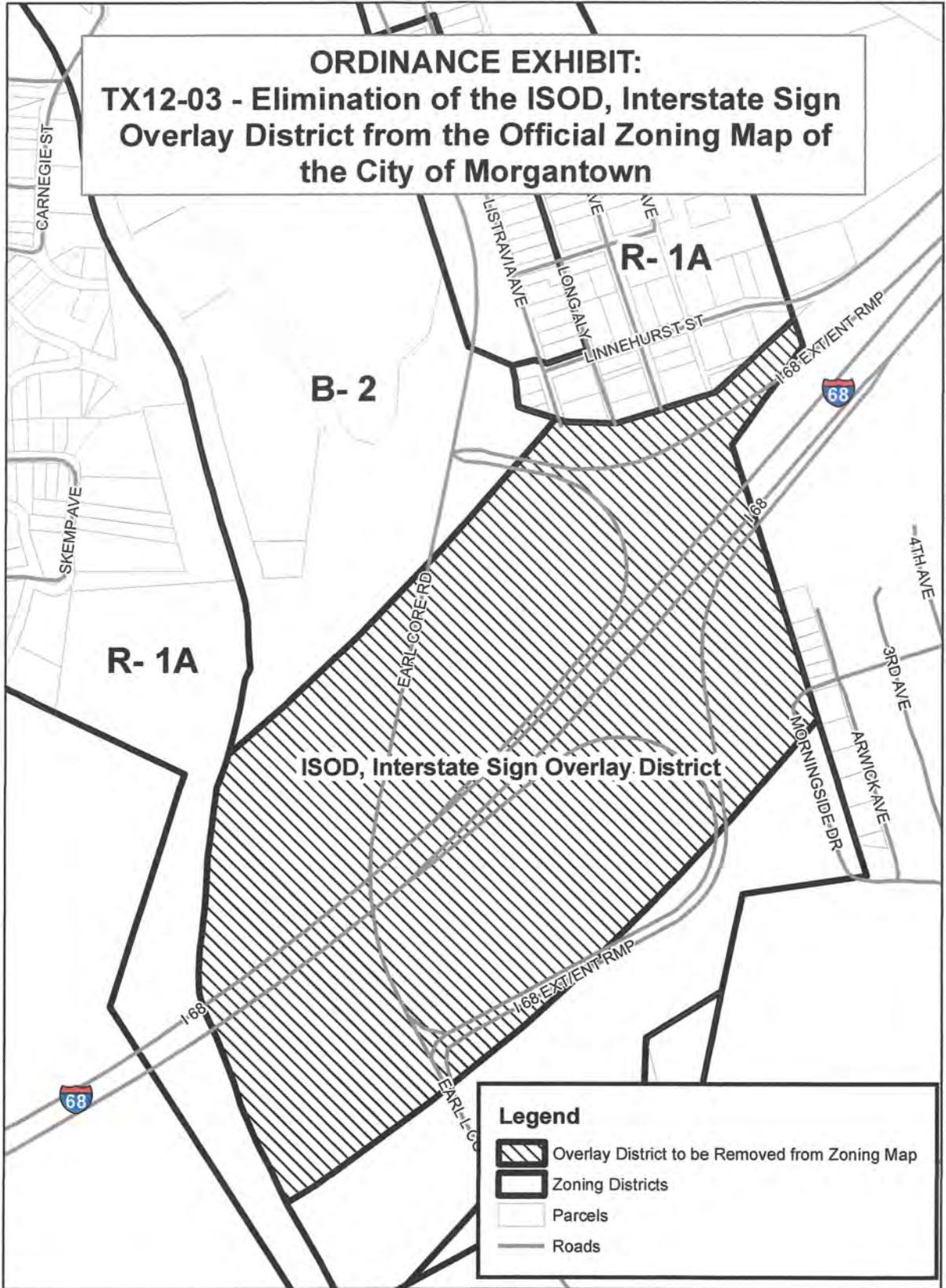
ADOPTED:

FILED:

RECORDED:

City Clerk

**ORDINANCE EXHIBIT:
TX12-03 - Elimination of the ISOD, Interstate Sign
Overlay District from the Official Zoning Map of
the City of Morgantown**



AN ORDINANCE AMENDING ARTICLE 1329.02 "DEFINITIONS" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO "BILLBOARD SIGN" AND "POLE SIGN".

The Morgantown City Council hereby ordains that Article 1329.02 "Definitions" of the City of Morgantown Planning and Zoning Code is amended as follows (deleted matter struck through; new matter underlined):

SIGN, BILLBOARD – An off-premise sign, usually of the pole or pylon sign type, for which a static message or copy on the sign can be changed manually (e.g. paint, paper, vinyl, etc.), mechanically (e.g. tri-action, etc.), or electronically (e.g. digital displays using LED or similar technology controlled via electronic communication through a secure network). Such signs are prohibited within the City, except as provided in Article 1359 "ISOD, Interstate Sign Overlay District" and Article 1369 "Signs".

SIGN, POLE – A sign that is mounted on a freestanding pole(s) or other support so that the bottom edge of the sign face is six feet or more above the grade. Such signs are prohibited within the City, ~~except within 500 feet of a Federal Interstate Highway~~ as provided in Article 1359 "ISOD, Interstate Sign Overlay District" and Article 1369 "Signs". Also called a PYLON SIGN.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE AMENDING ARTICLE 1359 "ISOD, INTERSTATE SIGN OVERLAY DISTRICT" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE.

The Morgantown City Council hereby ordains that Article 1359 "ISOD, Interstate Sign Overlay District" of the City of Morgantown Planning and Zoning Code be amended by replacing same in its entirety as follows (deleted matter struck through; new matter underlined):

ARTICLE 1359
ISOD, Interstate Sign Overlay District

~~1359.01 PURPOSE.~~

~~The purpose of the Interstate Sign Overlay District is to provide owners of property within 500 feet of a Federal Interstate Highway right of way the ability to erect pole or pylon signs, whether on or off premise in nature, for the convenience of the motoring public. This district may not be applied over any residentially zoned property.~~

~~1359.02 REGULATIONS.~~

- ~~(A) A conditional use permit shall be required for any pole or pylon sign, whether of the on-premise or off-premise variety.~~
- ~~(B) No more than one pole or pylon sign of any type may be located on a parcel.~~
- ~~(C) Off-premise pole or pylon signs shall not be located within 100 feet, measured radially, of any other off-premise pole or pylon sign. No such spacing limit shall apply to on-premise pole or pylon signs.~~
- ~~(D) Maximum sign height shall be determined by the Board of Zoning Appeals, after considering evidence supplied by the applicant that clearly demonstrates, to the satisfaction of the Board, that the requested height is necessary. The Board shall take into account the horizontal distance the sign will be from the travel lanes of the Interstate, the difference in elevation between the property grade and the highway grade, and the advice of the City Engineer and/or Planning Director. The Board may approve the height requested by the applicant, or any other height that it deems is warranted given the facts of the case.~~
- ~~(E) The maximum size of any pole or pylon sign, whether on or off premise in nature, shall not exceed 250 square feet, or whatever smaller size the Board of Zoning Appeals approves, considering the same criteria as for height. This shall be in addition to any other signs permitted by these regulations. The regulations~~

~~regarding computation of sign area for double-sided signs shall apply.~~

- (F) ~~As part of the conditional use application procedure for pole or pylon signs, the applicant shall provide a certified land survey prepared by an engineer or surveyor licensed to practice in West Virginia that shows the following:~~
 - (1) ~~Parcel boundaries.~~
 - (2) ~~Distance between the right of way of the Interstate Highway in question and the subject parcel. If the parcel is entirely contained within the 500-foot boundary, the survey shall so indicate. If only a portion of the parcel falls within the 500-foot zone, the survey must indicate which portions of the property fall within it, and which are outside of the boundary.~~
 - (3) ~~The location of any existing or proposed buildings, structures, or other pole or pylon signs on the subject property.~~
- (G) ~~Utilizing the survey, the applicant shall then indicate:~~
 - (1) ~~The exact location of the proposed sign; and~~
 - (2) ~~The proposed height, square footage, and construction details of the proposed sign. Signs shall be designed by a licensed engineer and shall conform to the regulations of the West Virginia State Building Code.~~
- (H) ~~No permit for such signs shall be issued unless all existing non-conforming signs, of any type, on the subject property are first removed or brought into compliance with this ordinance.~~

1359.01 PURPOSE.

The purpose of the Interstate Sign Overlay District is to provide an area within 500 feet of a Federal Interstate Highway right-of-way within which on-premise pole or pylon signs or billboard signs may be erected for the convenience of the motoring public. This overlay district may not be applied over any residentially zoned property.

1359.02 GENERAL REGULATIONS.

- (A) Conditional use approval by the Board of Zoning Appeals shall be required for on-premise pole or pylon signs and billboard signs.
- (B) No more than one pole or pylon sign or billboard sign may be located on a parcel.
- (C) Spacing.
 - (1) Billboard signs shall not be located within 1,000 feet of any other billboard sign. This distance requirement shall include in its calculation any billboards located outside the corporate boundaries of the City.
 - (2) Billboard signs shall not be located within 200 feet of a residential zoning

district. If illuminated by internal, external or digital/electronic means, said signs shall not be located within 300 feet of a residential zoning district.

- (3) No such spacing limit shall apply for on-premise pole or pylon signs.
- (D) Height. Maximum sign height for on-premise pole or pylon signs or billboard signs shall be determined by the Board of Zoning Appeals, after considering evidence supplied by the applicant that clearly demonstrates, to the satisfaction of the Board, that the requested height is necessary. The Board shall take into account the horizontal distance the sign will be from the travel lanes of the roadway, the difference in elevation between the property grade and the roadway grade, and the advice of the City Engineer and/or Planning Director. The Board may approve the height requested by the applicant, or any other height that it deems is warranted given the facts of the case.
- (E) Area. The maximum area for on-premise pole or pylon signs shall not exceed 250 square feet; for billboard signs 450 square feet; or, whatever smaller area the Board of Zoning Appeals approves, considering the same criteria as for height. This shall be in addition to any other signs permitted by these regulations. For the purposes of this section, the surface display area of a pole or pylon sign or a billboard sign shall be measured to include the entire area within a regular geometric form or combinations thereof comprising all of the display area of the sign, including all of the elements of the matter displayed. Frames and structural members, excluding necessary supports or uprights, shall be included in computation of the surface display area. In the case of a sphere, spheroid, or similar shaped sign (e.g. a ball), the total surface display area shall be divided by two for determine the maximum surface display area permitted. The regulations regarding computation of sign area for double-sided and V-type signs in Article 1369 shall apply.
- (F) Setback. No on-premise pole or pylon sign or billboard sign may be located within 15 feet of any parcel boundary line of the property on which the subject sign is located.
- (G) Distance requirements provided in this section shall be measured radially from the leading edge of the sign face.
- (H) No on-premise pole or pylon sign or billboard sign may be located on top of, cantilevered over or otherwise suspended above any building or structure.
- (I) An on-premise pole or pylon sign or billboard sign having more than one surface display area which are tandem (side-by-side) or stacked (one above the other) are considered two billboards and are prohibited.
- (J) Illumination. On-premise pole or pylon signs may only be internally illuminated. Billboard signs may be illuminated provided such illumination is consistent with

the requirements for a digital billboard as set forth herein, or is concentrated on the surface of said sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises.

(K) Appearance.

(1) Except for time and temperature signs or digital billboards as otherwise regulated herein, all on-premise pole or pylon signs and billboard signs must be static or stationary and may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages. Provided, each message or copy displayed on a mechanically changed billboard sign (e.g., tri-action, etc.) shall remain fixed for at least ten (10) seconds; must accomplish the change between messages within an interval of two (2) seconds or less; and must contain a default design that will freeze the sign in one position if a malfunction occurs.

(2) Under no circumstances may any type of on-premise pole or pylon sign or billboard sign contain a message or display that appears to flash, undulate, pulse, move, scroll, or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the view, expand or contract, bounce, rotate, spine twist or make other comparable movements.

(3) The frames, borders, and all structural members of a billboard sign shall be black, with no illumination and no writing or symbols other than the identification (name and/or logo) of the sign owner/operator.

(L) Permitting. Every on-premise pole or pylon sign and billboard sign requires a City building permit before installation or modification. Permits shall be reviewed and issued consistent with the terms of this section as well as all other applicable ordinances of the City as amended from time to time. Every applicant for an on-premise pole or pylon sign or billboard sign shall file with the building permit application a certificate of insurance naming the City as coinsured and certifying that the applicant and City are insured against bodily injury and for property damage arising out of the erection, maintenance, repair, and replacement of the sign. Each applicant, if the permit is granted, shall be required to maintain said insurance and keep a certificate of insurance currently effective on file with the City so long as the sign is in existence. The certificate shall provide that the City shall receive ten (10) days written notice in case of cancelation of the policy. Any on-premise pole or pylon sign or billboard sign in violation of the insurance requirements of this section shall be removed immediately and the cost of such removal shall be charged against the owner/operator of the sign.

- (M) Other Applicable Requirements and Laws. An on-premise pole or pylon sign or billboard sign must otherwise comply with all other relevant regulations and ordinances of the City and comply with all applicable provisions of federal and state law.

1359.03 DIGITAL OFF-PREMISE AND BILLBOARD SIGN REGULATIONS

The City recognizes that billboards are, by their nature, different in scope and purpose from other types of signage in the City. Billboards are significantly larger in size than other types of signage allowed in the City and their principal purpose is to dramatically attract the attention of the travelling public. The potential impact of a billboard on adjacent areas is significantly greater than other types of signage. Advancements in technology and efficiencies enable signs to change static message or copy electronically (e.g. utilizing an LED or digital type of sign). These newer technologies exacerbate the potential impact of a billboard in terms of adversely dominating the environment in which they operate due to light spillover and light pollution, unless regulated in a reasonable fashion. The intent of this section is to establish standards and regulations for billboards, including addressing those utilizing these newer technologies, in order to minimize the secondary effects that can accompany the unregulated display of these types of signs; preserve the character and repose of adjacent areas, with a principal focus on residential neighborhoods; protect property values in all areas of the City; and, reduce traffic and similar hazards caused by undue distractions.

- (A) Locations. In addition to the spacing and setback standards provided in this section, digital or electronic billboard signs are prohibited on the same site as a National Register designated historic structure or within a National Register designated historic district. Digital or electronic billboard signs are prohibited within 500 feet of a National Register designated historic structure, except where a federal interstate highway separates the digital or electronic billboard sign from the National Register designated historic structure.

(B) Display.

- (1) The display or message on a digital billboard sign may change no more frequently than once every ten (10) seconds. Any change in message or copy shall be completed instantaneously.
- (2) The display, message, or copy must otherwise comply with subsection 1359.02(K) and the digital billboard sign must have a light sensing device to adjust brightness as ambient light conditions change in order to insure that the message meets the following brightness standard.

Maximum brightness levels for digital billboards shall not exceed 0.2 (two tenths) foot-candles over ambient light levels measured within 150 feet of the sign. Certification must be provided to the City demonstrating that the sign has been preset to automatically adjust the brightness to these levels

or lower. Certified re-inspection and recalibration shall be annually required by the City, in its reasonable discretion, at the sign owner/operator's expense to ensure that the specified brightness levels are maintained at all times.

- (3) Brightness of digital billboards shall be measured as follows:
 - (a) At least 30 minutes following sunset, a foot-candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.
 - (b) The sign shall then be turned on to full white copy to take another reading with the meter at the same location.
 - (c) If the difference between the readings is 0.2 (two tenths) foot-candles or less, the brightness is properly adjusted.
 - (4) Consecutive messages on a single digital or electronic sign face (digital slots) are prohibited when the second message answers a textual question posed on the prior slot, continues or completes a sentence started on the prior slot, or continues or completes a story line started on the prior slot. Nothing in the subsection shall prohibit consecutive messages by the same advertiser or consecutive messages for the same product or service; provided, that the second of such advertisements does not answer a textual questions posed on the prior advertisement slot, continue or complete a sentence started on the prior advertisement slot, or continue or complete a story line started on the prior advertisement slot. For example, consecutive advertisements by a single grocery store advertising the same or multiple products are permitted provided that such advertisements do not answer textual questions from one slot to the next slot, continue or complete a sentence from one slot to the next slot, or continue or complete a story line from one slot to the next slot.
 - (5) The sign shall have a default mechanism or setting that will cause the sign to turn off or show a "full black" image if a visible malfunction or failure occurs.
 - (6) The sign shall not be configured to resemble a warning or danger signal. The sign shall not resemble or simulate any lights or official signage used to control traffic.
- (C) The Board of Zoning Appeals, in reviewing the conditional use application, may require, as a reasonable condition, that an approved digital billboard sign be turned off or display a "full black" image during nighttime hours to preserve the

character and repose of adjacent residential areas.

- (D) The owner/operator of the digital billboard sign shall maintain a secure electronic communication network that controls the display and display changes.
- (E) Prior to the issuance of a permit for construction of a digital billboard sign, the owner/operator of the sign shall enter into an agreement with the City providing for public service announcements on a regular basis without charge. Such announcements shall be provided as specified in the agreement and shall include messages of significant public interest related to safety and traffic matters (e.g. AMBER Alerts, Cop Killer Alerts, severe weather, disaster, evacuation bulletins/notices, etc.).

1359.04 CONDITIONAL USE APPLICATION

- (A) As part of the conditional use application for on-premise pole or pylon signs and billboard signs, the applicant shall provide a certified land survey prepared by an engineer or surveyor licensed to practice in West Virginia that shows the following:
 - (1) The parcel boundaries for the property on which the proposed sign is to be located.
 - (2) The right-of-way boundary of the Federal Interstate Highway used to establish the applicable ISOD Overlay District.
 - (3) The exact location of the proposed sign.
 - (4) The distances between the subject Federal Interstate Highway right-of-way, the property on which the proposed sign is to be located, and the exact location of the proposed sign. If the parcel is entirely contained within the 500-foot ISOD Overlay District boundary, the survey shall so indicate. If only a portion of the parcel falls within the 500-foot ISOD Overlay District boundary, the survey must indicate which portions of the property fall within it, and which are outside of the boundary.
 - (5) The location of any existing or proposed buildings, structures, and other on-premise pole or pylon and billboard signs on the subject property.
 - (6) Floodplain boundaries, as may be required by the City Engineer.
- (B) In addition to the survey, the applicant must submit the following:
 - (1) A scaled photo simulation of the proposed on-premise pole or pylon sign or billboard sign from no less than two (2) points of view, the locations of which must be agreed to by the Planning Director.
 - (2) The proposed height, square footage, and construction details of the proposed sign. Signs shall be designed by a licensed engineer and shall

conform to the regulations of the West Virginia State Building Code and design standards provided herein.

- (3) If the proposed sign is a billboard sign, a map must be submitting illustrating the following:
- (a) Any and all billboard signs within 1,500 feet, measured radially, of the proposed billboard sign location along with the distances between same.
 - (b) The distance of the proposed billboard sign, measured radially, to the closest residential zoning district.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE AMENDING TABLE 1369.06.01 “PERMITTED SIGNS” OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.

The Morgantown City Council hereby ordains that Table 1369.06.01 “Permitted Signs” of the City of Morgantown Planning and Zoning Code be amended as follows (new matter underlined):

Table 1369.06.01: Permitted Signs

SIGN TYPE	R-1, R-1A, R-2, R-3	B-1, B-2, B-5, PUD	I-1	B-4	OI, PRO	ISOD	Required Permits
Ground							
Directory	√	√	√	√	√	--	BP, FP, SP
Directional	√	√	√	√	√	--	BP, FP, SP
Menu Board	--	√	--	√	--	--	BP, FP, SP
Monument	√	√	√	√	√	--	BP, FP, SP
Post and Panel	--	√	√	√	√	--	BP, FP, SP
Pole or Pylon Sign	--	--	--	--	--	√	BP, FP, SP
<u>Billboard Sign</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>√</u>	<u>BP, FP, SP</u>
Sandwich Board	√	√	--	√	√	--	BP, FP, SP
Building							
Construction	√	√	√	√	√	--	SP, FP
Directory	√	√	√	√	√	--	BP, FP, SP
Electronic, scrolling message	--	√	√	--	--	--	BP, FP, SP
Marquee	--	√	--	√	--	--	BP, SP
Suspended	--	√	--	√	√	--	BP, SP
Temporary	√	√	√	√	√	--	FP, SP
Wall	√	√	√	√	√	--	BP, SP

Table 1369.06.01: Permitted Signs (cont.)							
Other							
Off Premise Sign	--	--	--	--	--	√	BP, FP, SP
Public Event Banner	√	√	√	√	√	--	BP, SP*

BP – building permit; required for signs costing more than \$250 which includes labor and materials

FP - floodplain permit

SP - sign permit

* The manner of attachment may determine whether or not a BP is required.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE AMENDING TABLE 1369.09.01 "FREESTANDING SIGN HEIGHT LIMITS" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.

The Morgantown City Council hereby ordains that Table 1369.09.01 "Freestanding Sign Height Limits" of the City of Morgantown Planning and Zoning Code be amended as follows (new matter underlined>):

Table 1369.09.01: Freestanding Sign Height Limits (inches)

Sign Type	Residential Districts	Commercial Districts	Industrial Districts	OI & PRO District	ISOD District
Construction	48	48	48	48	
Directory, Logo/Name	48	48	48	48	
Directory, Detailed	60	60	60	60	
Menu Board	--	60	--	--	
Political	48	48	48	48	
Principal Ground	48	48	48	48	
<u>Pole/Pylon, Billboard</u>					*
Monument	72	72	72	72	

* To be determined by the Board of Zoning Appeals

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE AMENDING ARTICLE 1369.10 "PROHIBITED SIGNS AND DEVICES" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.

The Morgantown City Council hereby ordains that Article 1369.10 "Prohibited Signs and Devices" of the City of Morgantown Planning and Zoning Code be amended as follows (new matter underlined):

1369.10 PROHIBITED SIGNS AND DEVICES.

All signs not expressly permitted under this Ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited. Such signs include, but are not limited to:

- (A) Any sign that copies or imitates an official sign or purports to have official status;
- (B) Beacons;
- (C) Windblown devices;
- (D) Pennants, streamers, strings of light bulbs except for holiday decorations;
- (E) Animated signs;
- (F) Signs with moving or flashing lights, except as noted in the electronic scrolling message sign section. Neon signs may be used anywhere signs are permitted, except in residential districts, and provided they are one of the permitted types (wall, monument, etc.);
- (G) Any sign attached to an accessory structure if such sign is legible from the public right-of-way or from other property;
- (H) Any other attention-attracting device, except for those conforming to the dimensional, design, lighting and other standards applicable to a sign in the same location;
- (I) Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
- (J) Any sign attached to gas pumps or gas pump islands that can be read or understood from a public street by most persons of normal vision;
- (K) Off-premise and billboard signs of any kind except those allowed under this section;

- (L) Pylon signs, except those allowed under this section;
- (M) Signs mounted on or above the roofline of any building, except in the B-4 districts, where they may be permitted as a conditional use and shall count towards the total sign allotment of the site; and
- (N) Portable signs; and,
- (O) Any sign located in a public right-of-way except as provided for in Section 1369.14.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE AMENDING SECTIONS 523.01, 523.03, and 523.99 OF THE CITY OF MORGANTOWN GENERAL OFFENSES CODE, LITTER ARTICLE, AS THEY PERTAIN TO DEFINITIONS, THE PLACEMENT OF RECEPTACLES, AND PENALTIES.

The City of Morgantown hereby ordains that Sections 523.01, 523.03, and 523.99 of its General Offenses Code, Litter Article, are amended as follows (deleted matter struck through; new matter underlined):

ARTICLE 523

Litter

523.01 DEFINITIONS.

For the purpose of this article, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number.

- (a) "Aircraft" means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air.
- (b) "Authorized private receptacle/container" means a litter, solid waste, or recyclable materials storage and curbside or edge of pavement collection receptacle/container as required and authorized in Article 1139 of the Health and Sanitation Code.
- (c) "City" means the City of Morgantown, West Virginia.
- (d) "Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:
 - (1) Which advertises for sale any merchandise, product or thing; or
 - (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
 - (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to

authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or

- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.
- (e) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (f) "Litter" means garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- (g) "Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, means any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
- (h) "Noncommercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper.
- (i) "Park" means a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.
- (j) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (k) "Private premises" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.
- (l) "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- (m) "Recyclable materials" means bi-metal beverage cans, aluminum beverage cans, glass bottles, steel cans, newspaper, corrugated cardboard and plastics, and other materials as may be defined as recyclable materials under the West Virginia Code, or applicable local, state and federal laws and regulations and under Code 1-7 of the Society of Plastics Industries.

- ~~(m)~~(n) "Refuse" means all putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles and solid market and industrial wastes.
- ~~(n)~~(o) "Rubbish" means nonputrescible solid wastes consisting of both combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (p) "Solid waste" means those items included within the definition of the solid waste as now or hereafter set forth in West Virginia Code 22-15-2(31) and in Article 1139 of the Codified Ordinances of the City.
- ~~(e)~~(q) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.
- ~~(p)~~(r) "Open lot" means a lot upon which no building, structure or other improvement has been constructed.
- ~~(q)~~(s) "Vacant lot" means a lot upon which there is an uninhabited, unoccupied or unused building, structure or other improvement.

523.02 LITTER IN PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection or in official City dumps.

523.03 PLACEMENT IN RECEPTACLES TO PREVENT SCATTERING.

Persons placing litter, solid waste, or recyclable materials and storing same for collection in public receptacles or authorized private receptacles/containers shall do so in such a manner as to prevent it from being carried or deposited by the elements or passersby upon any street, sidewalk or other public place or upon private property.

- (a) Lids shall be kept on authorized private receptacles/containers at all times.
- (b) Unless otherwise exempt as provided in Article 1139 of the Codified Ordinances of the City, authorized private receptacles/containers may be placed at their curbside or edge of pavement collection site no earlier than 6:00 PM on the day before the scheduled day of collection and all empty authorized private receptacles/containers shall be removed by 9:00 PM on the day of collection.
- (c) Authorized private receptacles/containers may not be stored in front yards or on front porches of residences on a regular basis, where said receptacles/containers can be viewed by the general public, unless a special waiver has been issued to a residence, in writing, by the City Manager as provided in Article 1139 of the Codified Ordinances of the City.

523.04 SWEEPING LITTER INTO GUTTERS PROHIBITED.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

523.05 MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter.

523.06 LITTER THROWN BY PERSONS IN VEHICLES.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.

523.07 TRUCK LOADS CAUSING LITTER.

No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

523.08 LITTER IN PARKS.

No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter shall be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

523.09 LITTER IN LAKES AND FOUNTAINS.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the City.

523.10 THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

523.11 PLACING HANDBILLS ON VEHICLES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

523.12 DEPOSITING HANDBILLS ON UNINHABITED OR VACANT PREMISES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

523.13 PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance there thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement" or any similar notice, indicating in any matter that the occupants of such premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

523.14 DISTRIBUTING HANDBILLS AT INHABITED PRIVATE PREMISES.

- (a) No person shall throw, deposit or distribute any commercial or noncommercial handbills in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted as provided in this article, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.
- (b) The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers, as defined herein, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

523.15 DROPPING LITTER FROM AIRCRAFT.

No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object.

523.16 POSTING NOTICES PROHIBITED.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

523.17 LITTER ON OCCUPIED PRIVATE PROPERTY.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

523.18 OCCUPANT TO MAINTAIN PREMISES FREE OF LITTER.

The occupant or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

523.19 LITTER ON VACANT LOTS.

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.

523.20 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY CITY.

- (a) Notice to Remove. The City Manager is hereby authorized to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property. Such notice shall be served in accordance with the laws of this State concerning the service of process in civil actions.
- (b) Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner so notified to properly dispose of such litter within ten days after the date of service of such notice, the City Manager may cause the same to be removed by employees of the City, or otherwise as he may decide or direct, and the City Manager shall report the cost of such removing to the City Clerk who shall forthwith mail by certified mail a statement of the cost of removal to the owner of such property. At the same time the Clerk shall also inform the property owner that a lien will be filed against the owner's property unless such statement of cost is paid in full within ten days from the date of statement. Should the owner fail to make payment within the time specified above, the City Clerk is authorized to file a notice of lien against the owner's property and which such notice of lien shall briefly describe the property affected and shall include a statement of costs, a clerical fee not to exceed fifty dollars (\$50.00) and a fee for the search of the records to ascertain the owner of such property not to exceed fifty dollars (\$50.00) and recordation of such lien. A copy of such notice of lien shall also be sent to the owner of such property by certified mail. Upon recordation of such notice of lien in the Trust Deed Book in the office of the Clerk of the County Court of Monongalia County, West Virginia, such notice of lien shall constitute a valid lien from the date of its recordation.

523.21 SPECIAL LITTER PREVENTION OFFICERS.

In addition to those municipal employees already authorized by law to enforce this article, the Municipality shall also utilize Special Litter Prevention Officers who are authorized to enforce the provisions of this article.

The specific municipal employees who are authorized to perform the duties of Special Litter Prevention Officers shall include the Chief Code Official of the City's Building Inspection Department, Code Enforcement Officers within the Building Inspections Department, Rental Housing Inspectors within the Building Inspections Department, and Morgantown Parking Authority Parking Meter Attendants.

The Special Litter Prevention Officers are authorized to issue Article 523 citations, and issue summons and sign complaints as a result of Article 523 violations, and shall display at all times either a badge or other sign of authority, issued by the Municipality, evidencing their authority to enforce Article 523.

Prior to performing the duties of a Special Litter Prevention Officer, all such municipal employees shall be required to complete a Litter Enforcement Training Program, which shall be conducted by City Administration.

523.99 PENALTY.

Whoever violates any provision of this article shall be fined ~~not less than one hundred dollars (\$100.00)~~ a minimum of twenty-five dollars (\$25.00) but not more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.

This ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 15' WIDE RIGHT-OF-WAY KNOWN AS ALLEY D, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY FOUR HUNDRED AND NINETY THREE FEET FROM HOUSTON DRIVE TO THIRD STREET, 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 15' wide right-of-way, known as Alley D running a distance of approximately four hundred and ninety-three feet from Houston Drive to Third Street 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 a 15' wide right-of-way known as Alley D running a distance of approximately four hundred and ninety three feet from Houston Drive to Third Street, 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 property abutting on said Alley D have petitioned the Common Council to vacate, abandon and annul said portion of the street.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MORGANTOWN, WEST VIRGINIA, IN REGULAR SESSION ASSEMBLED AS FOLLOWS:

- Section 1. That for the reasons hereinbefore set forth that a 15' wide right-of-way known as Alley D running a distance of approximately four hundred and ninety three feet from Houston Drive to Third Street in the City of Morgantown, West Virginia, is hereby vacated, abandoned and annulled and from and after the date of the 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 is hereby vacated, abandoned and annulled, and all right, titles and interests of the City of Morgantown therein as an easement for street purposes are hereby expressly released.
- 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 on and over a 15' wide right-of-way known as Alley D and running a distance of approximately four hundred and ninety-three feet from Houston Drive to Third Street, as shown on the Exhibit hereto attached, 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 thereof 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 four hundred and ninety three foot right-of-way 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.

Section 5. This ordinance shall be effective from the date of its adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

STATE OF WEST VIRGINIA
MONONGALIA COUNTY, to wit:

I, _____, a Notary Public of said County, do hereby certify that
Linda L. Little and James Manilla, whose names are signed to the foregoing document,
bearing the _____ day of _____, 2013 have this day acknowledged
the same before me in my said County.

Given under my hand this _____ day of _____, 2013.

My Commission expires _____

Notary Public

This document was prepared by:

Stephen R. Fanok, Esquire
389 Spruce Street
Morgantown, WV 26505
WV State Bar I.D. # 1158

AN ORDINANCE AMENDING THE FY 2012-2013 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 2012-2013 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

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone (304) 284-7407/Fax 7418

jsabatelli@cityofmorgantown.org

MEMO

DATE: February 21, 2013

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

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

RE: General Fund Budget Revision 3

Included herewith you will find the proposed ordinance and "Request for Revision to Approved Budget" for the FY2013 General Fund Budget. An explanation of the proposed changes follows:

The adjustments to revenue reflect changes in projections for the remainder of the fiscal year based on activity through the first half of the year. Additionally, the fund balance carryover is revised to reflect actual carry-over amounts based on the finalization of year-end adjustments. The "Request for Revision to Approved Budget" is required to include and combine various revenue accounts; however, the attached summary provides the detail breakdown for the specific revenue lines affected. It should be noted that, due to an error in the completion of appropriate documents submitted to the West Virginia State Auditor's Office, \$44,000 of budgeted Wine and Liquor Tax was included with the Motor Vehicle Operator's Tax. The "Request for Revision to Approved Budget" reflects the adjustments as they were submitted to the Auditor's Office, while the accompanying detail reflects the appropriate internal adjustment.

The adjustments to expenditures reflect various changes necessary for operating activities within the City, as well as adjustments for the reallocation of Hotel/Motel Tax to the Convention and Visitors Bureau (50% of the tax as required by State Code) and to BOPARC (25% of the tax as dedicated from previous councils).

Please note that these adjustments for FY2013 are already reflected in the budget document submitted to City Council on February 19th.

REQUEST FOR REVISION TO APPROVED BUDGET

CONTROL NUMBER

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

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)

2012-2013

FY

General Fund

FUND

3

REV. NO.

1 of 2

PG. OF NO.

City of Morgantown
 GOVERNMENT ENTITY

389 Spruce Street
 STREET OR PO BOX

Municipality

Government Type

Person To Contact Regarding
 Budget Revision: J.R. Sabatelli
 Phone: 304-284-7407
 Fax: 304-284-7418

Morgantown 26505
 CITY ZIP CODE

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	120,000	100,180		220,180
305	Business and Occupation Tax	12,690,704	100,000		12,790,704
304	Excise Tax on Utilities	995,000	14,000		1,009,000
306	Wine & Liquor Tax	555,000		5,000	550,000
308	Hotel Occupancy Tax	735,000	85,000		820,000
397	Video Lottery	136,000		25,000	111,000
NET INCREASE/(DECREASE) Revenues (ALL PAGES)			200,180		

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
410	City Council	53,976	7,500		61,476
700	Police Department	6,423,937	45,000		6,468,937
706	Fire Department	4,295,609	25,363		4,320,972
699	Contingencies*	21,054		7,433	13,621
900	Parks & Recreation	1,263,203	21,250		1,284,453
901	Visitors Bureau	367,500	42,500		410,000
441	Other buildings	598,761	66,000		664,761
	#N/A				
NET INCREASE/(DECREASE) Expenditures			200,180		

APPROVED BY THE STATE AUDITOR

BY: _____
 Director, Local Government Services Division Date

 AUTHORIZED SIGNATURE OF ENTITY

 APPROVAL DATE

City of Morgantown
 General Fund
 Budget Revision #3
 Fiscal Year 2013

Wage related adjustments:

Department 706

Fire:	Current	New	Revision
Overtime	110,000.00	135,000.00	25,000.00
Medicare	34,561.00	34,924.00	<u>363.00</u>
			25,363.00

Total wage related items 25,363.00

Non-wage items requiring adjustment:

	Current	New	Revision
Dept 410 City Council Contracted Services	-	7,500.00	7,500.00
Dept 700 Police Vehicle Maintenance	40,000.00	55,000.00	15,000.00
Vehicle Supplies	90,000.00	120,000.00	<u>30,000.00</u>
			45,000.00
Dept 50 Contributions Greater Morgantown CVB	367,500.00	410,000.00	42,500.00
Dept 70 Operating Transfers BOPARC-Hotel/Motel Contrib	183,750.00	205,000.00	21,250.00
Energy Efficiency Lease Pmt	76,009.00	142,009.00	66,000.00
Total nonwage	130,000.00	182,500.00	182,250.00

Total Increase overall 207,613.00

Totals by Department

Dept 410 City Council	7,500.00
Dept 700 Police	45,000.00
Dept 706 Fire	25,363.00
Dept 50 Contributions	42,500.00
Dept 70 Operating Transfers	87,250.00
Contingencies	<u>(7,433.00)</u>
	200,180.00

Revenue Adjustment

	Current	New	Revision
Prior Year Carryover	120,000.00	220,180.00	100,180.00
Electric Utility Tax	390,000.00	405,000.00	15,000.00
Gas Utility Tax	261,000.00	230,000.00	(31,000.00)
MUB Utility Tax	85,000.00	115,000.00	30,000.00
B&O Taxes	10,500,000.00	10,600,000.00	100,000.00
Liquor Taxes	599,000.00	550,000.00	(49,000.00)
Hotel/Motel Taxes	735,000.00	820,000.00	85,000.00
Video Lottery Tax	136,000.00	111,000.00	(25,000.00)
Building Permits	181,000.00	146,000.00	(35,000.00)
Police-Miscellaneous	111,000.00	101,000.00	(10,000.00)
Fire Dept Miscellaneous	1,000.00	21,000.00	20,000.00
	<u>13,119,000.00</u>	<u>13,319,180.00</u>	<u>200,180.00</u>

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone (304) 284-7407/Fax 7418

jsabatelli@cityofmorgantown.org

MEMO

DATE: 2/28/2013

TO: Jeff Mikorski, ICMA-CM
Interim City Manager

FROM: Joseph R. Sabatelli, CPA 
Finance Director

RE: Budget Ordinance

Please find attached the ordinance adopting the annual budget of the General Fund and Coal Severance Fund of the City of Morgantown for the fiscal year ending June 30, 2014. As we have previously discussed, the Coal Severance Contingency line was greater than 10% of the overall budget in the original budget presentation and therefore \$5,000 was moved from the Contingency line to the Contributions to Other Funds line to be contributed to the General Fund. The effect on the General Fund resulted in an increase in the Contributions from Other Funds line and increase in the Contingency line by the same \$5,000. Also, it should be noted that the property values have not been received from the Monongalia County Assessor's Office as the required due date is March 3rd which will affect the Property Tax budget line for the coming fiscal year.

**AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF
MORGANTOWN FOR THE FISCAL YEAR 2013-2014**

The Common Council of the City of Morgantown, West Virginia hereby ordains:

SECTION I:

That the following budget be and the same is hereby adopted for the City of Morgantown for the FY 2013-2014.

General Fund Revenues

Balance as of July 1, 2013	\$ 120,000
Taxes	18,330,000
Licenses and Permits	334,500
Intergovernmental	340,781
Charges for Services	2,641,515
Interfund Charges	72,088
Fines and Forfeiture	620,000
Other Financial Sources	137,000
Miscellaneous	<u>416,799</u>
<u>Total General Fund Revenues</u>	\$ 23,012,683

Coal Severance Fund Revenues

Balance as of July 1, 2013	\$ 4,456
Coal Severance	132,000
Miscellaneous	<u>200</u>
<u>Total Coal Severance Fund Revenues</u>	\$ 136,656

TOTAL REVENUES - GENERAL & COAL SEVERANCE \$ 23,149,339

General Fund/Department Expenditures

Mayor and City Council	\$ 63,614
City Manager	509,519
Finance	752,727
City Clerk	159,000
Municipal Court	227,418
City Attorney	286,580
Engineering	459,473
Personnel	46,705
Code Enforcement	923,115
Planning and Zoning	211,895
Elections	-
Information Technology	190,463
City Hall & Buildings	526,934
Police	6,502,357
Fire	4,303,333
Animal Control	38,245
Street	2,334,240
Signs & Signals	595,293
Equipment Maintenance	758,791
Urban Landscape	126,170
Contributions	427,245
Operating Transfers Out	<u>3,569,566</u>
<u>Total General Fund Expenditures</u>	\$ 23,012,683

Coal Severance Fund Expenditures

Contributions to Other Funds	\$ 125,000
Contingencies	<u>11,656</u>
<u>Total Coal Severance Fund Expenditures</u>	\$ 136,656

TOTAL EXPENDITURES FOR
GENERAL & COAL SEVERANCE FUNDS

\$ 23,149,339

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

**CITY OF MORGANTOWN
GENERAL FUND
SUMMARY OF REVENUE**

DESCRIPTION	ACTUAL 2008-09	ACTUAL 2009-10	ACTUAL 2010-11	ACTUAL 2011-12	PROJECTED BUDGET 2012-13	PROPOSED BUDGET 2013-14
TAXES	18,317,113	17,425,562	18,016,059	18,535,518	19,272,277	18,330,000
LICENSES AND PERMITS	348,738	310,794	362,280	364,495	295,000	334,500
INTERGOVERNMENTAL	270,730	271,927	284,152	390,135	437,587	340,781
CHARGES FOR SERVICES	2,378,442	2,311,912	2,330,386	2,349,038	2,416,800	2,641,515
INTERFUND CHARGES	103,148	99,720	112,193	73,187	68,200	72,088
FINES AND FORFEITURES	615,411	639,410	604,112	587,123	620,000	620,000
MISCELLANEOUS	368,846	289,888	365,278	417,970	426,135	416,799
OTHER FINANCIAL SOURCES	12,000	19,800	12,000	286,190	1,152,000	137,000
BALANCE 7/1	2,316,477	1,476,687	821,920	715,349	220,180	120,000
TOTAL REVENUE	24,730,905	22,845,700	22,908,380	23,719,005	24,908,179	23,012,683

DETAIL OF REVENUE (CONTINUED)

DESCRIPTION	ACTUAL 2008-09	ACTUAL 2009-10	ACTUAL 2010-11	ACTUAL 2011-12	PROJECTED PROPOSED	
					BUDGET 2012-13	BUDGET 2013-14
CHARGE FOR SERVICES:						
Electrical Inspection	29,020	20,317	0	0	0	0
Housing Inspection	61,775	52,815	60,040	58,500	61,000	59,000
Animal Control Fees	0	0	0	0	0	0
Credit Card Service Fee	0	0	0	0	0	21,000
Site Plan Review Fees	6,025	4,295	5,344	7,888	5,700	6,100
Fire Fee-Residential	1,044,821	991,724	1,033,582	1,024,489	1,059,000	1,204,000
Fire Fee-Commercial	522,299	493,465	477,452	497,026	536,000	522,551
Fire Fee-Tax Exempt	782,790	813,761	820,623	825,416	825,000	906,764
Fire Fee Penalty	9,707	13,113	16,285	17,491	12,600	13,600
Discounts on Fire Fees	-81,435	-79,318	-84,700	-83,537	-85,000	-94,000
False Alarm Fees	3,440	1,740	1,760	1,765	2,500	2,500
TOTAL CHARGES FOR SERVICES	2,378,442	2,311,912	2,330,386	2,349,038	2,416,800	2,641,515
INTERFUND CHARGES:						
Admin-Parking	14,400	14,400	14,400	14,400	14,400	14,400
Admin-Airport	10,000	10,000	10,000	10,000	10,000	10,000
Admin - Tax Increment Financing Fund	0	0	0	16,800	16,800	16,800
Capital Escrow-Payroll Reimb.	52,138	54,500	54,500	0	0	0
Gas & Fuel Charges	26,610	20,820	33,293	31,987	27,000	30,888
TOTAL INTERFUND CHARGES	103,148	99,720	112,193	73,187	68,200	72,088
FINES AND FORFEITURES:						
Court Fines	615,411	639,410	604,112	587,123	620,000	620,000
TOTAL FINES AND FORFEITURES	615,411	639,410	604,112	587,123	620,000	620,000
MISCELLANEOUS:						
Rental Income	10,829	9,999	10,189	10,514	9,535	9,535
Earned Interest	64,140	31,395	8,682	8,451	8,000	8,000
Mon. Co.Fuel Reimb.	195,287	173,713	251,488	255,812	250,000	248,664
Sale of Fixed Assets	6,984	2	6,855	0	2,500	2,500
Sale of Materials	0	0	0	0	0	0
Insurance Claims	8,391	5,811	5,077	11,459	5,000	7,000
Suit Fees	0	0	0	0	0	0
Accident Reports	19,443	17,340	17,940	9,215	17,000	17,000
Public Works - Misc.	3,298	1,888	1,774	4,060	2,000	2,000
Returned Checks	100	180	130	110	100	100
Miscellaneous	12,669	4,833	16,556	26,867	10,000	10,000
Police - Misc.	47,377	44,501	46,034	91,311	101,000	101,000
Fire Dept. Misc.	328	226	553	171	21,000	11,000
TOTAL MISCELLANEOUS	368,846	289,888	365,278	417,970	426,135	416,799
OTHER FINANCIAL SOURCES:						
Cont. Other Enties	12,000	19,800	12,000	11,190	12,000	12,000
Cont. From Other Funds	0	0	0	275,000	140,000	125,000
Capital Lease Proceeds	0	0	0	0	1,000,000	0
TOTAL OTHER FIN. SOURCES	12,000	19,800	12,000	286,190	1,152,000	137,000
TOTAL REVENUE	24,730,905	22,845,700	22,908,380	23,719,005	24,908,179	23,012,683

**CITY OF MORGANTOWN
GENERAL FUND
SUMMARY OF EXPENDITURES**

DESCRIPTION	ACTUAL	ACTUAL	ACTUAL	ACTUAL	PROJECTED	PROPOSED
	2008-09	2009-10	2010-11	2011-12	BUDGET 2012-13	BUDGET 2013-14
MAYOR	9,120	11,771	11,059	10,366	10,172	10,108
CITY COUNCIL	63,566	61,848	64,290	63,054	61,476	53,506
CITY MANAGER	459,066	460,644	509,421	615,473	598,905	509,519
FINANCE	631,467	642,023	680,999	741,086	751,399	752,727
CITY CLERK	135,890	137,364	151,674	157,001	152,115	159,000
MUNICIPAL COURT	234,166	247,611	259,143	243,317	234,738	227,418
CITY ATTORNEY	242,693	279,078	282,611	329,538	285,549	286,580
ENGINEERING	410,168	426,850	450,647	474,402	457,448	459,473
PERSONNEL	47,167	43,938	41,686	44,751	45,800	46,705
CODE ENFORCEMENT	758,168	837,731	831,304	821,265	911,234	923,115
PLANNING	188,388	187,461	187,894	197,048	233,738	211,895
ELECTIONS	15,240	0	33,436	2,396	16,100	0
INFORMATION TECHNOLOGY	120,861	121,228	163,132	180,924	227,975	190,463
CITY HALL & BUILDINGS	600,680	533,417	502,812	596,213	553,762	526,934
POLICE	5,509,003	5,525,336	6,057,915	6,513,810	6,468,937	6,502,357
FIRE	3,870,044	4,110,600	4,252,817	4,411,857	4,320,972	4,303,333
ANIMAL CONTROL	36,181	36,050	36,050	36,050	38,245	38,245
STREET	2,229,085	2,480,983	2,420,936	2,468,431	2,325,367	2,334,240
SIGNS AND SIGNALS	613,648	650,889	669,793	666,495	590,731	595,293
EQUIPMENT MAINTENANCE	609,002	624,347	705,973	790,925	737,163	758,791
URBAN LANDSCAPE	0	0	0	0	0	126,170
CONTRIBUTIONS	382,563	366,659	411,572	441,172	424,745	427,245
OPERATING TRANSFERS	6,088,052	4,237,952	3,440,578	3,688,027	5,461,608	3,569,566
TOTAL EXPENDITURES	23,254,218	22,023,780	22,165,742	23,493,601	24,908,179	23,012,683

DETAIL OF EXPENDITURES

DEPT 70 OPERATING TRANSFERS

DESCRIPTION	ACTUAL	ACTUAL	ACTUAL	ACTUAL	PROJECTED	PROPOSED
	2008-09	2009-10	2010-11	2011-12	BUDGET	BUDGET
					2012-13	2013-14
Contingencies	0	0	0	0	13,621	32,811
BOPARC Support	841,712	857,313	875,000	884,994	1,076,953	1,047,309
BOPARC - Hotel Occ Tax - Capital Escrow	183,909	175,957	198,413	213,213	205,000	206,250
Library Support	551,372	571,649	597,204	605,000	753,569	740,518
Transit Support	291,500	307,750	291,500	291,500	291,500	291,500
Contribution to Capital Escrow	3,593,153	1,725,000	811,239	1,019,390	2,435,704	350,000
Contribution to MPO	18,000	16,404	10,648	18,000	18,000	18,000
Contribution to Building Commission	362,111	328,719	328,719	328,719	328,719	328,719
BOPARC-Amusement Tax	0	0	0	3,295	2,500	2,500
Lease Payment - Equipment	0	0	0	0	0	153,605
Lease Payment-Energy Efficiency	0	0	74,714	73,590	142,009	139,466
Lease Payment-Public Safety Building	246,295	255,160	253,141	250,326	194,033	258,888
TOTAL OPERATING TRANSFERS	6,088,052	4,237,952	3,440,578	3,688,027	5,461,608	3,569,566
TOTAL GEN. FUND EXPENDITURES	23,254,218	22,023,780	22,165,742	23,493,601	24,908,179	23,012,683

CITY OF MORGANTOWN
COAL SEVERANCE FUND

DESCRIPTION	ACTUAL 2008-09	ACTUAL 2009-10	ACTUAL 2010-11	ACTUAL 2011-12	PROJECTED BUDGET 2012-13	PROPOSED BUDGET 2013-14
REVENUE						
BEGINNING BALANCE 7/1	13,309	35,431	38,495	59,629	42,156	4,456
Taxes						
Coal Severance Tax	132,001	127,716	145,888	157,145	102,000	132,000
TOTAL TAXES	<u>132,001</u>	<u>127,716</u>	<u>145,888</u>	<u>157,145</u>	<u>102,000</u>	<u>132,000</u>
Miscellaneous						
Earned Interest	366	348	246	382	300	200
TOTAL MISCELLANEOUS	<u>366</u>	<u>348</u>	<u>246</u>	<u>382</u>	<u>300</u>	<u>200</u>
TOTAL REVENUE	<u><u>145,676</u></u>	<u><u>163,495</u></u>	<u><u>184,629</u></u>	<u><u>217,156</u></u>	<u><u>144,456</u></u>	<u><u>136,656</u></u>

DESCRIPTION	ACTUAL 2008-09	ACTUAL 2009-10	ACTUAL 2010-11	ACTUAL 2011-12	PROJECTED BUDGET 2012-13	PROPOSED BUDGET 2013-14
EXPENDITURES						
Contributions to Other Funds	110,245	125,000	125,000	175,000	140,000	125,000
Bank Charges						
Contingency	0	0	0	0	4,456	11,656
	<u>110,245</u>	<u>125,000</u>	<u>125,000</u>	<u>175,000</u>	<u>144,456</u>	<u>136,656</u>
TOTAL EXPENDITURES	<u><u>110,245</u></u>	<u><u>125,000</u></u>	<u><u>125,000</u></u>	<u><u>175,000</u></u>	<u><u>144,456</u></u>	<u><u>136,656</u></u>

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone (304) 284-7407/Fax 7418

jsabatelli@cityofmorgantown.org

MEMO

DATE: 2/20/2013

TO: Jeff Mikorski
Interim City Manager

FROM: Joseph R. Sabatelli, CPA 
Finance Director

RE: Authorized Signors

Please find attached a resolution authorizing certain individuals of the City of Morgantown to transact business with the City's banking institutions. I am requesting this resolution be forwarded to City Council for approval at the next regular City Council meeting due to the resignation of former City Manager Terrence Moore and your subsequent appointment as Interim City Manager for the next six months. This resolution is required by banking institutions to remove Mr. Moore as an authorized signor on our accounts since he is no longer with the City. While all checks and other withdrawal mechanisms require two authorized signatures, it is an important security procedure to have only employees and officials of the City as authorized individuals. The Department of Finance is also asking for authorization as part of this resolution to allow Budget and Accounting Manager Lori Livengood authority to transfer funds internally within our operating bank. I have provided Mrs. Livengood access to make these transfers in the event Mrs. Karen Everly or I are unavailable and in case of emergencies, but feel it is important to receive full authorization from City Council. Electronic transfers within the bank currently required two approvals before the transfer may be made and Mrs. Everly or I provide a retroactive approval of any transactions Mrs. Livengood is a part of.

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 the 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, Interim City Manager**
- 2. Joseph R. Sabatelli, Finance Director**
- 3. Karen L. Everly, Treasury Manager**

BE IT FURTHER RESOLVED that the following is an authorized agent of the City of Morgantown for the electronic transfers of funds within the City's operating banking and financial institution:

- 1. Lori Livengood, Budget and Accounting Manger**

This Resolution shall be effective from this _____ day of _____, 2013.

MAYOR

CITY CLERK